

Title 388 WAC

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (PUBLIC ASSISTANCE)

Chapters			
388-07	Abbreviations.	388-160	Minimum licensing requirements for overnight youth shelters.
388-08	Practice and procedure—Fair hearing.	388-200	Financial and medical assistance—General provisions.
388-10	Protection of human research subjects.		Diversion assistance.
388-11	Child support—Obligations.	388-222	General assistance unemployable.
388-13	Recovery of support payments.	388-235	Alcohol/drug programs.
388-14	Support enforcement.	388-240	Special payments.
388-15	Social services for families, children and adults.	388-255	Payment of grants.
		388-265	Supplemental security income.
388-17	Senior citizens services program.	388-275	United States (U.S.) repatriate program.
388-18	Long-term care ombudsman program.	388-280	Subsidized child care.
388-22	Determining and verifying eligibility—Definitions.	388-290	WorkFirst.
		388-310	Public records disclosure—Administrative procedures.
388-24	Aid to families with dependent children—Foster care eligibility.	388-320	Background inquiries.
		388-330	Program summary.
388-31	Lifeline telephone assistance program.	388-400	Age requirements.
388-41	Medical audit dispute resolution.	388-404	Applications.
388-43	Deaf and hard of hearing services.	388-406	Assistance units.
388-45	The state-funded food assistance program for legal immigrants.	388-408	Benefit error.
		388-410	Benefit issuances.
388-46	Recipient fraud.	388-412	Categorical eligibility for food assistance.
388-55	Refugee assistance.	388-414	Certification periods.
388-60	Domestic violence perpetrator program standards.	388-416	Change of circumstance.
		388-418	Chemical dependency food assistance.
388-61	Family violence.	388-420	Child support.
388-70	Child welfare services—Foster care—Adoption services—Services to unmarried parents.	388-422	Citizenship/alien status.
		388-424	Client complaints.
388-73	Child care agencies—Minimum licensing/certification requirements.	388-426	Confidentiality.
		388-428	Deprivation.
388-74	Child welfare services—Complaints.	388-430	Eligibility reviews and recertifications.
388-76	Adult family homes minimum licensing requirements.	388-434	Emergency cash assistance.
		388-436	Emergency assistance for food stamps.
388-78A	Boarding homes.	388-437	Emergency assistance for medical needs.
388-79	Guardianship fees for clients of the department.	388-438	Exception to rule.
		388-440	Felons.
388-81	Medical care—Administration—General.	388-442	Food stamp employment and training.
388-86	Medical care—Services provided.	388-444	Fraud.
388-87	Medical care—Payment.	388-446	Incapacity.
388-90	Skilled nursing home care in state schools for retarded persons.	388-448	Income.
		388-450	Interview requirements.
388-96	Nursing facility Medicaid payment system.	388-452	Living with a relative.
		388-454	Monthly reporting.
388-97	Nursing homes.	388-456	Notices to clients.
388-98	Nursing home licensure program administration.	388-458	Payees on benefit issuances.
		388-460	Pregnancy.
388-110	Contracted residential care services: Assisted living services, enhanced adult residential care, and adult residential care.	388-462	Quality assurance.
		388-464	Refugee program.
		388-466	Residency.
388-150	Minimum licensing requirements for child day care centers.	388-468	Resources.
		388-470	Rights and responsibilities.
388-151	School-age child care center minimum licensing requirements.	388-472	Supplemental security income.
		388-474	Social Security number.
388-155	Minimum licensing requirements for family child day care homes.	388-476	Standards for payments.
		388-478	Strikers.
		388-480	Student status.
		388-482	

388-484	TANF/SFA five year time limit.		2.20, filed 6/17/64, 1/24/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
388-486	Teen parents.	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.
388-488	Transfer of property.		
388-490	Verification.		
388-500	Medical definitions.	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.
388-501	Administration of medical programs— General.	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.
388-502	Administration of medical programs— Providers.	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.
388-503	Persons eligible for medical assistance.		
388-505	Family medical.		
388-506	Medical financial responsibility.		
388-510	Alien medical eligibility.		
388-511	SSI-related medical eligibility.		
388-512	SSI-related grandfathered recipients.		
388-513	Client not in own home—Institutional medical.		
388-515	Alternate living—Institutional medical.		
388-517	Medicare-related medical eligibility.		
388-519	Spenddown.		
388-523	Medical extensions.		
388-526	Medical fair hearings.		
388-527	Medical overpayment/repayment.		
388-529	Scope of medical services.		
388-530	Pharmacy services.		
388-535	Dental-related services.		
388-538	Managed care.		
388-539	Acquired human immunodeficiency syn- drome insurance program.		
388-540	Kidney centers.		
388-550	Hospital services.		
388-555	Interpreter services.		

**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).	388-16-010	Aid to families with dependent children services—Pur- poses and objectives. [Regulation 3.11, filed 7/27/67; Regulation 3.11, filed 1/25/67, 6/14/66, 6/17/64; Regu- lation 3.12, filed 6/14/66, 6/17/64.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
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).	388-16-015	Aid to families with dependent children services—Def- initions. [Order 527, § 388-16-015, filed 3/31/71, effec- tive 5/1/71.] Repealed by Order 1088, filed 1/19/76.
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).	388-16-020	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.
388-09-040	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 Author- ity: RCW 34.05.220 (1)(a).	388-16-050	Aid to families with dependent children services—Eli- gible 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—Ser- vices 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; Regu- lation 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—Con- tinued care cases. [Regulation 3.144, filed 7/27/67; Regu- lation 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.

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		

388-16-180	Complementary services. [Regulation 3.19, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.	388-16-339	Congregate care—Absence or discharge. [Order 965, § 388-16-339, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
388-16-190	Homemaker service. [Regulation 3.191, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.	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.
388-16-200	Special services for self-support. [Regulation 3.192, filed 7/27/67.] Repealed by Order 392, filed 10/15/69.	388-16-341	Congregate care—Application. [Order 965, § 388-16-341, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
388-16-210	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.	388-16-342	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.
388-16-213	Standards of in-home care. [Order 828, § 388-16-213, filed 7/26/73.] Repealed by Order 1088, filed 1/19/76.	388-16-343	Congregate care—Agreement. [Order 965, § 388-16-343, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
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.	388-16-400	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.
388-16-220	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.	388-16-402	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.
388-16-225	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.	388-16-405	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.
388-16-300	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.	388-16-410	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.
388-16-305	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.	388-16-415	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.
388-16-310	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.	388-16-425	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.
388-16-315	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.	388-16-42501	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.
388-16-320	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.	388-16-430	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.
388-16-325	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.	388-16-435	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.
388-16-330	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.	388-16-440	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.
388-16-335	Congregate care—Definition. [Order 965, § 388-16-335, filed 8/29/74.] 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.
388-16-336	Congregate care—Eligible persons. [Order 965, § 388-16-336, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.	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.
388-16-337	Congregate care—Determination of need. [Order 965, § 388-16-337, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.	388-16-460	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.
388-16-338	Congregate care—Placement in facility. [Order 965, § 388-16-338, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.	388-16-462	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; 88-14-022 (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. Later promulgation, see WAC 388-200-1150.
- 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 388-21
DIVERSITY INITIATIVE**

- 388-21-005 Diversity initiative. [Statutory Authority: Chapter 49.60 RCW. 93-04-037 (Order 3499), § 388-21-005, filed 1/27/93, effective 2/27/93.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

**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. Later promulgation, see WAC 388-215-1025 part and 388-235-0050.
- 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 7/27/67; 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. Later promulgation see WAC 388-212-1140.
- 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. Later promulgation, see parts of WAC 388-215-1000 and 388-235-0060.
- 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. Later promulgation, see parts of WAC 388-215-1225 and 388-235-0060.
- 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. Later promulgation, see WAC 388-215-1230 and 388-235-0070.
- 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. Later promulgation, see WAC 388-235-0080.
- 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. Later promulgation, see WAC 388-215-1225 part and 388-235-0090.
- 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. Later promulgation, see WAC 388-215-1225 (parts).
- 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. Later promulgation, see WAC 388-215-1245.
- 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. Later promulgation, see WAC 388-215-1200 and 388-235-0100.
- 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. Later promulgation, see WAC 388-215-1620 part and 388-235-9000.
- 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. Later promulgation, see parts of WAC 388-216-2000 and 388-218-1010.
- 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; Reg-

- 388-28-080
 Monthly cost of basic requirements—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.	388-28-270	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.
388-28-190	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.	388-28-275	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.
388-28-195	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.	388-28-280	Requirements of person with other living arrangements—Transportation. [Regulation 8.414, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
388-28-200	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.	388-28-285	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.
388-28-205	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.	388-28-290	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.
388-28-210	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.	388-28-292	Adult family home—Care defined. [Order 455, § 388-28-292, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
388-28-220	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.	388-28-293	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.
388-28-225	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.	388-28-294	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.
388-28-230	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.	388-28-295	Adult family home—Standards for payment approval. [Order 455, § 388-28-295, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
388-28-235	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.	388-28-296	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.
388-28-245	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.	388-28-297	Adult family home—Services to be provided. [Order 455, § 388-28-297, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
388-28-250	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.	388-28-298	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.
388-28-251	Winterizing homes. [Order 1045, § 388-28-251, filed 8/14/75.] Repealed by Order 1241, filed 9/23/77.	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.
388-28-260	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 552, § 388-28-260, filed 4/1/71; Order 455, § 388-28-260, filed 5/18/70.] Repealed by Order 1241, filed 9/23/77.	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. Later promulgation, see WAC 388-218-1620.
- 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. Later promulgation, see WAC 388-218-1660.
- 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. Later promulgation, see WAC 388-216-2100 part and 388-218-1130.
- 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. Later promulgation, see WAC 388-216-2100 part and 388-218-1140.
- 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. Later promulgation, see WAC 388-216-2150 (parts).
- 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. Later promulgation, see WAC 388-216-2075 (parts).
- 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. Later promulgation, see WAC 388-218-1050 part and 388-218-1120.
- 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. Later promulgation, see WAC 388-218-1510 and 388-218-1515.
- 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. Later promulgation, see WAC 388-216-2000 part, 388-216-2050, 388-216-2075 part, 388-216-2200, 388-216-2250, 388-216-2800 part, 388-218-1050 part and 388-218-1110.
- 388-28-410 Effect of resources on financial need—Exempt and non-exempt 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. Later promulgation, see WAC 388-216-2000 (parts).
- 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. Later promulgation, see WAC 388-216-2000 (parts).
- 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. Later promulgation, see WAC 388-216-2500 part, 388-216-2550, 388-216-2560, 388-216-2570, 388-216-2580 and 388-216-2590.
- 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:

- ity: RCW 74.08.090. Later promulgation, see WAC 388-216-2600.
- 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. Later promulgation, see parts of WAC 388-216-2000, 388-216-2500, 388-216-2650 and 388-216-2900.
- 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. Later promulgation, see WAC 388-216-2000 part, 388-216-2150 part, 388-216-2650 part, 388-216-2800 part and 388-218-1530.
- 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. Later promulgation, see WAC 388-216-2500 (parts).
- 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. Later promulgation, see WAC 388-216-2300 part, 388-216-2850 and 388-219-500 part.
- 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. Later promulgation, see parts of WAC 388-216-2000 and 388-216-2800.
- 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. Later promulgation, see parts of WAC 388-218-1530 and 388-219-2500.
- 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. Later promulgation, see WAC 388-218-1050 part, 388-218-1100 and 388-219-2500 part.
- 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. Later promulgation, see WAC 388-218-1050 part, 388-218-1230 part, 388-218-1710 part, 388-218-1720, 388-218-1730, 388-218-1740, 388-218-1820 part, 388-218-1930, 388-218-1940, 388-219-1100 part, 388-219-2600 part and 388-219-3500.
- 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. Later promulgation, see WAC 388-218-1010 (parts).
- 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. Later promulgation, see WAC 388-218-2900 part, 388-218-1050 part and 388-218-1920.
- 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. Later promulgation, see WAC 388-218-1050 part, 388-218-1700, 388-218-1830 part, 388-218-1900 and 388-218-1910.
- 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. Later promulgation, see WAC 388-218-1050 part, 388-218-1720 part, 388-218-1800, 388-218-1810, 388-218-1820 part, 388-218-1830 part and 388-219-2600 part.
- 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. Later promulgation, see WAC 388-218-1610.
- 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. Later promulgation, see WAC 388-218-1605, 388-218-1630 and 388-219-3000 part.
- 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. Later promulgation, see WAC 388-218-1050 part, 388-218-1520, 388-219-1600 part and 388-219-1700.
- 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. Later promulgation, see WAC 388-218-1300, 388-218-1350 and 388-218-1360.
- 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. Later promulgation, see WAC 388-218-1320.
- 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. Later promulgation, see WAC 388-218-1230 part, 388-218-1310 and 388-218-1400 part.
- 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. Later promulgation, see WAC 388-218-1050 part, 388-218-1410, 388-218-1650 and 388-218-1690.
- 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. Later promulgation, see WAC 388-218-1530 (parts).
- 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. Later promulgation, see WAC 388-218-1640, 388-218-1670 and 388-219-3000 part.
- 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. Later promulgation, see WAC 388-218-1050 part, 388-218-1420, 388-218-1430, 388-218-1440, 388-218-1450, 388-218-1460, 388-218-1470, 388-218-1480, 388-219-1500 and 388-219-1600 part.
- 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)(ii). 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. Later promulgation see WAC 388-218-1050 part, 388-218-1200, 388-218-1210, 388-218-1220, 388-218-1230 part, 388-219-1100 part and 388-219-2500 part.
- 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. Later promulgation, see WAC 388-218-1540.
- 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. Later promulgation, see WAC 388-218-1530 (part).
- 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. Later promulgation, see WAC 388-216-2350, 388-218-1695, 388-219-2000.
- 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. Later promulgation, see WAC 388-218-1050 part, 388-218-1340 and 388-218-1400 part.
- 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. Later promulgation, see WAC 388-216-2300 (parts).

**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; 83-17-070 (Order 2008), § 388-29-146, 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; 85-24-051 (Order 2309), § 388-29-295, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-295, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-295, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-295, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-295, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-295, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-295, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-295, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-295, filed 7/28/78; Order 1241, § 388-29-295, 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.

tive 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 5/1/71, 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. Later promulgation, see WAC 388-265-1010 (parts).
- 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. Later promulgation, see WAC 388-265-1010 (parts).
- 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. Later promulgation, see WAC 388-265-1010 (parts).
- 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. Later promulgation, see WAC 388-270-1400.
- 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. Later promulgation, see WAC 388-265-1010 (parts).
- 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. Later promulgation, see WAC 388-265-1010 (parts).
- 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. Later promulgation, see WAC 388-265-1010 (parts).
- 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. Later promulgation, see WAC 388-265-1050 (part).
- 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. Later promulgation, see WAC 388-210-1350 part, 388-265-1050 part, chapter 388-245 WAC.
- 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. Later promulgation, see WAC 388-265-1050 (parts).
- 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. Later promulgation, see WAC 388-210-1350 (parts).
- 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. Later promulgation, see WAC 388-210-1350 part, 388-245-1210 and 388-245-1410 part.
- 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; 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. Later promulgation, see WAC 388-210-1410 (parts).
- 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. Later promulgation, see WAC 388-245-1000 part and 388-245-1510.
- 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. Later promulgation, see WAC 388-245-1310.
- 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. Later promulgation, see WAC 388-245-1600.
- 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. Later promulgation, see WAC 388-245-1610.
- 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. Later promulgation, see WAC 388-245-1315.
- 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. Later promulgation, see WAC 388-270-1550.
- 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. Later promulgation, see WAC 388-245-1320 (parts).
- 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. Later promulgation, see parts of WAC 388-245-1000 and 388-245-1320.
- 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. Later promulgation, see WAC 388-245-1000 and 388-245-1320.
- 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. Later promulgation, see WAC 388-245-1300.
- 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. Later promulgation, see WAC 388-245-1400 and 388-245-1410 part.
- 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. Later promulgation, see WAC 388-245-1500.
- 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. Later promulgation, see WAC 388-245-1520.
- 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. Later promulgation, see WAC 388-245-1000 part and 388-245-1700.
- 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. Later promulgation, see WAC 388-245-1740.
- 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. Later promulgation see WAC 388-245-1730.
- 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. Later promulgation, see WAC 388-245-1710.
- 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. Later promulgation, see WAC 388-200-1160.
- 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. Later promulgation, see WAC 388-200-1100.
- 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. Later promulgation, see WAC 388-265-1100 part.
- 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. Later promulgation, see WAC 388-265-1200 and 1250 part.
- 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. Later promulgation, see WAC 388-265-1250 (parts).
- 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. Later promulgation, see parts of WAC 388-265-1150, 388-265-1250 and 388-265-1400.

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. Later promulgation, see WAC 388-265-1500 (parts).	(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. Later promulgation, see WAC 388-265-1100 part, 388-265-1150 part, 388-265-1250 part, 388-265-1450 and 388-265-1750.
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. Later promulgation, see WAC 388-265-1550 (parts).	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.
388-33-446	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. Later promulgation, see parts of WAC 388-265-1550 and 388-265-1600.	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. Later promulgation, see parts of WAC 388-265-1550, and 388-265-1600.
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.	388-33-458 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. Later promulgation, see WAC 388-265-1500 (parts).
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. Later promulgation, see WAC 388-265-1500 (parts).	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. Later promulgation, see WAC 388-265-1650.
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. Later promulgation, see WAC 388-265-1700.	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. Later promulgation, see WAC 388-265-1400 (parts).
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. Later promulgation, see WAC 388-265-1300.	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.
388-33-452	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.	388-33-480 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.
388-33-453	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. Later promulgation, see WAC 388-265-1850 (parts).	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.
388-33-454	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.	388-33-500 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.
388-33-455	Protective payment—Special needs of SSI beneficiary, general assistance recipient or recipient of the Alcoholism and Drug Addiction Treatment and Support Act	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. Later promulgation, see WAC 388-265-1800.
		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. Later promulgation, see WAC 388-265-1850 (parts).
		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. Later promulgation, see WAC 388-265-1850 (parts).
- 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. Later promulgation, see WAC 388-265-1850 (parts).
- 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. Later promulgation, see WAC 388-265-1950.
- 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. Later promulgation, see WAC 388-265-2000.
- 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. Later promulgation, see WAC 388-265-1900.
- 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. Later promulgation, see WAC 388-255-1400.
- 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.		134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
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.	388-34-165	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.
388-34-082	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.	388-34-180	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.
388-34-084	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.	388-34-370	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.
388-34-085	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.	388-34-372	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.
388-34-095	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.	388-34-374	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.
388-34-110	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.	388-34-375	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.
388-34-120	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.	388-34-376	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.
388-34-125	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.	388-34-378	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.
388-34-130	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.	388-34-380	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.
388-34-140	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.	388-34-384	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.
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-		
			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.]

388-35-070 Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
 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 re-authorization 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. Later promulgation, see parts of WAC 388-210-1010, and 388-210-1200.
- 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. Later promulgation, see WAC 388-200-1050 part, 388-210-1000, 388-210-1010 part, 388-210-1050 part, 388-200-1400 and 388-212-1000 part.
- 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. Later promulgation, see parts of WAC 388-210-1010, 388-210-1020, and 388-210-1050.
- 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. Later promulgation, see WAC 388-200-1200, 388-210-1020 part, 388-210-1100 and 388-210-1250.
- 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. Later promulgation, see WAC 388-210-1020 (parts).
- 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. Later promulgation, see WAC 388-210-1200 part, 388-210-1220, 388-210-1230 part and 388-504-0470.
- 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. Later promulgation, see WAC 388-210-1200 part, 388-210-1300 part, 388-210-1310, 388-210-1320 part, 388-210-1330, and 388-210-1340.
- 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. Later promulgation, see WAC 388-210-1410 (parts).
- 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. Later promulgation, see 388-210-1420.
- 388-38-180 Intercountry 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. Later promulgation, see WAC 388-200-1050 part, 388-210-1050 part, 388-200-1320 part, 388-212-1000 part, 388-212-1050, 388-212-1100, 388-212-1150, 388-212-1200 and 388-212-1250.

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. Later promulgation, see WAC 388-200-1050 (parts).

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. Later promulgation, see WAC 388-200-1050 part and 388-270-1125.

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. Later promulgation, see parts of 388-200-1050 and 388-245-1150.

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. Later promulgation, see WAC 388-245-1715 and 388-245-1720.

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. Later promulgation, see WAC 388-245-1350.

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. Later promulgation, see WAC 388-245-1150 part and 388-245-1160.

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. Later promulgation, see WAC 388-245-1150 part.

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. Later promulgation, see WAC 388-245-1170.

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: 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 278, § 388-42-110, filed 2/14/68; 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.]
- 388-44-050 Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-075 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.
- 388-44-085 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: 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 2/3/82; 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 388-47

JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM

- 388-47-010 Job opportunities and basic skills training program (JOBS)—Authority and purpose. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-010, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-020 JOBS program—Definitions. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-020, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-030 Assessment. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-030, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-050 Employability plan. [Statutory Authority: RCW 74.04.050. 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2). 95-18-020 (Order 3885), § 388-47-050, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-050, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-060 Unemployed parent program. [Statutory Authority: RCW 74.04.050. 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2). 95-18-020 (Order 3885), § 388-47-060, filed 8/25/95, effective 9/25/95.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-070 JOBS program—Priority of services. [Statutory Authority: RCW 74.04.050. 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2). 95-18-020 (Order 3885), § 388-47-070, filed 8/25/95, effective 9/25/95. 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.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-100 JOBS program—Participation requirements and exemptions. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-100, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-105 JOBS program—Required notices. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-105, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-107 Notice of employability plan decisions. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-107, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95,

- effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-110 JOBS program—Education participation. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2). 95-18-020 (Order 3885), § 388-47-110, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-110, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-115 Funding approval of education and JOBS components. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2). 95-18-020 (Order 3885), § 388-47-115, filed 8/25/95, effective 9/25/95. 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.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-120 JOBS program—Other education and training. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2). 95-18-020 (Order 3885), § 388-47-120, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-120, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-125 JOBS program—Community work experience program. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2). 95-18-020 (Order 3885), § 388-47-125, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-125, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-127 JOBS program—Work experience. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2). 95-18-020 (Order 3885), § 388-47-127, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-127, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-130 JOBS program readiness training—Job readiness training—Intensive job search. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2). 95-18-020 (Order 3885), § 388-47-130, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-130, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-135 JOBS program—On-the-job training. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2). 95-18-020 (Order 3885), § 388-47-135, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-135, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-140 JOBS program—Work supplementation program. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-140, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-200 JOBS program—Good cause for refusal or failure to participate. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-200, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-210 JOBS program—Sanctions for refusal or failure to participate. [Statutory Authority: RCW 74.04.050. 91-02-

- 092 (Order 3129), § 388-47-210, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-215 JOBS program—Complaints and grievances. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-215, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-220 JOBS program—Conciliation and fair hearings. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-220, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-300 Indian tribal JOBS programs. [Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-300, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.

Reviser's note: Later promulgation, see chapter 388-300 WAC.

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 388-49**
FOOD ASSISTANCE PROGRAMS
(Formerly chapter 388-54 WAC)
- 388-49-010 Purpose of program. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-010, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-015 General provisions. [Statutory Authority: RCW 74.04.510. 96-23-020, § 388-49-015, filed 11/12/96, effective 1/1/97. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-020 Definitions. [Statutory Authority: RCW 74.05.510, Public Law 104-193 (1996), sections 115 and 824, and EHB 3901 (1997), section 101 of 55th legislature. 97-16-046, § 388-49-020, filed 7/31/97, effective 8/1/97. Statutory Authority: RCW 74.04.510, P.L. 104-193 and Sections 803, 821 and 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 97-06-096, § 388-49-020, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 74.04.510. 96-23-022, § 388-49-020, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.050. 96-06-031 (Order 3947), § 388-49-020, filed 2/29/96, effective 4/1/96; 95-19-013 (Order 3894), § 388-49-020, filed 9/7/95, effective 10/6/95. Statutory Authority: RCW 74.04.050, 74.04.510, 7 CFR 273.9(c) and 7 CFR 273.1(b). 95-06-028 (Order 3840), § 388-49-020, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, Administrative Notice 94-34 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-030 Filing an application. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-040 Supplemental security income (SSI) households. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-050 Authorized representative. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-050, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-060 Interview process. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-070 Public assistance households. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-080 Expedited service. [Statutory Authority: RCW 74.04.050. 95-11-122 (Order 3856), § 388-49-080, filed 5/24/95, effective 6/24/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-090 Destitute household. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-090, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

- 388-49-100 Rights and responsibilities. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-110 Verification. [Statutory Authority: RCW 74.04.050, 95-11-123 (Order 3855), § 388-49-110, filed 5/24/95, effective 6/24/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-120 Application disposition. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-150 Delayed and pending applications. [Statutory Authority: RCW 74.04.050, 95-18-004 (Order 3883), § 388-49-150, filed 8/23/95, effective 9/23/95; 88-02-031 (Order 2575), § 388-49-150, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-160 Certification periods. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.10 (f)(2), 97-09-030, § 388-49-160, filed 4/10/97, effective 5/11/97. Statutory Authority: RCW 74.04.050 and 7 CFR 273.10 (f)(2), 96-14-074 (Order 3987), § 388-49-160, filed 6/28/96, effective 8/1/96. Statutory Authority: RCW 74.04.050 and Waiver to 7 CFR 273.10 (f)(6), 95-06-030 (Order 3841), § 388-49-160, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-160, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-170 Recertification. [Statutory Authority: RCW 74.04.050, 95-18-004 (Order 3883), § 388-49-170, filed 8/23/95, effective 9/23/95; 88-02-031 (Order 2575), § 388-49-170, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-180 Categorical eligibility. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-190 Household concept. [Statutory Authority: RCW 74.04.510, Public Law 104-193 (1996), section 115, and EHB 3901 (1997), section 101 of 55th legislature, 97-16-045, § 388-49-190, filed 7/31/97, effective 8/1/97. Statutory Authority: RCW 74.04.510 and Public Law 104-193, Section 115 (1996), 97-09-031, § 388-49-190, filed 4/10/97, effective 7/1/97. Statutory Authority: RCW 74.04.510, Public Law 104-193 and Sections 803 and 821 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 96-22-103, § 388-49-190, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and 74.04.510, 95-12-001 (Order 3854), § 388-49-190, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.04.050, 74.04.510, P.L. 103-66, Administrative Notice 94-39 and 7 CFR 273.1(b), 95-06-027 (Order 3838), § 388-49-190, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, P.L. 103-66 and USDA Food and Nutrition Service 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 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 2577), filed 1/13/89. Statutory Authority: Chapter 74.21 RCW.
- 388-49-200 Residents of institutions. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-210 Alcohol and drug treatment centers. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-220 Group living arrangements. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-230 Shelters for battered women and children. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-230, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-240 Meals for the homeless. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-240, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-250 Boarders. [Statutory Authority: RCW 74.04.510 [74.04.510] and 7 CFR 273.9(c) and 273.1(b), 95-06-026 (Order 3837), § 388-49-250, filed 2/22/95, effective 4/1/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-260 Nonhousehold and ineligible household members. [Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b), 95-06-029 (Order 3839), § 388-49-260, filed 2/22/95, effective 4/1/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-270 Sponsored aliens. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-280 Communal dining and delivered meals. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-280, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

- 388-49-290 Identity. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-290, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-300 Residency. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-300, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-310 Citizenship and alien status. [Statutory Authority: RCW 74.04.510, Sections 5302 and 5306 of the Balanced Budget Act of 1997 and Public Law 104-193. 97-22-042, § 388-49-310, filed 10/31/97, effective 12/1/97. Statutory Authority: RCW 74.04.510 and Section 510 of Public Law 104-208 (1996). 97-12-025, § 388-49-310, filed 5/29/97, effective 6/29/97. Statutory Authority: RCW 74.04.510 and section 402 of HR 3734 (P.L. 104-193) (1996). 97-06-074, § 388-49-310, filed 2/28/97, effective 3/31/97. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-320 Social Security number. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-330 Student. [Statutory Authority: 7 CFR 273.5 and RCW 74.04.050. 96-07-053 (Order 3957), § 388-49-330, filed 3/18/96, effective 5/1/96. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-340 Cooperation with quality control review. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-350 Food distribution program. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-350, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-355 Work requirements for able-bodied adults without dependents. [Statutory Authority: RCW 74.04.510. 97-03-035, § 388-49-355, filed 1/9/97, effective 2/9/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-360 Work registration and food stamp employment and training (FSE&T) program participation. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-360, filed 4/4/97, effective 5/5/97. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-362 Food stamp employment and training program responsibilities. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-362, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-364 Food stamp employment and training program services. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-364, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-366 Food stamp employment and training good cause. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-366, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-368 Food stamp employment and training disqualifications. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-368, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-369 Food stamp employment and training payments. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-369, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-370 Unsuitable employment. [Statutory Authority: RCW 74.04.510. 89-19-025 (Order 2870), § 388-49-370, filed 9/12/89, effective 10/13/89.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-380 Voluntary quit. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-380, filed 4/4/97, effective 5/5/97. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-385 Food stamp workfare. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-385, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-390 Strikers. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-390, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-400 Resources—Allowable maximums. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-410 Resources—Exempt. [Statutory Authority: RCW 74.04.510 and Admin. Order 95-62, P.L. 103-66, P.L. 103-436 and 7 CFR 273.8 (e)(4). 96-07-022 (Order 3953), § 388-49-410, filed 3/13/96, effective 5/1/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b), 273.8 (e)(5) and 273.8 (h)(1)(i). 95-06-031 (Order 3836), § 388-49-410, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, USDA Food and Nutrition Service 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), § 388-49-410, 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-420 Resources—Nonexempt. [Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b). 95-06-032 (Order 3835), § 388-49-420, filed 2/22/95, effective 4/1/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-430 Resources—Vehicles. [Statutory Authority: RCW 74.04.510. 96-23-023, § 388-49-430, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.510 and P.L. 103-66. 95-24-018 (Order 3920), § 388-49-430, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b), 273.8 (e)(5) and 273.8 (h)(1)(i). 95-06-031 (Order 3836), § 388-49-430, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, USDA Food and Nutrition Service 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-440 Resources—Transfer of property. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-440, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-450 Income—Earned. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-460 Income—Unearned. [Statutory Authority: RCW 74.04.510 and Section 829 of H.R. 3734 (Public Law 104-193). 96-22-102, § 388-49-460, filed 11/6/96, effective 12/7/96. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-470 Income—Exclusions. [Statutory Authority: RCW 74.04.510 and 7 U.S.C. 2014 (d) and (k). 97-05-002, § 388-49-470, filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 74.04.510 and Section 807 and 808 of H.R. 3734 (Public Law 104-193). 96-22-100, § 388-49-470, filed 11/6/96, effective 12/7/96. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-480 Income—Ineligible household members. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.1 (b)(2)(i). 95-07-122 (Order 3842), § 388-49-480, filed 3/22/95, effective 4/22/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-485 Income—Nonhousehold members. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-485, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-490 Income—Sponsored aliens. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-490, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-500 Income—Deductions. [Statutory Authority: RCW 74.04.510 and Section 809 of HR 3734 P.L. 104-193. 96-24-072, § 388-49-500, filed 12/2/96, effective 1/1/97. Statutory Authority: USDA Administrative Notice 96-03 and RCW 74.04.050 and USDA. 96-06-046 (Order 3951), § 388-49-500, filed 3/5/96, effective 4/5/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (a),(d)(6)(v) and (vi), (5), (7) and (8). 95-21-052 (Order 3907), § 388-49-500, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (d)(6)(v). 95-11-120 (Order 3852), § 388-49-500, filed 5/24/95, effective 7/1/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-505 Utility allowances. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (2)(6)(vi) requires the state review and adjust the utility allowances each year. 97-18-086, § 388-49-505, filed 9/3/97, effective 10/1/97. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (d)(6)(v) and (vi). 96-22-101, § 388-49-505, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (a), (d)(6)(v) and (vi), (5), (7) and (8). 95-21-052 (Order 3907), § 388-49-505, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (d)(6)(vi). 95-11-121 (Order 3853), § 388-49-505, filed 5/24/95, effective 7/1/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-510 Income eligibility standards. [Statutory Authority: RCW 74.04.510, Food Stamp Act and 7 CFR 273.9(a). 98-03-049, § 388-49-510, filed 1/15/98, effective 1/28/98. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 96-22-104, § 388-49-510, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (a), (d)(6)(v) and (vi), (5), (7) and (8). 95-21-052 (Order 3907), § 388-49-510, filed 10/11/95, effective 11/11/95. 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)(1), (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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-515 Eligibility determinations. [Statutory Authority: RCW 74.04.050. 96-18-042, § 388-49-515, filed 8/29/96, effective 10/1/96; 88-16-082 (Order 2663), § 388-49-515, filed 8/2/88.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-520 Income budgeting—General circumstances. [Statutory Authority: RCW 74.04.050. 96-18-045, § 388-49-520, filed 8/29/96, effective 10/1/96. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-530 Retrospective income budgeting. [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.] Repealed by 96-18-043, filed 8/29/96, effective 10/1/96. Statutory Authority: RCW 74.04.050.
- 388-49-535 Income budgeting—Special circumstances. [Statutory Authority: RCW 74.04.050. 96-18-044, § 388-49-535, filed 8/29/96, effective 10/1/96. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-550 Computing food stamp benefits. [Statutory Authority: RCW 74.04.510 and 74.08.090. 98-10-025, § 388-49-550, filed 4/23/98, effective 5/24/98. Statutory Authority: RCW 74.04.510. 96-23-024, § 388-49-550, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.050 and 7 CFR 273.10 (e)(4)(ii)(F). 95-21-054 (Order 3909), § 388-49-550, filed 10/11/95, effective 11/11/95. 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 11/18/89, 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-560 Issuing food stamp benefits. [Statutory Authority: RCW 74.04.510 and 74.08.090. 98-10-025, § 388-49-560, filed 4/23/98, effective 5/24/98. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-570 Replacing lost, stolen, or destroyed food stamp allotments (7 CFR 274.6). [Statutory Authority: RCW 74.04.510 and 74.08.090. 98-10-025, § 388-49-570, filed 4/23/98, effective 5/24/98. 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.] Repealed by 98-16-044, filed

7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-580 Restoring food stamp benefits. [Statutory Authority: RCW 74.04.510 and 74.08.090. 98-10-025, § 388-49-580, filed 4/23/98, effective 5/24/98. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-590 Monthly reporting. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-600 Notices to households. [Statutory Authority: 7 CFR 273.13 (b)(14). 95-18-003 (Order 3884), § 388-49-600, filed 8/23/95, effective 10/1/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-610 Changes—Prospective budgeting. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-620 Changes—Retrospective budgeting. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-630 Changes—Reporting requirements. [Statutory Authority: RCW 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-640 Overissuances. [Statutory Authority: RCW 74.04.510. 97-04-024, § 388-49-640, filed 1/28/97, effective 2/28/97. Statutory Authority: RCW 74.04.050. 95-19-013 (Order 3894), § 388-49-640, filed 9/7/95, effective 10/6/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-650 Alien sponsor overissuances. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-650, filed 12/31/87.] Repealed by 98-16-044, filed

7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-660 Intentional program violations—Administrative disqualification hearings. [Statutory Authority: RCW 74.04.050. 95-19-013 (Order 3894), § 388-49-660, filed 9/7/95, effective 10/6/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-670 Intentional program violations—Disqualification penalties. [Statutory Authority: RCW 74.04.510. 97-04-023, § 388-49-670, filed 1/28/97, effective 2/28/97; 96-06-042 (Order 3948), § 388-49-670, filed 3/1/96, effective 4/1/96. Statutory Authority: RCW 74.04.050. 95-19-013 (Order 3894), § 388-49-670, filed 9/7/95, effective 10/6/95. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-680 Agency conference. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-680, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-690 Fair hearings. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-49-700 Fair hearings—Continuation of benefits pending. [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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

**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 388-51
JOB OPPORTUNITIES AND BASIC SKILLS TRAINING
PROGRAM CHILD CARE AND OTHER WORK-RELATED
SUPPORTIVE SERVICES AND TRANSITIONAL CHILD CARE**

388-51-010 Child care and other work-related supportive services—Purpose. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).

388-51-020 Definitions. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).

388-51-040 Assurances and responsibilities under JOBS, income assistance, and transitional child care. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 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 3/24/92, effective 4/24/92. Statutory Authority: 1991 c 16.
- 388-51-110 JOBS, income assistance, and transitional child care programs. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-115 JOBS, income assistance, and transitional child care programs—Eligible children and recipients. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-120 JOBS, income assistance, and transitional child care program—Payment. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-123 JOBS, income assistance, and transitional child care programs—Effective dates. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 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.
- 388-51-130 Income assistance and transitional child care programs—Effect on eligibility and payments. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-135 JOBS, income assistance, and transitional child care—Hearings. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-140 Income assistance child care program—Conversion. [Statutory Authority: 1991 c 16, 92-08-033, § 388-51-140, filed 3/24/92, effective 4/24/92.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 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.
- 388-51-155 Transitional child care—Purpose and initial eligibility. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-160 Transitional child care—Co-payment. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-170 Transitional child care—Ongoing eligibility. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-180 Child care overpayments. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 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.
- 388-51-210 Supportive services. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.2 (c)(2)(i) and (3)(i), 95-03-047 (Order 3823), § 388-51-210, filed 1/11/95, effective 2/11/95. 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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-220 One-time work-related expenses. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.2 (c)(2)(i) and (3)(i), 95-03-047 (Order 3823), § 388-51-220, filed 1/11/95, effective 2/11/95.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-250 Transitional supportive services. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.2 (c)(2)(i) and (3)(i), 95-03-047 (Order 3823), § 388-51-250, filed 1/11/95, effective 2/11/95. 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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-260 Supportive services overpayments. [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.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 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.

Chapter 388-52

SERVICES INVOLVING OTHER AGENCIES

- 388-52-150 Vocational rehabilitation services. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-52-155 Vocational rehabilitation services—Training expenses. [Order 975, § 388-52-155, filed 10/11/74; Order 542, § 388-52-155, filed 3/31/71, effective 5/1/71.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

- 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.
- 388-52-160 Comprehensive employment and training program—Definitions. [Order 975, § 388-52-160, filed 10/11/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-52-163 Comprehensive employment and training program—Services provided. [Order 975, § 388-52-163, filed 10/11/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-52-166 Comprehensive employment and training program—Participation of recipient. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-52-169 Treatment of recipient's income from CETA. [Order 975, § 388-52-169, filed 10/11/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-52-172 Release of information to prime sponsors of CETA program. [Order 975, § 388-52-172, filed 10/11/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 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.

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,

- 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 I 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.	388-54-509	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.
388-54-470	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.	388-54-510	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.
388-54-475	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.	388-54-515	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.
388-54-480	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.	388-54-520	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.
388-54-482	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.	388-54-525	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.
388-54-485	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.	388-54-526	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.
388-54-490	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.	388-54-527	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.
388-54-495	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.	388-54-528	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.
388-54-500	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.	388-54-530	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.
388-54-505	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.	388-54-535	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.
388-54-507	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.	388-54-540	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 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 82-01-041 (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.
- 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.		Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
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 9/20/91; Order 969, § 388-62-035, filed 9/13/74; Order 546, § 388-62-035, filed 3/31/71, effective 5/1/71; Regulation 26.21, 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.	388-62-165	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.
388-62-050	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.	388-62-170	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.
388-62-055	Referral and identification of persons. [Regulation 26.31, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.	388-62-180	Recording. [Regulation 26.80, 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.	388-62-185	Reporting. [Regulation 26.81, 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.	388-62-190	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.
388-62-075	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.	388-62-200	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.
388-62-080	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.	388-62-205	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.
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.]		

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 388-71
INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

- 388-71-005 Duty to provide. [Order 1081, § 388-71-005, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-010 Definitions. [Order 1081, § 388-71-010, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-015 Conditions for placement. [Order 1081, § 388-71-015, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-020 Condition under which compact applies. [Order 1081, § 388-71-020, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-025 Exemptions. [Order 1081, § 388-71-025, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-030 Child leaving Washington state. [Order 1081, § 388-71-030, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.

- 388-71-035 Child entering Washington state. [Order 1081, § 388-71-035, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-040 Procedures for change in placement status. [Order 1081, § 388-71-040, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-045 Retention of jurisdiction. [Order 1081, § 388-71-045, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-050 Financial responsibility. [Order 1081, § 388-71-050, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-055 Penalty for illegal placement. [Order 1081, § 388-71-055, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.

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 depart-

- 388-72-115 ment 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.
- 388-72-120 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.
- 388-72-125 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.
- 388-72-150 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.
- 388-72-155 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.
- 388-72-160 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.
- 388-72-165 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 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-235 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.
- 388-72-240 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.
- 388-72-250 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.
- 388-72-255 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.
- 388-72-260 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.
- 388-72-265 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.
- 388-72-270 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.
- 388-72-275 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.
- 388-72-280 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.
- 388-72-285 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.
- 388-72-290 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.
- 388-72-300 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.
- 388-72-305 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.
- 388-72-310 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.
- 388-72-315 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.
- 388-72-350 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.
- 388-72-355 Services for blind children—State school for the blind. [Manual VII, Regulation 7.20, 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.
- 388-72-400 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.	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.
388-72-405	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.	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.
388-72-410	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.	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.
388-72-415	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.	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.
388-72-425	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.	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.
388-72-435	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.	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.
388-72-445	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.	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.
388-72-500	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.	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.
388-72-505	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.		
388-72-510	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.		
388-72-515	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.		
388-72-520	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.	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.
388-72-550	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.	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.
388-72-555	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.	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.
388-72-560	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.	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.
388-72-565	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.	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.
388-72-570	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.	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.
388-72-575	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.	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.
388-72-580	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.	388-75-024	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.
388-72-585	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.	388-75-027	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.
388-72-590	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.	388-75-030	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.

**Chapter 388-75
MINIMUM REQUIREMENTS FOR
LICENSING CHILD CARE AGENCIES
AND MATERNITY SERVICES**

- 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.

	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.
388-75-215	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.	388-75-318	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.
388-75-218	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.	388-75-321	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.
388-75-221	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.	388-75-324	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.
388-75-224	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.	388-75-327	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.
388-75-227	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.	388-75-330	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.
388-75-230	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.	388-75-333	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.
388-75-253	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.	388-75-336	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.
388-75-256	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.	388-75-339	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.
388-75-259	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.	388-75-342	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.
388-75-262	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.	388-75-345	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.
388-75-265	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.	388-75-348	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.
388-75-268	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.	388-75-351	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.
388-75-271	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.	388-75-354	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.
388-75-274	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.	388-75-357	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.
388-75-277	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.	388-75-360	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.
388-75-280	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.	388-75-363	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.
388-75-283	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.	388-75-366	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.
388-75-303	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.	388-75-369	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.
388-75-306	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.	388-75-372	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.
388-75-309	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.	388-75-375	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.
388-75-312	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.	388-75-378	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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

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.	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.
388-75-551	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.	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.
388-75-554	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.	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.
388-75-557	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.	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.
388-75-560	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.	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.
388-75-563	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.	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.
388-75-566	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.	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.
388-75-569	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.	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.
388-75-572	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.	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.
388-75-575	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.	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.
388-75-578	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.	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.
388-75-581	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.	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.
388-75-584	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.	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.
388-75-603	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.	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.
388-75-606	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.	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.
388-75-609	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.	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.
388-75-612	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.	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.
388-75-615	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.	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.
388-75-618	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.	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.
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.
- 388-75-715 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.
- 388-75-718 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.
- 388-75-721 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.
- 388-75-724 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.
- 388-75-727 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.
- 388-75-730 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.
- 388-75-733 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.
- 388-75-736 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.
- 388-75-739 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.
- 388-75-742 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.
- 388-75-745 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.
- 388-75-748 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.
- 388-75-751 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.
- 388-75-754 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.
- 388-75-757 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.
- 388-75-760 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.
- 388-75-763 Governing or advisory board—Site and communication. [Order 936, § 388-75-763, filed 5/23/74.] Repealed by 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 388-77
FAMILY INDEPENDENCE PROGRAM**

- 388-77-005 General provisions. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-006 Freezing enrollments. [Statutory Authority: 1990 1st ex.s. c 6. 90-12-059 (Order 3017), § 388-77-006, filed 5/31/90, effective 7/1/90.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-010 Definition. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-015 Applications and assessment. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-045 Verification. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-045, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-200 Family independence program (FIP)—Summary of Title IV-A eligibility conditions. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-210 Assistance unit. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-210, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 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.
- 388-77-240 FIP—Eligibility for qualifying a parent. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-255 FIP—Employment and training requirements. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 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.
- 388-77-270 Support. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-285 Assistance to minors. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-285, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-320 Resources—Exempt. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-500 Income—Determination of need. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-515 Income—Exempt. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-520 Income—Deductions. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-525 Income—Self-employment. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-525, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 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.
- 388-77-531 Non recurring lump-sum income. [Statutory Authority: RCW 74.21.070. 91-15-086 (Order 3207), § 388-77-531, filed 7/23/91, effective 8/23/91.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-555 Earned income 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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-600 Standards of assistance—Hold harmless. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-605 Standards of assistance—Benchmark standard. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-605, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-610 Standards of assistance—Incentive standards. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-615 Standards of assistance—Payment amounts. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-735 Suspension of FIP cash assistance. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-735, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-737 FIP transitional benefits. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-737, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-810 Periodic review and redetermination of eligibility. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-810, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-820 Food assistance. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

388-77-900 Overpayments. [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.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

Chapter 388-77A

FAMILY INDEPENDENCE PROGRAM EXPIRATION

388-77A-010 Purpose. [Statutory Authority: RCW 74.04.057, 93-12-058 (Order 3561), § 388-77A-010, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

388-77A-020 Benefit change limitations. [Statutory Authority: RCW 74.04.057, 93-12-058 (Order 3561), § 388-77A-020, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

388-77A-030 Standards of assistance—Family independence program (FIP) households entitled to employment incentive payments earned in May and June 1993. [Statutory Authority: RCW 74.04.057, 93-12-058 (Order 3561), § 388-77A-030, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

388-77A-040 Transitional child care. [Statutory Authority: RCW 74.04.057, 93-12-058 (Order 3561), § 388-77A-040, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

388-77A-041 Medical benefits. [Statutory Authority: RCW 74.04.057, 93-12-058 (Order 3561), § 388-77A-041, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

388-77A-050 Fair hearing—Continuation of benefits. [Statutory Authority: RCW 74.04.057, 93-12-058 (Order 3561), § 388-77A-050, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

388-77A-055 Pretermination redetermination. [Statutory Authority: RCW 74.04.057, 93-12-058 (Order 3561), § 388-77A-055, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

Chapter 388-78

SUPPORT SERVICES FOR ASSESSMENT AND EMPLOYMENT AND TRAINING PROGRAMS IN THE FAMILY INDEPENDENCE PROGRAM

388-78-005 General provisions. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-005, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-78-010 Definitions. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-010, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-78-015 Supportive social services. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-015, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-78-020 Self-sufficiency plan. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-020, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-78-100 FIP employment and training requirements. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-100, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-78-120 Grievance procedure and administrative reviews and appeals. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-120, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-78-205 FIP child care. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-205, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-78-210 Standards for child care providers. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-78-215 Payment standards for child care services. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-215, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-78-220 Child day care co-payments. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-220, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

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. Later promulgation, see WAC 388-501-0105.

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. Later promulgation, see WAC 388-500-0005 (parts).

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. Later promulgation, see WAC 388-500-0005 (parts).

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. Later promulgation, see WAC 388-503-1310 (parts).
- 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.]
- 388-82-115 Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090. 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. Later promulgation, see WAC 388-503-0310 (parts).
- 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. Later promulgation, see WAC 388-503-0350.
- 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. Later promulgation, see WAC 388-501-0175.
- 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. Later promulgation, see WAC 388-501-0180 (parts).
- 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing. [Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28, 93-11-049 (Order 3548), § 388-82-140, 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. Later promulgation, see WAC 388-517-1715 and 388-517-1720.
- 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. Later promulgation, see WAC 388-517-1730 and 388-517-1740.

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. Later promulgation, see WAC 388-517-1750 and 388-517-1760.

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. Later promulgation, see WAC 388-504-0440 (parts).

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. Later promulgation, see WAC 388-503-0350, 388-504-0440.

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. Later promulgation, see WAC 388-501-0170 and 388-538-001.

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. Later promulgation, see WAC 388-505-0540.

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. Later promulgation, see WAC 388-505-0560.

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. Later promulgation, see WAC 388-505-0570.

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 Immigra-

tion 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. Later promulgation, see WAC 388-505-0520.

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. Later promulgation, see WAC 388-505-0530.

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. Later promulgation, see WAC 388-505-0505.

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. Later promulgation, see WAC 388-505-0510.

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. Later promulgation, see WAC 388-505-0580.

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. Later promulgation, see WAC 388-523-2305.

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. Later promulgation, see WAC 388-508-0830 (parts).
- 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 9/11/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-508-0835.
- 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. Later promulgation, see WAC 388-508-0805, 388-508-0810, 388-508-0820 and 388-508-0840.
- 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. Later promulgation, see WAC 388-509-0905, 388-509-0910, 388-509-0920, 388-509-0940, 388-509-0960 and 388-509-0970.
- 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. Later promulgation, see WAC 388-513-1305 (parts).
- 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. Later promulgation, see WAC 388-505-0590.
- 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 Sneede 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. Later promulgation, see WAC 388-506-0610.
- 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 Sneed 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. Later promulgation, see WAC 388-507-0740.
- 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 74.08.090. 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. Later promulgation, see WAC 388-515-1505.
- 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. Later promulgation, see WAC 388-515-1510.
- 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. Later promulgation, see WAC 388-515-1530.
- 74.08.090. Later promulgation, see WAC 388-515-1530.
- 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. Later promulgation, see WAC 388-504-0405, 388-504-0410 and 388-504-0420.
- 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. Later promulgation, see WAC 388-504-0470 (part), 388-504-0480, 388-504-0485 and 388-525-2505.
- 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. Later promulgation, see WAC 388-521-2105, 388-521-2110, 388-521-2130, 388-521-2140 part, 388-521-2150, 388-521-2155 and 388-521-2160.
- 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. Later promulgation, see WAC 388-521-2120 and 388-524-2420.
- 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. Later promulgation, see WAC 388-504-0440 (part), 388-522-2205 (part), 388-522-2210, 388-522-2230 and 388-525-2570.
- 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. Later promulgation, see WAC 388-522-2205 (part) and 388-524-2405.
- 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. Later promulgation, see WAC 388-511-1105 (part).
- 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.	388-88-082	10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620. 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.
388-88-040	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.	388-88-083	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.
388-88-045	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.	388-88-084	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.
388-88-050	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.	388-88-085	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.
388-88-051	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.	388-88-086	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.
388-88-055	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.	388-88-088	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.
388-88-060	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.	388-88-090	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.
388-88-065	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.	388-88-095	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.
388-88-070	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.	388-88-096	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.
388-88-075	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.	388-88-097	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.
388-88-080	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.	388-88-098	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,
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		

	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.	388-88-130	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.
388-88-099	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.	388-88-135	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.
388-88-100	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.	388-88-145	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.
388-88-101	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.	388-88-150	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.
388-88-102	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.	388-88-155	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.
388-88-105	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.	388-88-170	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.
388-88-110	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.	388-88-180	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.
388-88-115	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.	388-88-190	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.
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.		
			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 388-91**
MEDICAL CARE—DRUGS
- 388-91-005 Drugs. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-005, filed 11/19/91, effective 12/20/91.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
 - 388-91-007 Drugs—Drug discount agreement. [Statutory Authority: RCW 74.08.090. 94-01-094 (Order 3685), § 388-91-007, filed 12/14/93, effective 1/14/94.] Repealed by 95-17-032 (Order 3879), filed 8/9/95, effective 9/9/95. Statutory Authority: RCW 74.08.090 and 1995 2nd sp.s. c 18 § 209(6).
 - 388-91-010 Drugs—Not requiring prior authorization. [Statutory Authority: RCW 74.08.090 and 1995 2nd sp.s. c 18 § 209(6). 95-17-032 (Order 3879), § 388-91-010, filed 8/9/95, effective 9/9/95. 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.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
 - 388-91-013 Drugs—Physician's identification required on prescriptions. [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.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
 - 388-91-015 Drugs—Payment. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-015, filed 11/19/91, effective 12/20/91.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
 - 388-91-016 Drugs—Nonpayment. [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.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
 - 388-91-020 Drugs—Requiring authorization. [Statutory Authority: RCW 74.08.090 and 1995 2nd sp.s. c 18 § 209(6). 95-17-032 (Order 3879), § 388-91-020, filed 8/9/95, effective 9/9/95. 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.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
 - 388-91-030 Drugs—Prescription claim. [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.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
 - 388-91-035 Drugs—Pharmacist's 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.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
 - 388-91-040 Drugs—Pricing standards. [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.] Repealed by 96-21-031,

- filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-050 Out-of-state prescriptions. [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.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 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. Later promulgation, see WAC 388-500-0005 (part).
- 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. Later promulgation, see parts of WAC 388-501-0180 and 388-511-1105.
- 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. Later promulgation, see WAC 388-506-0620.
- 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. Later promulgation, see WAC 388-506-0630.
- 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. Later promulgation, see WAC 388-511-1115.
- 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. Later promulgation, see WAC 388-511-1140 and 388-511-1140 part.
- 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. Later promulgation, see WAC 388-511-1140 (parts).
- 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. Later promulgation, see WAC 388-511-1150.
- 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. Later promulgation, see WAC 388-505-0595.
- 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.
- 388-92-045 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. Later promulgation, see WAC 388-511-1160.

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. Later promulgation, see WAC 388-511-1110.

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.

388-92-060 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.

388-92-065 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.

388-92-070 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.

Chapter 388-93

MEDICAL CARE FOR GRANDFATHERED RECIPIENTS

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. Later promulgation, see WAC 388-500-0005 (parts).

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. Later promulgation, see WAC 388-512-1210.

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. Later promulgation, see WAC 388-512-1215.

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. Later promulgation, see WAC 388-512-1220.

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. Later promulgation, see WAC 388-512-1225.

388-93-030 Refusal of disabled recipient to accept available and recommended medical treatment—Effect on eligibility.

388-93-035 [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. Later promulgation, see WAC 388-512-1230.

388-93-040 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. Later promulgation, see WAC 388-512-1235.

388-93-045 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. Later promulgation, see WAC 388-512-1240.

388-93-050 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. Later promulgation, see WAC 388-512-1245.

388-93-055 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. Later promulgation, see WAC 388-512-1250.

388-93-060 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. Later promulgation, see WAC 388-512-1255.

388-93-065 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. Later promulgation, see WAC 388-512-1260.

388-93-070 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. Later promulgation, see WAC 388-512-1265.

388-93-075 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.

388-93-080 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. Later promulgation, see WAC 388-512-1275.

388-93-085 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. Later promulgation, see WAC 388-512-1280.

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.	388-95-235	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.
388-95-010	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.	388-95-250	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.
388-95-025	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.	388-95-255	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.
388-95-030	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.	388-95-260	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.
388-95-035	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.	388-95-265	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.
388-95-040	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.	388-95-270	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.
388-95-045	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.	388-95-275	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.
388-95-050	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.	388-95-280	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.
388-95-055	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.	388-95-300	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. Later promulgation, see WAC 388-513-1320.
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.	388-95-310	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. Later promulgation, see WAC 388-513-1396.
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.	388-95-320	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. Later promulgation, see WAC 388-513-1315.
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.	388-95-335	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. Later promulgation, see WAC 388-513-1330.
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.	388-95-337	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
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		

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 5/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1350.

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. Later promulgation, see WAC 388-513-1330, 388-513-1340, 388-513-1345 and 388-513-1350 part.

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. Later promulgation, see WAC 388-513-1380.

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. Later promulgation, see WAC 388-513-1360.

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. Later promulgation, see WAC 388-513-1310.

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. Later promulgation, see WAC 388-513-1365.

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. Later promulgation, see WAC 388-513-1395.

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. Later promulgation, see parts of WAC 388-501-0110 and 388-501-0320.

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. Later promulgation, see WAC 388-503-0320 (parts).

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. Later promulgation, see WAC 388-508-0830 (parts).

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. Later promulgation, see WAC 388-505-0501.

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 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. Later promulgation, see WAC 388-506-0610

- part, 388-506-0630, 388-507-0710, 388-519-1910 and 388-519-1930 part.
- 388-99-030 Allocation of excess income—Spendedown. [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. Later promulgation, see WAC 388-519-1930 (parts).
- 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. Later promulgation, see WAC 388-507-0720 (parts).
- 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. Later promulgation, see WAC 388-513-1305 part.
- 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 11/18/88; 84-02-054 (Order 2062), § 388-99-040, filed 1/4/84; 81-16-032 (Order 1684), § 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. Later promulgation, see WAC 388-507-0720 part and 388-507-0730.
- 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. Later promulgation, see chapter 388-504 (part), WAC 388-504-0485 and 388-521-2130.
- 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. Later promulgation, see WAC 388-519-1905.
- 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. Later promulgation, see WAC 388-529-2920.

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. Later promulgation, see WAC 388-501-0110 part and 388-503-0370.
- 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. Later promulgation, see WAC 388-518-1805, 388-518-1810 part, 388-518-1820 and 388-518-1830.
- 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. Later promulgation, see WAC 388-518-1840.
- 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. Later promulgation, see chapter 388-504, and 388-521-2140 part.
- 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. Later promulgation, see WAC 388-504-0440 part, 388-521-2140 part and 388-525-2505.
- 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. Later promulgation, see WAC 388-518-1810 (parts).

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. Later promulgation, see WAC 388-529-2950.

**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 388-165
CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM—
SOCIAL SERVICES (CEAP-SS)**

388-165-005 Purpose. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-005, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-165-010 General provisions. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-010, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-165-020 Application procedure. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-020, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-165-030 Application form. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-030, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-165-040 Assistance unit. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-040, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-165-050 Eligibility conditions—Emergent need. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-050, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-165-060 Eligibility conditions—Income and resource eligibility. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-060, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-165-070 Eligibility conditions—Living with a relative of a specified degree. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-070, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-165-080 Eligibility conditions—Job refusal. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR

233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-080, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-165-090 Eligibility conditions—Residency and alien status. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-090, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-165-100 Payment limitations. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-100, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

**Chapter 388-201
SUCCESS THROUGH EMPLOYMENT PROGRAM (STEP)**

388-201-100 General provisions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act Section 1115. 95-24-014 (Order 3925), § 388-201-100, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).

388-201-200 Definitions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-200, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-200, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).

388-201-300 Participation. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-300, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-300, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).

388-201-400 Hundred-hour treatment group—Elimination of the one-hundred-hour rule. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-400, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-400, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).

388-201-410 Length-of-stay treatment group—Assessment of past AFDC receipt. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-410, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-410, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).

388-201-420 Length-of-stay treatment group—Initial length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-420, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-420, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).

388-201-430 Length-of-stay treatment group—Additional length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-430, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-430, filed 11/22/95, effective

	<p>tive 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).</p>		
388-201-440	<p>Length-of-stay treatment group—Redetermination of length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-440, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-440, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).</p>	388-210-1100	<p>Applicant to provide information. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1100, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-045 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
388-201-450	<p>Length-of-stay treatment group—Families exempt from length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-450, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-450, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).</p>	388-210-1200	<p>Time limit on disposition of application. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1200, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-010, 388-38-110 and 388-38-120.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
388-201-460	<p>Length-of-stay treatment group—Length-of-stay earned income adjustments. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-460, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-460, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).</p>	388-210-1220	<p>Good cause for disposition delay. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1220, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
388-201-470	<p>Length-of-stay treatment group—Advance notice of impending length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-470, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-470, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).</p>	388-210-1230	<p>Good cause for disposition delay—Department responsibility for an AFDC application. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1230, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-110 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
388-201-480	<p>Length-of-stay treatment group—Reducing the impact of cumulative length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-480, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-480, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).</p>	388-210-1250	<p>Evaluation of available information. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1250, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-045 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
		388-210-1300	<p>Disposition action. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1300, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
		388-210-1310	<p>Basis of withdrawal. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1310, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
		388-210-1320	<p>Basis of denial. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1320, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-120 and 388-38-200.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
		388-210-1330	<p>Limitations on denial. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1330, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
		388-210-1340	<p>Reconsideration of denied applications. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1340, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
		388-210-1350	<p>Effective date of eligibility for approved applications. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1350, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-085, 388-33-115 and 388-33-120.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
		388-210-1400	<p>Notification of application disposition. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1400, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-030 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
		388-210-1410	<p>Approval notice. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1410, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-125 and 388-38-150.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>
Chapter 388-210			
APPLICATIONS FOR ASSISTANCE			
388-210-1000	<p>Who may apply. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1000, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-030 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>		
388-210-1010	<p>Application form. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1010, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-010, 388-38-030 and 388-38-040.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>		
388-210-1020	<p>Completion of application form. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1020, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-040, 388-38-045 and 388-38-050.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>		
388-210-1050	<p>Interview. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1050, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-030, 388-38-040 and 388-38-200.] Repealed by 98-16-044,</p>		

388-210-1420 Denial or withdrawal notice. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1420, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-172.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

**Chapter 388-212
VERIFICATION OF ELIGIBILITY**

388-212-1000 Eligibility determined on a factual and objective basis. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-212-1000, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-030 and 388-38-200.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-212-1050 Verification of eligibility. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-212-1050, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-200 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-212-1100 Client responsibility to provide verification. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-212-1100, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-200 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-212-1140 Verification of age by affidavit. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-212-1140, filed 5/3/94, effective 6/3/94. Formerly WAC 388-26-040.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-212-1150 Obtaining verification from collateral sources. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-212-1150, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-200 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-212-1200 Determination of eligibility using available verification. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-212-1200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-200 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-212-1250 Verification of eligibility after initial eligibility determination. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-212-1250, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-200 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

**Chapter 388-215
AID TO FAMILIES WITH DEPENDENT CHILDREN—
CATEGORICAL ELIGIBILITY**

388-215-1000 Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090, 97-20-128, § 388-215-1000, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090 and Public Law 104-193, § 103 (a)(1) (1996). 97-07-024, § 388-215-1000, filed 3/12/97, effective 4/12/97. Statutory Authority: RCW 74.04.015, 74.04.055, 74.04.057 and 45 CFR 233.10 (a)(1)(ii)(B). 95-14-048 (Order 3860), § 388-215-1000, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1000, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-055, 388-24-125 and 388-26-050.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1010 Five year lifetime time limits. [Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997). 97-20-056, § 388-215-1010, filed 9/24/97, effective 10/25/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1025 Age requirement. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1025, filed 5/3/94, effective 6/3/94. Formerly parts of WAC

388-24-040 and 388-26-025.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1050 Living in the home of a relative of specified degree—Determination. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1050, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-125 (parts).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1060 Living in the home of a relative of specified degree—Child's parent defined. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1060, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-055 and 388-24-125.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1070 Living in the home of a relative of specified degree—Presumption of paternity. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1070, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-125 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1080 Living in the home of a relative of specified degree—Nonparental relative defined. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1080, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-125 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1100 Living in the home of a relative of specified degree—Temporary absence of child or caretaker relative. [Statutory Authority: RCW 74.08.090 and ESSB 6244, Section 206, 94-23-132 (Order 3811), § 388-215-1100, filed 11/23/94, effective 1/1/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1100, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-040 and 388-24-125.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1110 Living in the home of a relative of specified degree—Temporary absence—Attendance in school or training. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1110, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-125 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1115 Living in the home of a relative of specified degree—Temporary absence—Denial of assistance to a caretaker relative who fails to report a child's absence. [Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, Section 103 (a)(1) (1996). 97-08-032 and 97-10-041, § 388-215-1115, filed 3/27/97 and 4/30/97, effective 8/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1120 Living in the home of a relative of specified degree—Application for AFDC when child is in foster care or another relative's home. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1120, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-125 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1130 Living in the home of a relative of specified degree—Notification to parent of AFDC authorization. [Statutory Authority: RCW 74.08.090 and 1995 c 401, 95-19-002 (Order 3889), § 388-215-1130, filed 9/6/95, effective 10/7/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1140 Living in the home of a relative of specified degree—Request for address disclosure by child's parent. [Statutory Authority: RCW 74.08.090 and 1995 c 401, 95-19-002 (Order 3889), § 388-215-1140, filed 9/6/95, effective 10/7/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-215-1150 Living in the home of a relative of specified degree—Requirements for submitting a request for disclosure of a child's address. [Statutory Authority: RCW 74.08.090 and 1995 c 401, 95-19-002 (Order 3889), § 388-215-

- 1150, filed 9/6/95, effective 10/7/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1160 Living in the home of a relative of specified degree—Notifying the caretaker relative of a request for disclosure of a child's address. [Statutory Authority: RCW 74.08.090 and 1995 c 401. 95-19-002 (Order 3889), § 388-215-1160, filed 9/6/95, effective 10/7/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1170 Living in the home of a relative of specified degree—Responding to a request for disclosure of a child's address. [Statutory Authority: RCW 74.08.090 and 1995 c 401. 95-19-002 (Order 3889), § 388-215-1170, filed 9/6/95, effective 10/7/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1200 Citizenship and alienage. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-26-120 (part).] Repealed by 97-20-125, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090 and 74.04.0052.
- 388-215-1225 Washington residence—Establishing. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1225, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-26-055, 388-26-070 and 388-26-080.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1230 Washington residence—Maintaining. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1230, filed 5/3/94, effective 6/3/94. Formerly WAC 388-26-060 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1245 Washington residence—Authorizing return of Washington resident. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1245, filed 5/3/94, effective 6/3/94. Formerly WAC 388-26-105.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1300 Deprivation—Death. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1300, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-055 and 388-24-060.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1320 Deprivation—Absence—Requirement. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1320, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-055 and 388-24-070.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1325 Deprivation—Absence—Maintenance, physical care and guidance defined. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1325, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-070 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1330 Deprivation—Absence—Exceptions. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1330, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-070 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1335 Deprivation—Absence—Parent serving jail sentence at home. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1335, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-070 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1340 Deprivation—Incapacity—Requirement. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1340, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-065 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1345 Deprivation—Incapacity—Definition of incapacity. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1345, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-065 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1350 Deprivation—Incapacity—Medical evidence. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1350, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-065 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1355 Deprivation—Incapacity—Review process. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1355, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-065 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1360 Deprivation—Incapacity—Medical treatment. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1360, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-065 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1365 Deprivation—Unemployment—Requirement. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1365, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-074 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1370 Deprivation—Unemployment—Qualifying parent. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1370, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-074 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1375 Deprivation—Unemployment—Defined. [Statutory Authority: RCW 74.12.036 and 74.08.090, 97-14-082, § 388-215-1375, filed 7/1/97, effective 8/1/97; 96-23-021, § 388-215-1375, filed 11/12/96, effective 12/13/96. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1375, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-074 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1380 Deprivation—Unemployment—Exception to thirty-day rule. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1380, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-074 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1385 Deprivation—Unemployment—Work quarters. [Statutory Authority: RCW 74.04.050 and 74.04.055, 97-01-043, § 388-215-1385, filed 12/11/96, effective 1/11/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1385, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-074 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1390 Deprivation—Redetermination of eligibility when deprivation ceases. [Statutory Authority: RCW 74.08.090 and 74.12.036, 96-23-021, § 388-215-1390, filed 11/12/96, effective 12/13/96. Statutory Authority: RCW 74.12.036, 96-10-045 (Order 3971), § 388-215-1390, filed 4/26/96, effective 5/27/96. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1390, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1400 Support enforcement—Assignment of support rights—Cooperation with division of child support. [Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, Section 103 (a)(1) (1996), 97-08-033 and 97-10-042, § 388-215-1400, filed 3/27/97 and 4/30/97, effective 8/1/97. Statutory Authority: RCW 74.08.090.

- 94-10-065 (Order 3732), § 388-215-1400, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-108 and 388-24-109.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1410 Good cause not to cooperate with support enforcement—Good cause claims. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1410, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1420 Good cause not to cooperate with support enforcement—Department responsibilities. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1420, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1430 Good cause not to cooperate with support enforcement—Client responsibilities. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1430, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1440 Good cause not to cooperate with support enforcement—Good cause circumstances. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1440, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1450 Good cause not to cooperate with support enforcement—Evidence of good cause. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1450, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1460 Good cause not to cooperate with support enforcement—Inconclusive evidence of good cause. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1460, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1470 Good cause not to cooperate with support enforcement—No evidence of good cause. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1470, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1480 Good cause not to cooperate with support enforcement—Investigating good cause claims. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1480, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1490 Good cause not to cooperate with support enforcement—Coordination with support enforcement. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1490, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1500 Enumeration. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1500, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-052.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1510 Cooperation with quality control. [Statutory Authority: RCW 74.04.015, 74.04.055, 74.04.057 and 45 CFR 233.10 (a)(1)(ii)(B), 95-14-048 (Order 3860), § 388-215-1510, filed 6/28/95, effective 7/29/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1520 Employment or training. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1520, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-090.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1540 Strikers—Requirement. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1540, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-042.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1550 Temporary assistance to needy families (TANF)—Denial of assistance to fugitive felons and probation and parole violators. [Statutory Authority: RCW 74.04.050, 74.04.055 and P.L. 104-193, Section 103 (a)(1) (1996), 97-06-077, § 388-215-1550, filed 2/28/97, effective 3/31/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1560 Mandatory monthly reporting—Requirement. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1560, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1570 Denial of assistance to persons convicted of drug-related felonies. [Statutory Authority: RCW 74.08.090 and 74.08.025(4) amended in EHB 3901, section 101 (1997), 97-18-074, § 388-215-1570, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, Section 115 (1996), 97-08-034 and 97-10-040, § 388-215-1570, filed 3/27/97 and 4/30/97, effective 8/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1600 Assistance units. [Statutory Authority: RCW 74.04.050 and Section 406(a) and 407(a) of the Social Security Act - Definitions, 96-06-045 (Order 3950), § 388-215-1600, filed 3/5/96, effective 4/5/96. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1600, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-050 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1610 Assistance units—Optional members. [Statutory Authority: RCW 74.04.050 and Section 406(a) and 407(a) of the Social Security Act - Definitions, 96-06-045 (Order 3950), § 388-215-1610, filed 3/5/96, effective 4/5/96. Statutory Authority: RCW 74.08.090, 94-23-040 (Order 3806), § 388-215-1610, filed 11/9/94, effective 12/10/94; 94-10-065 (Order 3732), § 388-215-1610, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-050 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1620 Assistance unit—Excluded persons. [Statutory Authority: RCW 74.08.090 and 74.12.255, 97-20-128, § 388-215-1620, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 94-22-031 (Order 3799), § 388-215-1620, filed 10/26/94, effective 11/26/94; 94-10-065 (Order 3732), § 388-215-1620, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-050 and 388-26-145.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1630 Assistance units—Consolidation. [Statutory Authority: RCW 74.04.050, 74.05.055 and 74.08.090, 97-20-124, § 388-215-1630, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1650 Assistance to a minor. [Statutory Authority: RCW 74.08.090 and 74.12.255, 97-20-128, § 388-215-1650, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050, 74.04.055 and P.L. 104-193, Section 103 (a)(1) (1996), 97-06-076, § 388-215-1650, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1650, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-550.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1660 Unmarried pregnant or parenting teens under age eighteen—Required living arrangement. [Statutory Authority: RCW 74.08.090 and 74.12.255, 97-20-128, § 388-

- 215-1660, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, Section 103 (a)(1) (1996), 97-09-029, § 388-215-1660, filed 4/10/97, effective 5/11/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1670 Unmarried pregnant or parenting teens under age eighteen—Required school attendance. [Statutory Authority: RCW 74.08.090, 97-20-124, § 388-215-1670, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-216**
RESOURCE ELIGIBILITY
- 388-216-2000 Resources—Eligibility. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2000, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-005, 388-28-400, 388-28-410, 388-28-415, 388-28-435, 388-28-438 and 388-28-450.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2050 Resources—Ownership. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2050, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-400 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2075 Resources—Clarifying ownership or value. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2075, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-385 and 388-28-400.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2100 Resources—Community and separate property—Effect on ownership of a resource. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2100, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-360 and 388-28-365.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2150 Resources—Jointly owned resources. [Statutory Authority: RCW 74.08.090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2150, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2150, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-380 and 388-28-438.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2200 Resources—Availability. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-400 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2250 Resources—Making resources available. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2250, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-400 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2300 Resources—Trusts as unavailable resources. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2300, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-440 and 388-28-650.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2350 Resources—Availability of alien sponsor's resources. [Statutory Authority: RCW 74.04.050 and 74.08.090, 95-19-006 (Order 3891), § 388-216-2350, filed 9/6/95, effective 10/7/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2350, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2450 Resources—Exempt or disregarded income which is also exempt as a resource. [Statutory Authority: RCW 74.08.090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309), 97-19-008, § 388-216-2450, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2450, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2450, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2500 Resources—Exempt as a resource with no ceiling value. [Statutory Authority: RCW 74.08.090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309), 97-19-008, § 388-216-2500, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.005 (10)(b) and P.L. 104-193, Sec. 103 (a)(1) (1996), 97-06-075, § 388-216-2500, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2500, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-420, 388-28-435 and 388-28-439.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2550 Resources—Home. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2550, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2560 Resources—Temporary absence from home. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2560, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2570 Resources—Absence from home over ninety days. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2570, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2580 Resources—Medical absence from home. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2580, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2590 Resources—Absence from home due to natural disaster. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2590, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2600 Resources—Excess real property. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2600, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-425.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2650 Resources—Exempt within a ceiling value. [Statutory Authority: RCW 74.08.090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309), 97-19-008, § 388-216-2650, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2650, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2650, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-435 and 388-28-438.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2800 Resources—Value. [Statutory Authority: RCW 74.08.090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309), 97-19-008, § 388-216-2800, filed 9/4/97, effective 10/5/97.

- Statutory Authority: RCW 74.08.090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2800, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2800, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-400, 388-28-438 and 388-28-450.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2850 Resources—Accumulation and depletion of allowable cash resource reserves. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2850, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-440 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2900 Resources—Newly acquired resources. [Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.005 (11)(b) and P.L. 104-193, Sec. 103 (a)(1) (1996), 97-06-078, § 388-216-2900, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2900, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-435 and 388-28-482.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-3000 Individual development account. [Statutory Authority: RCW 74.08.090 and 1997 c 58 § 307.97-20-124, § 388-216-3000, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- Chapter 388-217**
TRANSFER OF PROPERTY
- 388-217-3000 Transfer of property—Definitions. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3000, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3050 Transfer of property—Assessing property transfers. [Statutory Authority: RCW 74.04.050 and 74.98.335, 95-24-015 (Order 3924), § 388-217-3050, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3050, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3100 Transfer of property—Adequate consideration. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3100, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3150 Transfer of property—Establishing intent to qualify for public assistance. [Statutory Authority: RCW 74.12.350, 94-16-046 (Order 3763), § 388-217-3150, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3150, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3200 Transfer of property—Effect on need. [Statutory Authority: RCW 74.04.050 and 74.98.335, 95-24-015 (Order 3924), § 388-217-3200, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3200, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3250 Transfer of property—Period of ineligibility. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3250, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3300 Transfer of property—Adjustment in period of ineligibility. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3300, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3350 effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Transfer of property—Exempt resource transfers by recipients. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3350, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-218**
AID TO FAMILIES WITH DEPENDENT CHILDREN—INCOME POLICIES
- 388-218-1010 Financial need—Rules and procedures. [Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1010, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1010, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-005 and 388-28-481.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1050 Definitions. [Statutory Authority: RCW 74.08.090 and Section 402 (A)(38) of the Social Security Act, 95-14-047 (Order 3861), § 388-218-1050, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090 and Public Law 103-82, 45 CFR 233.20 (a)(6)(iii) and (vi) and 233.20 (a)(11), 95-04-048 (Order 3829), § 388-218-1050, filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1050, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1050, filed 5/3/94, effective 6/3/94. Formerly parts of 388-28-390, 388-28-400, 388-28-475, 388-28-480, 388-28-482, 388-28-483, 388-28-484, 388-28-515, 388-28-535, 388-28-570, 388-28-575 and 388-28-600.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1100 Income—Ownership and use of income and income potentials. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1100, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-475 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1110 Income availability—Reduction of need. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1110, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-400 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1120 Entitlements. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1120, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-390 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1130 Community income. [Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1130, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1130, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-360 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1140 Separate income. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1140, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-365 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1200 Exempt income types. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-11-124 (Order 3857), § 388-218-1200, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1200, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-575 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1210 Exempt and disregarded income—Educational assistance. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005), 97-18-073, § 388-218-1210, filed 9/2/97, effective

- 10/3/97. Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-218-1210, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1210, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-575 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1220 Disregarded income—Native American benefits. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-218-1220, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1220, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-575 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1230 Disregarded income types. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1230, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-218-1230, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1230, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480, 388-28-532 and 388-28-575.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1300 Self-employment income. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1300, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1300, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-520 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1310 Adult family home income. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1310, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-532 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1320 Board, room rental, board and room income. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1320, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-530.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1330 Lease or rental of property. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1330, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1340 Self-produced or supplied items. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1340, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-600 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1350 Deductible self-employment expenses. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1350, filed 9/2/97, effective 10/3/97. Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-11-124 (Order 3857), § 388-218-1350, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1350, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-520 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1360 Nondeductible self-employment expenses. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1360, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-520 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1390 Community jobs program—Treatment of income. [Statutory Authority: RCW 74.08.090, 74.04.050 and 74.08A.320. 98-10-041, § 388-218-1390, filed 4/28/98, effective 5/29/98.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1400 Earned income types. [Statutory Authority: RCW 74.08.090 and Public Law 103-82, 45 CFR 233.20 (a)(6)(iii) and (vi) and 233.20 (a)(11). 95-04-048 (Order 3829), § 388-218-1400, filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1400, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-532 and 388-28-600.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1410 Earned income of a child. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1410, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1410, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-535 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1420 Earned income disregards—General. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1420, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part.) Repealed by 97-18-073, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005).
- 388-218-1430 Earned income disregards—Deduction sequence. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1430, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1430, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1440 Earned income disregard. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1440, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1440, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1450 Thirty dollars and one-third disregard. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-11-124 (Order 3857), § 388-218-1450, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1450, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part.) Repealed by 97-18-073, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005).
- 388-218-1460 Thirty-dollar disregard. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1460, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part.) Repealed by 97-18-073, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005).
- 388-218-1470 Dependent care disregard. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1470, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1470, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part.) Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1480 Circumstances where earned income disregards are not allowed. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1480, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part.) Repealed by 97-18-073, filed 9/2/97, effective 10/3/97.

	Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005).		
388-218-1500	Unearned income types. [Statutory Authority: RCW 74.08.090 and Public Law 103-82, 45 CFR 233.20 (a)(6)(iii) and (vi) and 233.20 (a)(11); 95-04-048 (Order 3829), § 388-218-1500, filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1500, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1620	Allocation of stepparent income and support. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1620, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-350.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1510	Time-loss compensation—Lien. [Statutory Authority: RCW 74.04.050 and 43.20B.720, 96-03-040 (Order 3940), § 388-218-1510, filed 1/10/96, effective 2/10/96. Statutory Authority: RCW 74.08.090 and Section 402 (A)(38) of the Social Security Act, 95-14-047 (Order 3861), § 388-218-1510, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1510, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-392(part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1630	Allocation of assistance unit income for support of legal dependents. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005), 97-18-073, § 388-218-1630, filed 9/2/97, effective 10/3/97. Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act, 95-11-124 (Order 3857), § 388-218-1630, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1630, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-500 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1515	Time-loss compensation—Unmarried parents. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1515, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-392(part).] Repealed by 95-14-047 (Order 3861), filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090 and section 402 (A)(38) of the Social Security Act.	388-218-1640	Allocation of nonassistance unit income for support of legal dependents. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1640, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-560 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1520	Income from employment or training programs. [Statutory Authority: RCW 74.08.090 and Public Law 103-82, 45 CFR 233.20 (a)(6)(iii) and (vi) and 233.20 (a)(11); 95-04-048 (Order 3829), § 388-218-1520, filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1520, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-515 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1650	Allocation of support for stepchildren. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1650, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-535 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1530	Determining net income—Other income. [Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.005 (11)(b) and P.L. 104-193, Sec. 103 (a)(1) (1996), 97-06-078, § 388-218-1530, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1530, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-438, 388-28-474, 388-28-555 and 388-28-580.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1660	Allocation of support for child by nonresponsible adult. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1660, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-355.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1540	Assistance from other agencies and organizations. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1540, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-578 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1670	Allocation of parental income to a minor parent. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1670, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-560 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1600	Allocation of income—General. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1600, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1680	Allocation of income to pregnant women. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act, 95-11-124 (Order 3857), § 388-218-1680, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1680, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1605	Allocation of income—Multiple assistance units. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act, 95-11-124 (Order 3857), § 388-218-1605, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1605, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-500 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1690	Allocation of the income of an ineligible child. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1690, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-535 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1610	Allocation of parental income and support. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act, 95-11-124 (Order 3857), § 388-218-1610, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1610, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-485.] Repealed by 98-16-044,	388-218-1695	Deeming of income—Alien sponsorship. [Statutory Authority: RCW 74.04.050 and 74.08.090, 95-19-005 (Order 3890), § 388-218-1695, filed 9/6/95, effective 10/7/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1695, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-590 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
		388-218-1700	Prospective eligibility. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1700, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-483 (part).] Repealed by 98-06-056, filed 2/27/98, effective 3/30/98. Statutory Authority: RCW 74.08.090 and 1997 c 58.
		388-218-1710	Income tests. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, sec-

- tion 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1710, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1710, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1720 One hundred eighty-five percent of need test. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1720, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1720, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480 and 388-28-484.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1730 One hundred percent of need test. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-11-124 (Order 3857), § 388-218-1730, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1730, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 97-18-073, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005).
- 388-218-1735 The maximum amount a TANF family can earn. [Statutory Authority: RCW 74.08.090. 97-20-124, § 388-218-1735, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1740 Payment standard test. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1740, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1740, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1800 Treatment of newly acquired nonexempt income. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1800, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-484 (part).] Repealed by 98-06-056, filed 2/27/98, effective 3/30/98. Statutory Authority: RCW 74.08.090 and 1997 c 58.
- 388-218-1810 Treatment of recurring income. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1810, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-484 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1820 Treatment of nonrecurring income—Lump sum payments. [Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.005 (11)(b) and P.L. 104-193, Sec. 103 (a)(1) (1996). 97-06-078, § 388-218-1820, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1820, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480 and 388-28-484.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1830 Treatment of income—Suspension of a grant. [Statutory Authority: RCW 74.04.050 and 45 CFR 233.34 (c) and (d). 96-01-008 (Order 3934), § 388-218-1830, filed 12/6/95, effective 1/6/96. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1830, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-483 and 388-28-484.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1900 Prospective budgeting. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1900, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-483 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1910 Retrospective budgeting. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1910, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-483 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1920 Determining grant amount—General. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1920, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-482 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1930 Determining grant amount—Applicants. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1930, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1940 Determining grant amount—Recipients. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1940, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 98-06-056, filed 2/27/98, effective 3/30/98. Statutory Authority: RCW 74.08.090 and 1997 c 58.

Chapter 388-219

GENERAL ASSISTANCE—INCOME POLICIES

- 388-219-0100 General assistance for pregnant women. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-0100, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-0200 General assistance for children. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-0200, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-1000 General assistance-unemployable. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-1000, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-1100 GAU exempt income. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-1100, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480 and 388-28-575.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-1500 GAU earned income disregards. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-1500, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-1600 GAU work expense disregards. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-1600, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-515 and 388-28-570.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-1700 GAU training expense disregard. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-1700, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-515 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-2000 Deeming of income of an alien's sponsor. [Statutory Authority: 1994 1st sp.s. c 6. 94-13-050 (Order 3741), § 388-219-2000, filed 6/8/94, effective 7/9/94. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-2000, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-590 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-2500 Exemption of nonrecurring income—Lump sum payments. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-2500, filed 5/3/94, effective 6/3/94, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

- tive 6/3/94. Formerly parts of WAC 388-28-440, 388-28-474, 388-28-475 and 388-28-575.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-2600 GAU treatment of nonrecurring income. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-219-2600, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480 and 388-28-484.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-3000 GAU allocation of income. [Statutory Authority: RCW 74.08.090, 96-10-031 (Order 3970), § 388-219-3000, filed 4/24/96, effective 5/25/96; 94-10-065 (Order 3732), § 388-219-3000, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-500, 388-28-560 and 388-28-575.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-3500 GAU income test. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-219-3500, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-220**
STATE FAMILY ASSISTANCE
- 388-220-0001 Purpose of program. [Statutory Authority: RCW 74.08.090 and 1997 c 57, 97-20-124, § 388-220-0001, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-220-0030 State family assistance eligibility. [Statutory Authority: RCW 74.08.090 and 1997 c 57, 97-20-124, § 388-220-0030, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-220-0050 Special residency requirement for aliens. [Statutory Authority: RCW 74.08.090 and 74.08A.100, 98-08-036, § 388-220-0050, filed 3/24/98, effective 4/24/98.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-225**
CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM—
CEAP
- 388-225-0010 Purpose of program. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0010, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0020 General provisions. [Statutory Authority: RCW 74.08.090, 95-11-046 (Order 3851), § 388-225-0020, filed 5/10/95, effective 6/10/95; 94-06-026 (Order 3707), § 388-225-0020, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0050 Assistance units. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0050, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0060 Eligibility conditions—Emergent needs. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0060, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0070 Eligibility conditions—Residency and alien status. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0070, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0080 Eligibility conditions—Living with a relative of specified degree. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0080, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0090 Eligibility conditions—Job refusal. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0090, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0100 Eligibility conditions—Other possible resources. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0100, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0120 Eligibility conditions—Income and resource eligibility. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0120, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0150 Exempt income and resources. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0150, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0160 Income deductions. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0160, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0170 Determining income and resources. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0170, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0180 Financial need and CEAP grant amount. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0180, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0190 Payment limitations. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0190, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0300 Crisis intervention social services for families and children. [Statutory Authority: RCW 74.08.090, 94-06-026 (Order 3707), § 388-225-0300, filed 2/23/94, effective 3/26/94.] Repealed by 95-11-046 (Order 3851), filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 74.08.090.
- Chapter 388-230**
GENERAL ASSISTANCE FOR PREGNANT WOMEN
- 388-230-0010 Purpose of program. [Statutory Authority: RCW 74.08.090 and 74.04.0052, 97-20-128, § 388-230-0010, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 93-16-059 (Order 3556), § 388-230-0010, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-230-0030 Definitions. [Statutory Authority: RCW 74.08.090, 93-16-059 (Order 3556), § 388-230-0030, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-230-0040 Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090, 93-16-059 (Order 3556), § 388-230-0040, filed 7/29/93, effective 8/29/93.] Repealed by 97-20-125, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090 and 74.04.0052.
- 388-230-0050 Assistance units. [Statutory Authority: RCW 74.08.090, 93-16-059 (Order 3556), § 388-230-0050, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-230-0060 Eligibility conditions—Program criteria. [Statutory Authority: RCW 74.08.090 and 74.04.0052, 97-20-128, § 388-230-0060, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 93-16-059 (Order

- 3556), § 388-230-0060, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-230-0080 Persons in institutions. [Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0080, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-230-0090 Eligibility conditions—Financial criteria. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-230-0090, filed 7/27/94, effective 9/1/94; 93-16-059 (Order 3556), § 388-230-0090, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-230-0110 Need and payment standards. [Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0110, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-230-0120 Protective payees. [Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0120, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-230-0140 Ineligibility based on benefits from other programs. [Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0140, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- Chapter 388-233**
GENERAL ASSISTANCE FOR CHILDREN
- 388-233-0010 Purpose of program. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0010, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0010, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-233-0020 Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0020, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0020, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-233-0030 Assistance units. [Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0030, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-233-0040 Eligibility conditions—Program criteria. [Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0040, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-233-0050 Eligibility conditions—Assignment of rights to support. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0050, filed 11/22/95, effective 1/1/96. Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0050, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-233-0060 Eligibility conditions—Support enforcement cooperation. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0060, filed 11/22/95, effective 1/1/96; 94-16-044 (Order 3759), § 388-233-0060, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0060, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-233-0070 Eligibility conditions—Financial criteria. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0070, filed 11/22/95, effective 1/1/96; 4-16-044 (Order 3759), § 388-233-0070, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0070, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-233-0080 Need and payment standards. [Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0080, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-233-0090 Grant payee. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0090, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0090, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-233-0100 Redetermination of eligibility. [Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0100, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-245**
MAINTENANCE OF GRANT PROGRAMS
- 388-245-1000 Definitions. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1000, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-135, 388-33-235, 388-33-240 and 388-33-376.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1150 Periodic and special review of eligibility. [Statutory Authority: RCW 74.04.050, 74.08.090 and Public Law 104-193 (1996). 98-04-015, § 388-245-1150, filed 1/26/98, effective 2/26/98. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1150, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-260, 388-38-280 and 388-38-285.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1160 Eligibility review forms. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1160, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-280 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1170 Department action on review of eligibility. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-245-1170, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1170, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-290.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1210 Program changes. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1210, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1300 Change of grant amount. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-245-1300, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1300, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-335.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1310 Effective date of change in grant amount. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1310, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-140.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1315 Effective date of grant amount—Monthly deduction of overpayment. [Statutory Authority: RCW 74.08.090.

- 94-10-065 (Order 3732), § 388-245-1315, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-190.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1320 Address changes to another local office area. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1320, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-230, 388-33-235, 388-33-240 and 388-33-376.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1350 Redirection of warrant. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090, 97-02-047, § 388-245-1350, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1350, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-270.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1400 Suspension of grant. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1400, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-355 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1410 Reinstatement or termination of a suspended grant. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1410, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-120 and 388-33-355.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1500 Termination of grant. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1500, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-365 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1510 Effective date of ineligibility for terminated grants. [Statutory Authority: RCW 74.04.050, 74.08.090 and Public Law 104-193 (1996), 98-04-016, § 388-245-1510, filed 1/26/98, effective 2/26/98. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1510, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-135 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1520 Reinstatement of grant terminated in error. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1520, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-375 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1600 Effective date adjusted by fair hearing or court decision. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1600, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-165.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1610 Effective date of law or rule change. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1610, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-170.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1700 Written notice—Adverse actions for recipients. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1700, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-376 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1710 Dispensation of advance notice. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1710, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-385.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1715 Recipient to provide information or take action to maintain continued eligibility for financial assistance. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090, 97-02-047, § 388-245-1715, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1715, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-265 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1720 Recipient provides information or takes action during advance notice period. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090, 97-02-047, § 388-245-1720, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1720, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-265 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1730 Assistance during the advance notice period. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1730, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-382 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1740 Grant continuation pending fair hearing. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1740, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-377.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-2010 Monthly reporting—General. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-2010, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-2020 Monthly reporting—Definitions. [Statutory Authority: RCW 74.04.050 and 74.08.090, 96-07-025 (Order 3952), § 388-245-2020, filed 3/13/96, effective 5/1/96. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-2020, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-2030 Monthly reporting—Requirements. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-2030, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-2040 Monthly reporting—Time frames. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-2040, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-2050 Monthly reporting—Adverse actions. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-2050, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

**Chapter 388-250
GRANT STANDARDS**

- 388-250-1010 Definitions. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1010, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1050 Standards of assistance. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1050, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1100 Standards of assistance—Assistance units. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1100, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1150 Standards of assistance—Basic requirements. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1150, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1715, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-265 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

- Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1200 Standards of assistance—Basic requirements—Need and payment standards. [Statutory Authority: RCW 74.04.050 and 45 CFR 233.20 (a)(2). 95-07-123 (Order 3843), § 388-250-1200, filed 3/22/95, effective 4/22/95. Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1200, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1225 TANF payment standards for recent arrivals to Washington state. [Statutory Authority: RCW 74.04.050, 74.04.057 and 74.08.090, 97-20-124, § 388-250-1225, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1250 Standards of assistance—Need standards. [Statutory Authority: RCW 74.04.050, 74.08.090 and 74.04.200. 98-08-037, § 388-250-1250, filed 3/24/98, effective 4/24/98. Statutory Authority: RCW 74.04.050, 97-01-001, § 388-250-1250, filed 12/5/96, effective 1/5/97. Statutory Authority: RCW 74.08.025, 74.08.090, 80.36.420 (3)(a)(b) and 45 CFR 233.20 (a)(1)(i). 95-21-049 (Order 3910), § 388-250-1250, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 45 CFR 233.20 (a)(1) and (2). 94-20-039 (Order 3784), § 388-250-1250, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1250, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1300 Standards of assistance—One hundred eighty-five percent of need standards. [Statutory Authority: RCW 74.04.050, 97-01-001, § 388-250-1300, filed 12/5/96, effective 1/5/97. Statutory Authority: RCW 74.08.025, 74.08.090, 80.36.420 (3)(a)(b) and 45 CFR 233.20 (a)(1)(i). 95-21-049 (Order 3910), § 388-250-1300, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 45 CFR 233.20 (a)(1) and (2). 94-21-043 (Order 3797), § 388-250-1300, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1300, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1310 Maximum earned income levels. [Statutory Authority: RCW 74.08.090, 97-20-124, § 388-250-1310, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1350 Standards of assistance—Payment standards for general assistance-unemployable, and Alcoholism and Drug Additional Treatment and Support Act programs. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1350, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1400 Standards of assistance—Payment standards for aid to families with dependent children, refugee assistance, and general assistance for pregnant women programs. [Statutory Authority: RCW 74.04.050 and 45 CFR 233.20 (a)(2). 96-04-002 (Order 3941), § 388-250-1400, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1400, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1450 Standards of assistance—Grant maximum. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1450, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1500 Standards of assistance—Consolidated emergency assistance (CEAP). [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1500, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1550 Standards of assistance—Persons in medical institutions. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1550, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1600 Standards of assistance—Persons in congregate care facilities (CCF), adult residential rehabilitation centers/adult residential treatment facilities (ARRC/ARTF), and division of developmental disabilities (DDD) group home facilities. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1600, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1650 Standards of assistance—Adult family home care. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1650, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1700 Standards of assistance—Federal, state supplemental and combined benefit levels for clients eligible for supplemental security income. [Statutory Authority: RCW 74.04.600, 74.04.620 and Federal Register, Vol. 62, No. 210 (10/30/97). 98-06-057, § 388-250-1700, filed 2/27/98, effective 3/30/98. Statutory Authority: RCW 74.08.090, 74.04.630 and Social Security Act COLA Increases (Federal Register 61 pages 55346-51) 1997. 97-14-011, § 388-250-1700, filed 6/19/97, effective 8/1/97. Statutory Authority: RCW 74.08.090 and Legislative decision in the 1995 Budget Bill. 96-10-044 (Order 3972), § 388-250-1700, filed 4/26/96, effective 5/27/96; 95-20-028 (Order 3903), § 388-250-1700, filed 9/27/95, effective 10/28/95. Statutory Authority: RCW 74.04.050 and 45 CFR 233.20 (a)(2)(vi). 95-03-046 (Order 3822), § 388-250-1700, filed 1/11/95, effective 2/11/95. Statutory Authority: 1994 sp.s. c. 6. 94-15-003 (Order 3750), § 388-250-1700, filed 7/7/94, effective 8/7/94. Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1700, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1750 Standards of assistance—Additional requirements. [Statutory Authority: RCW 74.08.025, 74.08.090, 80.36.420 (3)(a)(b) and 45 CFR 233.20 (a)(1)(i). 95-21-049 (Order 3910), § 388-250-1750, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-250-1750, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

Chapter 388-270

INCORRECT PAYMENTS

- 388-270-1005 Incorrect payments—General. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1005, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1010 Overpayment amount. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1010, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1025 Overpayment—Support payments not treated as a grant overpayment. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1025, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1075 Overpayment—Liability. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1075, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1100 Verification of overpayment. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1100, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory

<p>388-270-1110</p> <p>388-270-1125</p> <p>388-270-1150</p> <p>388-270-1200</p> <p>388-270-1250</p> <p>388-270-1300</p> <p>388-270-1400</p> <p>388-270-1500</p> <p>388-270-1550</p> <p>388-270-1600</p>	<p>Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p> <p>Rights and responsibilities. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1110, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p> <p>Determination of intent. [Statutory Authority: RCW 74.08.090, 96-17-032, § 388-270-1125, filed 8/15/96, effective 9/15/96; 94-05-045 (Order 3704), § 388-270-1125, filed 2/9/94, effective 3/12/94. Formerly WAC 388-38-255 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p> <p>Notification of overpayment. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1150, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p> <p>Invalid overpayment. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1200, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p> <p>Repayment of grant overpayment from a current recipient. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1250, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p> <p>Repayment of grant overpayment occurring prior to April 3, 1982, and resulting from department error. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1300, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p> <p>Recovery of overpayments by mandatory grant deduction. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1400, filed 2/9/94, effective 3/12/94. Formerly WAC 388-33-045.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p> <p>Repayment from estate. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1500, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p> <p>Underpayments. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1550, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p> <p>Time limits, write-offs, and compromises. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1600, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>	<p>388-300-0400</p> <p>388-300-0500</p> <p>388-300-0600</p> <p>388-300-0700</p> <p>388-300-0800</p> <p>388-300-0900</p> <p>388-300-1000</p> <p>388-300-1100</p> <p>388-300-1200</p> <p>388-300-1300</p>	<p>and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-0300, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Participation exemptions. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-0400, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Required participation. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-0500, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Referral to pathways. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-0600, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Re-employment pathway. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-0700, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Young person education pathway. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-0800, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Employment investment pathway. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-0900, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Disability advocacy pathway. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-1000, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Employability assessment. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-1100, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Employability plan. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-1200, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Component approval. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-1300, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090,</p>
<p>Chapter 388-300 JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM</p>			
<p>388-300-0100</p> <p>388-300-0200</p> <p>388-300-0300</p>	<p>Job opportunities and basic skills training (JOBS) program—Authority and purpose. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-0100, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Definitions. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-0200, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.</p> <p>Providing program information and opportunity to participate. [Statutory Authority: Chapter 74.25A RCW</p>	<p>388-300-1100</p> <p>388-300-1200</p> <p>388-300-1300</p>	

388-300-1400	74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Funding priority criteria. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1400, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-2400	74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Job search program. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-2400, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-1500	Annual review for continued funding. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1500, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-2500	Jobs skills training. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-2500, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-1600	Component costs and supportive service funding conditions. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1600, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-2600	Post-secondary education. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-2600, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-1700	Lack of program funds. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1700, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-2700	Work experience program (WEX). [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-2700, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-1800	Termination of payments for component costs, supportive services, and child care. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1800, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-2800	On-the-job training (OJT). [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-2800, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-1900	Notice of component decisions or funding decisions. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1900, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-2900	Work supplementation program (WSP). [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-2900, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2000	Child care. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-2000, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-3000	Self-initiated training or education. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-3000, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2100	Unemployed parent program. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-2100, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-3100	Job development and placement services. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-3100, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2200	Basic educational activities. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-2200, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-3200	Good cause for refusal or failure to participate. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-3200, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2300	Job readiness activities. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-2300, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090,	388-300-3300	Conciliation. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-3300, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97.

- Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- 388-300-3400 Sanctions for refusal or failure to participate. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3400, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- 388-300-3500 Complaints and grievances. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3500, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- 388-300-3600 Fair hearings. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3600, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- 388-300-3700 Displacement of regular employees. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3700, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- 388-300-3800 Employment protection. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3800, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- 388-300-3900 Tribal JOBS. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3900, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- 100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-472-0005.
- 388-504-0440 Client's responsibilities. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0440, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-83-005, 388-83-006, 388-85-105, 388-99-050, 388-100-020 and 388-100-025.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-472-0005.
- 388-504-0450 Department's responsibilities. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0450, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-83-005, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-472-0005.
- 388-504-0460 Verification. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0460, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-490-0005.
- 388-504-0470 Application disposition. [Statutory Authority: RCW 74.08.090, 95-22-040 (Order 3912, #100241), § 388-504-0470, filed 10/25/95, effective 11/25/95; 94-10-065 (Order 3732), § 388-504-0470, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-110, 388-84-110, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0035.
- 388-504-0480 Delayed and pended application. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0480, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-110, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0040 and 388-406-0045.
- 388-504-0485 Approval of previously denied application. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0485, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-110, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0060 and 388-406-0065.

Chapter 388-504

FILING A MEDICAL APPLICATION

- 388-504-0405 Filing a medical application. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0405, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-105, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0005 and 388-406-0010.
- 388-504-0410 Authorized representative. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0410, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-105, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0005.
- 388-504-0420 Interview process. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0420, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-105, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-452-0005.
- 388-504-0430 Client's rights. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0430, filed 5/3/94, effective 6/3/94. Formerly WAC 388-99-050 and 388-

Chapter 388-507

AFDC-RELATED MEDICAL ELIGIBILITY

- 388-507-0710 TANF-related medical program income standards. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, 74.09.575 and Section 1924 (42 USC 1396r-5), 98-11-033, § 388-507-0710, filed 5/14/98, effective 6/14/98. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090 and 74.09.575. 97-09-112, § 388-507-0710, filed 4/23/97, effective 5/24/97. Statutory Authority: RCW 74.08.090 and Title XIX State Agency Letter 95-44, 96-09-033 (Order 3963), § 388-507-0710, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090 and Title XIX State Agency Letter 94-49, notice of increase in SSI level. 95-05-022 (Order 3832), § 388-507-0710, filed 2/8/95, effective 3/11/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-507-0710, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0065, 388-478-0020 and 388-478-0070.
- 388-507-0720 Resource standards. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-507-0720, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-99-035 and 388-99-040.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070.

- 388-507-0730 Resource availability. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-507-0730, filed 5/3/94, effective 6/3/94. Formerly WAC 388-99-040 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-470-0015 and 388-408-0055.
- 388-507-0740 Special situations. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, 74.04.005, 74.08.331, 74.08A.010, [74.08A.]100, [74.08A.]210, [74.08A.]230, 74.09.510, 74.12.255, Public Law 104-193 (1997) and the Balanced Budget Act [of] 1997. 98-15-066, § 388-507-0740, filed 7/13/98, effective 7/30/98. Statutory Authority: RCW 74.08.090, 96-07-023 (Order 3954), § 388-507-0740, filed 3/13/96, effective 4/13/96; 94-10-065 (Order 3732), § 388-507-0740, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-505-0220.
- Chapter 388-508**
PREGNANT WOMEN MEDICAL ELIGIBILITY
- 388-508-0805 Pregnant woman—Income standards. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and Social Security Act, Federal Register, March 10, 1997, pgs. 10856 - 10859, 42 U.S.C. 1396 (a)(1)(m), 97-16-008, § 388-508-0805, filed 7/24/97, effective 7/24/97. Statutory Authority: RCW 74.08.090, 96-15-029, § 388-508-0805, filed 7/10/96, effective 7/10/96; 95-11-045 (Order 3848), § 388-508-0805, filed 5/10/95, effective 6/10/95; 94-10-065 (Order 3732), § 388-508-0805, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-032 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0075.
- 388-508-0810 Pregnant woman—Resource standards. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-508-0810, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-032 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0075.
- 388-508-0820 Pregnant woman—Eligibility. [Statutory Authority: RCW 74.08.090, 95-16-058 (Order 3874), § 388-508-0820, filed 7/26/95, effective 8/26/95; 94-10-065 (Order 3732), § 388-508-0820, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-032 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-462-0015 and 388-478-0065.
- 388-508-0830 Pregnant woman—Postpregnancy continuation of eligibility. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-508-0830, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-83-031 and 388-99-011.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-462-0015.
- 388-508-0835 Postpregnancy family planning extension. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-508-0835, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-03101.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-462-0015.
- 388-508-0840 Pregnant woman—Change of circumstances. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-508-0840, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-032 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0025.
- Chapter 388-509**
CHILDREN'S MEDICAL ELIGIBILITY
- 388-509-0905 Medicaid for infants and newborns. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-509-0905, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-505-0210.
- 388-509-0910 Medicaid for children—Eligible to nineteen years of age. [Statutory Authority: RCW 74.08.090, 94-17-036 (Order 3769), § 388-509-0910, filed 8/10/94, effective 9/10/94; 94-10-065 (Order 3732), § 388-509-0910, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-505-0210 and 388-478-0075.
- 388-509-0920 Children's health program. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and Social Security Act, Federal Register, March 10, 1997, pgs. 10856 - 10859, 42 U.S.C. 1396 (a)(1)(m), 97-16-008, § 388-509-0920, filed 7/24/97, effective 7/24/97. Statutory Authority: RCW 74.08.090, 96-15-029, § 388-509-0920, filed 7/10/96, effective 7/10/96; 95-11-056 (Order 3848A), § 388-509-0920, filed 5/11/95, effective 6/11/95; 94-17-036 (Order 3769), § 388-509-0920, filed 8/10/94, effective 9/10/94; 94-10-065 (Order 3732), § 388-509-0920, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-505-0210, 388-478-0075 and 388-418-0025.
- 388-509-0940 Children's resource standards. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-509-0940, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0075.
- 388-509-0960 Children's income standards. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and Social Security Act, Federal Register, March 10, 1997, pgs. 10856 - 10859, 42 U.S.C. 1396 (a)(1)(m), 97-16-008, § 388-509-0960, filed 7/24/97, effective 7/24/97. Statutory Authority: RCW 74.08.090, 96-15-029, § 388-509-0960, filed 7/10/96, effective 7/10/96; 95-11-056 (Order 3848A), § 388-509-0960, filed 5/11/95, effective 6/11/95. Statutory Authority: RCW 74.08.090 and Letter from HCFA approving State Plan Transmittal 94-21, 95-05-023 (Order 3833), § 388-509-0960, filed 2/8/95, effective 3/11/95. Statutory Authority: RCW 74.08.090, 94-17-036 (Order 3769), § 388-509-0960, filed 8/10/94, effective 9/10/94; 94-10-065 (Order 3732), § 388-509-0960, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0075 and 388-418-0025.
- 388-509-0970 Closing dates. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-509-0970, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0025 and 388-416-0015.
- Chapter 388-518**
LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT (LCP-MI)
- 388-518-1805 LCP-MI eligibility. [Statutory Authority: RCW 74.08.090 and Budget Note 17, 96-16-092, § 388-518-1805, filed 8/7/96, effective 8/29/96. Statutory Authority: RCW 74.08.090, 95-22-039 (Order 3913, #100246), § 388-518-1805, filed 10/25/95, effective 10/28/95; 95-04-049 (Order 3828), § 388-518-1805, filed 1/25/95, effective 2/25/95; 94-10-065 (Order 3732), § 388-518-1805, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-010 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-438-0100, chapters 388-468, 388-424 and 388-476 WAC.
- 388-518-1810 LCP-MI emergency medical expense requirement (EMER). [Statutory Authority: RCW 74.08.090 and Budget Note 17, 96-16-092, § 388-518-1810, filed 8/7/96, effective 8/29/96. Statutory Authority: RCW 74.08.090, 95-22-039 (Order 3913, #100246), § 388-518-1810, filed 10/25/95, effective 10/28/95; 94-10-065

(Order 3732), § 388-518-1810, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-100-010 and 388-100-030.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-438-0100.

388-518-1820 LCP-MI resource availability. [Statutory Authority: RCW 74.08.090, 96-07-023 (Order 3954), § 388-518-1820, filed 3/13/96, effective 4/13/96; 94-10-065 (Order 3732), § 388-518-1820, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-010 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070 and 388-488-0005.

388-518-1830 LCP-MI income availability. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-518-1830, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-010 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070 and 388-519-0110.

388-518-1840 LCP-MI spenddown. [Statutory Authority: RCW 74.08.090, 95-22-039 (Order 3913, #100246), § 388-518-1840, filed 10/25/95, effective 10/28/95; 94-10-065 (Order 3732), § 388-518-1840, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-015.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-519-0100, 388-478-0070 and 388-519-0110.

388-518-1850 LCP-MI standard. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-518-1850, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070 and 388-438-0100(7).

Chapter 388-521

MEDICAL EFFECTIVE DATES

388-521-2105 Effective eligibility date for Medicaid. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2105, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0020 and 388-416-0015.

388-521-2106 Eligibility for children's health program. [Statutory Authority: RCW 74.08.090 and 74.09.415, 96-18-091, § 388-521-2106, filed 9/4/96, effective 10/5/96.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0025.

388-521-2110 Effective date for SSI medical. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2110, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0010.

388-521-2120 Effective date for medical care services. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2120, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-120.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0010.

388-521-2130 Effective date for the medically needy program. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2130, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-115 and 388-99-050.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0020.

388-521-2140 Effective date for the medically indigent program. [Statutory Authority: RCW 74.08.090, 95-22-039 (Order 3913, #100246), § 388-521-2140, filed 10/25/95, effective 10/28/95; 94-10-065 (Order 3732), § 388-521-2140, filed 5/3/94, effective 6/3/94. Formerly

parts of WAC 388-84-115, 388-100-020 and 388-100-025.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0030.

388-521-2150 Effective date for the qualified Medicare beneficiary (QMB) program. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2150, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0035(1).

388-521-2155 Effective date for the qualified disabled working individual (QDWI) program. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2155, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0035(2).

388-521-2160 Effective date and certification period for the special low-income Medicare beneficiary (SLMB) program. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and H.R. 2015, Sec. 4732, The Balanced Budget Act of 1997, 98-11-073, § 388-521-2160, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2160, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0035(3).

388-521-2170 Effective date—Reapplication. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2170, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Chapter 388-522

MEDICAL ELIGIBILITY CHANGES

388-522-2205 Redetermination of medical assistance. [Statutory Authority: RCW 74.08.090, 74.09.530, 42 CFR 435 and 42 U.S.C. 1302, 97-15-084, § 388-522-2205, filed 7/17/97, effective 7/24/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-522-2205, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-85-105 and 388-85-110.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0025 and 388-418-0030.

388-522-2210 Effect of grant termination. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-522-2210, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-105 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0025, 388-416-0010, 388-416-0025, 388-505-0220, 388-523-0100, 388-416-0015 and 388-462-0015.

388-522-2230 Eligibility reviews. [Statutory Authority: RCW 74.08.090 and Budget Note 17, 96-16-092, § 388-522-2230, filed 8/7/96, effective 8/29/96. Statutory Authority: RCW 74.08.090, 95-15-039 (Order 3870), § 388-522-2230, filed 7/12/95, effective 8/12/95; 94-10-065 (Order 3732), § 388-522-2230, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-105 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-434-0005, 388-416-0015, 388-519-0100(2) and 388-519-0110(1).

Chapter 388-524

MEDICAL TERMINATIONS

388-524-2405 SSI/state supplement termination. [Statutory Authority: RCW 74.08.090, 74.09.530, 42 CFR 435 and 42 U.S.C. 1302, 97-15-084, § 388-524-2405, filed 7/17/97, effective 7/24/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-524-2405, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-110 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98.

- 388-524-2420 Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-474-0015.
Medical care services termination. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-524-2420, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-120.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0010(4).

**Chapter 388-525
MEDICAL NOTICES**

- 388-525-2505 Notification of medical approval. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-525-2505, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-110 and 388-100-025.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0050.
388-525-2520 Notification of medical termination. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-525-2520, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-458-0010.
388-525-2570 Notification of medical changes. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-525-2570, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-105 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0030.

**Chapter 388-528
RECEIPT OF RESOURCES WITHOUT GIVING ADEQUATE
CONSIDERATION**

- 388-528-2810 Receipt of resources—Penalties. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-528-2810, filed 5/3/94, effective 6/3/94. Formerly WAC 388-81-052.] Repealed by 97-03-037, filed 1/9/97, effective 2/9/97. Statutory Authority: RCW 74.08.090 and 43.20B.710.

**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
ARTE	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)
COPEs	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

- 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.
- 388-08-00201 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).
- 388-08-003 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.
- 388-08-004 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.
- 388-08-00401 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).
- 388-08-005 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.
- 388-08-006 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).
- 388-08-00601 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).
- 388-08-007 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.
- 388-08-010 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).
- 388-08-015 Attendance at hearing—Procedure. [Regulation 23.39, filed 10/13/66, effective 11/13/66.] Repealed by Order 286, filed 4/1/68.
- 388-08-050 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.
- 388-08-055 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.
- 388-08-080 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.
- 388-08-083 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.
- 388-08-150 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.
- 388-08-160 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.
- 388-08-170 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.
- 388-08-180 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.
- 388-08-190 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.
- 388-08-200 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.
- 388-08-210 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.
- 388-08-220 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.
- 388-08-230 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;

(m) Permit the department to amend the adverse notice before the hearing or to amend the notice to conform to the evidence at the hearing. The department shall reduce such amendment to writing and submit the written amendment to both the ALJ and all parties as quickly as possible. The ALJ may grant a party a continuance when necessary to allow that party additional time to prepare or present evidence and/or argument as to the amendment; and

(n) 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 34.05.020 and 74.08.090. 96-20-010, § 388-08-425, filed 9/20/96, effective 10/21/96. 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

(1999 Ed.)

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 public assistance cases including the aid to families with dependent children program under Title IV-A and programs under Titles IV-F, XVI, or XIX of the Social Security Act, general or medical assistance under Title 74 RCW, in the food stamp program under 7 CFR § 273.15 and 273.16, and the refugee assistance program under 45 CFR § 400, 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. The appellant does not have to show good cause to convert the hearing.

(ii) In a program not described under subsection (1)(b)(i) of this section, an appellant shall be advised of the right to request conversion for good cause and the ALJ shall, upon request, schedule a prehearing conference to determine whether to grant the request. The ALJ shall grant the request upon a showing of good cause by any party.

(iii) For purposes of this subsection, good cause shall include, but not be limited to, those cases in which a party is limited in the ability to present evidence or testimony by a disability or communication barrier, or cases in which question of credibility are at issue, demonstrative evidence is to be

presented, or a significant number of documents are to be offered in evidence. In cases where there is a potential for physical or emotional harm to one of the participants, the ALJ may issue such orders as are necessary to protect the participant. If an in-person hearing is granted or denied, the ALJ may reschedule the in-person hearing to a different date and time. If the request for an in-person hearing is denied, the ALJ shall enter a written order which is subject to appeal only after entry of the initial decision on the merits of the underlying case. The ALJ shall include findings of fact to support the denial of the in-person hearing in the initial decision and order.

(2) Documentary evidence. When the hearing is conducted by electronic means, the ALJ may enter an order to submit documentary evidence in advance as provided under WAC 388-08-452(2). The department shall notify a party in a support enforcement hearing that the department will, upon request, assist the party by copying and transmitting the documentary evidence in advance and at no charge.

[Statutory Authority: RCW 34.05.020 and 74.08.090. 96-20-010, § 388-08-449, filed 9/20/96, effective 10/21/96. 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 388-08-462 Corrected decision. Within ten days of service of the initial decision, any party may file a request with the presiding officer for a corrected decision based on a purely clerical error. Within three days of receipt of the request, the presiding officer shall issue either a corrected decision or a denial of the request. Filing a request for a corrected decision will not extend the twenty-one day period under WAC 388-08-464(1). If the presiding officer issues a corrected initial decision, that order shall become final twenty-one days after the mailing of the original initial decision unless a petition for review is filed under WAC 388-08-464.

[Statutory Authority: RCW 34.05.020 and 74.08.090. 96-20-010, § 388-08-462, filed 9/20/96, effective 10/21/96.]

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 388-08-466 Procedure on review by review judge. (1) In licensing and rate-making proceedings and related civil fines, and in custodial parent address disclosure proceedings under RCW 26.23.120, the reviewing officer shall exercise all the decision-making power that the reviewing officer would have had to decide and enter the final order had the reviewing officer presided over the hearing, except to the extent that the issues subject to review are limited by a provision of law or by the reviewing officer upon notice to all the parties. In reviewing findings of fact by presiding offic-

ers, the reviewing officers shall give due regard to the presiding officer's opportunity to observe the witnesses.

(2) In all other adjudicative proceedings, the reviewing officer's authority to modify the findings of fact, conclusions of law and decision is limited to the following grounds:

(a) Irregularity in the proceedings preventing the petitioning party from having a fair hearing. This includes misconduct by the prevailing party and misconduct or abuse of discretion by the presiding officer;

(b) The findings of fact are unsupported by substantial evidence in view of the entire record;

(c) Errors of law;

(d) Need for clarification in order for the parties to implement the decision; or

(e) The reviewing officer may also make additional findings of fact when the ALJ failed to make a factual finding on a point, the determination of which is essential to the adjudicative order, and the additional findings are:

(i) Supported by substantial evidence in view of the entire record; and

(ii) Not inconsistent with or contrary to the findings of the ALJ which are supported by substantial evidence in view of the entire record.

The reviewing officer shall enter a final order affirming, modifying, or reversing the initial order or remanding the matter for further proceedings.

[Statutory Authority: RCW 34.05.020 and 74.08.090, 96-20-010, § 388-08-466, filed 9/20/96, effective 10/21/96.]

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 per-

son" 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, rather, 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.

(1999 Ed.)

[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.]

WAC 388-08-585 Equitable estoppel. (1) Equitable estoppel is an available defense to an appellant who is an applicant or a recipient of public assistance as defined in RCW 74.04.005(1), in an adjudicative proceeding pertaining to that applicant's or recipient's public assistance benefits.

(2) When an applicant or a recipient of public assistance raises, or the facts indicate, a claim that the equitable estoppel defense may apply to a party to the proceeding, the presiding officer shall consider the defense of equitable estoppel according to the precedents set by reported Washington state appellate case law.

(3) The presiding officer shall enter findings of fact and conclusions of law sufficient to determine whether:

(a) The equitable estoppel defense applies to the appeal; and, if so

(b) Each element of the defense has been met by the party asserting or benefitting from the defense in accordance with subsection (4) of this section.

(4) The party asserting or benefitting from the equitable estoppel defense shall establish each element of the defense by clear, cogent, and convincing evidence.

[Statutory Authority: Chapter 74.50 RCW. 95-23-029 (Order 3915), § 388-08-585, filed 11/8/95, effective 12/9/95.]

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 investi-

gator. 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.]

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

- 388-11-011 Definitions.
- 388-11-015 Credits allowed—Debt satisfaction.
- 388-11-045 Service requirements—Tolling.

(1999 Ed.)

- 388-11-048 Request for paternity tests—Liability for costs.
- 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.
- 388-11-280 Credit for dependent benefits.
- 388-11-285 Notice and finding of financial responsibility.
- 388-11-290 Notice and finding of parental responsibility.
- 388-11-295 Notice and finding of medical responsibility.
- 388-11-300 Amending notices.
- 388-11-305 Uniform Interstate Family Support Act—Notices served in another state.
- 388-11-310 Request for late hearing—Good cause.
- 388-11-315 Temporary administrative orders.
- 388-11-320 What is the division of child support's DCS most wanted internet site?
- 388-11-325 Whose picture can go on the division of child support's DCS most wanted internet site?
- 388-11-330 How does a noncustodial parent avoid being posted on the DCS most wanted internet site?
- 388-11-335 When does DCS remove a noncustodial parent from the DCS most wanted internet site?
- 388-11-340 What information does the division of child support post to the DCS most wanted internet site?
- 388-11-400 Physical custodians—Rights to participate in hearings.
- 388-11-410 Notice of proposed child support amount.
- 388-11-415 Support establishment notice—Physical custodian accepts proposed child support amount.
- 388-11-420 Support establishment notice—Physical custodian objects to the proposed child support amount.
- 388-11-425 Hearings on support establishment notices.
- 388-11-430 Settlement and consent order.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 388-11-010 Statutory basis. [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.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 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.
- 388-11-030 Notice and finding of financial responsibility. [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.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-032 Notice and finding of parental responsibility. [Statutory Authority: RCW 74.20A.056, 92-13-026 (Order 3403), § 388-11-032, filed 6/9/92, effective 7/10/92.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.

- 388-11-035 Notice and finding of medical responsibility. [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.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-040 Service of notice and finding of financial or parental responsibility. [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.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 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.
- 388-11-055 Petition for hearing after twenty days—Stay. [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.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-060 Request for hearing. [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.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 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 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.
- 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.
- 388-11-405 Physical custodians receiving AFDC—Rights to participate in hearings. [Statutory Authority: RCW 74.20A.055 and 74.08.090, 96-09-036 (Order 3964), § 388-11-405, filed 4/10/96, effective 5/11/96.] Repealed by 97-16-037, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 34.05.220(1) and 74.20A.055.

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 center for health statistics.

(2) "Administrative order" means a determination, finding, decree, or order for support issued under RCW 74.20A.055 or 74.20A.056 or by another state's agency under an 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, a notice and finding of parental responsibility, or a notice and finding of medical responsibility that has become final by operation of law.

(3) "Agency" means the division of child support, department of social and health services. "Office of support enforcement," "office," and "OSE" also mean the division of child support.

(4) "Agreed settlement" means the informal disposition of a contested case by written agreement between one or both parents and the agency establishing or modifying a support obligation and ordering payment or establishing a health insurance coverage obligation. The agreement shall be effective without the presiding officer's approval.

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

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

(7) "Consent order" means the disposition of a contested case by written agreed order, approved by the presiding officer, between one or both parents and the agency establishing a support obligation and ordering payment.

(8) "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.

(9) "Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date an aid to families with dependent children, or foster care program grant is effective. For purposes of this chapter, the state remains responsible for the support of a dependent child until public assistance terminates, or support enforcement services terminate, whichever occurs later.

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

(11) "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

(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.

(12) "Fraud" means, for the purposes of WAC 388-11-120:

(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.

(13) "Good cause" for the purposes of late hearing orders under WAC 388-11-310 and petitions to vacate orders on default under WAC 388-11-120 means there is substantial reason or legal justification for delay, including but not limited to a showing of those grounds enumerated in civil rule 60. The time periods set forth in civil rule 60 apply to determinations of good cause under this definition.

(14) "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.

(15) "Hearing" means an adjudicative proceeding authorized by this chapter, chapter 388-13 or 388-14 WAC, or chapter 26.23, 74.20 or 74.20A RCW and conducted under chapters 388-08 WAC and 34.05 RCW. A conference board under WAC 388-14-385 is not a hearing or an adjudicative proceeding.

(16) "Locate" means service of a notice and finding of financial, parental, or medical responsibility in a manner prescribed by WAC 388-11-285, 388-11-290 or 388-11-295.

(17) "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.

(18) "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.

(19) "Paternity testing" means blood testing or genetic tests of blood, tissues, or bodily fluids.

(20) "Reasonable efforts to locate" means any of the following actions taken by the agency:

(a) Mailing the notice and finding of financial responsibility, the notice and finding of parental responsibility, or the notice and finding of medical 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 or 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 the agency'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;

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

(g) Other actions reasonably calculated to produce information regarding the responsible parent's whereabouts.

(21) "Residential parent" means a parent with whom a child resides a majority of the time.

(22) "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 center for health statistics, from whom the department seeks support for a dependent child.

(23) "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.

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

(25) "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.

(26) "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.

(27) "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.

(28) "Support establishment notice" means a notice and finding of financial responsibility under WAC 388-11-285, a notice and finding of parental responsibility under WAC 388-11-290, or a notice and finding of medical responsibility under WAC 388-11-295.

(29) "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.

(30) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance of a

dependent child or other person as required by law, including health insurance coverage, health care costs as defined in this section, birth costs, and child care and special child rearing expenses.

(31) "Tribunal" means a state court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-011, filed 4/10/96, effective 5/11/96. 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 support establishment notice, or by entry of a support order requiring payments to WSSR, the responsible parent may obtain credit against the parent's support obligation only:

(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) The agency shall allow credit against a responsible parent's support debt for family needs provided directly to a physical custodian, a child, or provided through a vendor or third party only 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 obtain credit against the parent's current support obligation only when the responsible parent proves that the payments were made and:

(a) The agency determines there:

(i) Is no prejudice to:

(A) A physical custodian, 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 agency 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 agency shall not allow credit for shelter payments made after service of the notice.

(6) The agency shall apply credits for dependent benefits allowed under RCW 26.19.190 as required by WAC 388-11-280.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-015, filed 4/10/96, effective 5/11/96. 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 388-11-045 Service requirements—Tolling. (1)

For support obligations owed for months on or after September 1, 1979, the agency shall exercise reasonable efforts to locate the responsible parent. The agency 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 agency shall lose the right to reimbursement of public assistance payments made after the sixtieth day and before the notice is served. However, the agency shall not lose the right to reimbursement of public assistance payments for any period of time:

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

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

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

(a) Nonassistance cases;

(b) Cases where the agency is responding to a request for services initiated by another state;

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

(d) Cases where parentage is an 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 agency shall consider a prorated share of each monthly public assistance payment as paid on each day of the month.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-045, filed 4/10/96, effective 5/11/96. 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 paternity 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 tests. The responsible parent shall make the request in writing and send or deliver the request to the agency.

(2) Upon receipt of a request for paternity tests, the agency shall:

(a) Arrange and pay for the paternity test, except as provided in subsection (6) of this section, with a laboratory

under contract with the department to perform paternity testing; and

(b) Notify the responsible parent and the physical custodian of the time and place to appear to give blood samples.

(3) After the agency receives the test results, the agency shall:

(a) Mail a notice of the test results to the:

(i) Responsible parent's last known address by certified mail, return receipt requested; and

(ii) Physical custodian's last known address by first class mail.

(b) Notify the responsible parent:

(i) Of the costs of the tests;

(ii) That an administrative order entered as a result of the notice and finding of parental responsibility will include the cost of the tests; and

(iii) That the agency may take collection action to collect the paternity test costs twenty days after the date the responsible parent receives notice in Washington, or within the time specified in WAC 388-11-305, of the test results if the responsible parent fails to:

(A) Request either a hearing on the issue of reimbursement to the agency for paternity test costs under WAC 388-11-290 or the initiation of a parentage action in superior court; or

(B) Negotiate an agreed settlement;

(iv) If the notice was served in another state, the agency may take collection action according to WAC 388-11-305.

(4) When the paternity tests do not exclude the responsible parent from being the natural parent, the responsible parent shall reimburse the department for the costs of the tests.

(5) When the paternity tests exclude the responsible parent from being the natural parent, the agency 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 the agency to arrange or pay for paternity testing when:

(a) Such tests were previously conducted; or

(b) A court order establishing paternity has been entered.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-048, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.056. 92-13-026 (Order 3403), § 388-11-048, filed 6/9/92, effective 7/10/92.]

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

(a) Payment;

(b) Superior court or administrative order that sets the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation;

(c) The party 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 physical custodian'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 under chapter 74.12 RCW 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 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-065, filed 4/10/96, effective 5/11/96. 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 a party fails to appear at a hearing, the presiding officer shall, upon a showing of valid service, enter an initial decision and default order or proceed in the absence of the defaulting party as provided in WAC 388-11-140(6) or 388-11-425. The presiding officer 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 financial, parental or 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 presiding officer has entered an initial decision and order on default may petition the secretary or the secretary's designee for vacation of the default order, subject to the provisions, including time limits, of civil rule 60.

(4) The agency shall:

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

(b) Give any other parties to the hearing notice of the time and date of the hearing. The department shall send the notice to the last known address of the party.

(5) If, in a hearing under this section, the presiding officer finds that the petitioner has good cause for vacating the default order, the presiding officer shall:

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

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

(6) The presiding officer shall apply civil rule 60 to determine whether the petitioner has good cause.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-120, filed 4/10/96, effective 5/11/96. 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) The agency, the physical custodian or the responsible parent may request a

(1999 Ed.)

hearing to prospectively modify the responsible parent's obligation under a support establishment notice.

A party shall make such a request in writing and shall state:

(a) Any circumstances that have changed; and

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

(2) The petitioning party shall file the request for modification with the agency.

(3) The agency shall serve a copy of the request for modification and notice of hearing on all other parties:

(a) By first class mail, if the parties have been advised in a court or administrative order of the requirement to keep the agency advised of their addresses; or

(b) By certified mail, return receipt request or personal service if the support order does not contain a requirement to advise the agency of their address.

(4) The agency, the presiding officer, or the department review judge:

(a) Shall prospectively modify orders according to the terms of chapter 26.19 RCW and RCW 74.20A.059; and

(b) May only modify an order issued by a tribunal in another state according to the terms of RCW 26.21.580.

(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) If the petition for modification does not comply with the requirements of subsection (1)(a) and (b) of this section, the presiding officer may:

(a) Dismiss the petition; or

(b) Continue the hearing to give the petitioning party time to amend according to WAC 388-11-300(1) or to complete the petition.

(7) 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 is the date the modification order is entered.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-140, filed 4/10/96, effective 5/11/96. 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 a presiding officer.

(b) A consent order shall require the approval of a presiding officer to be effective. The presiding officer 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 a support establishment notice in Washington, or within sixty days of service of the support establishment notice in another state, and such negotiations fail, the responsible parent shall have an additional twenty days from the date the negotiations fail to file a written request for a hearing.

(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 consent order under WAC 388-11-120. The presiding officer may only vacate a settlement or consent order on making a finding of fraud by a party, or on any other basis that would result in manifest injustice.

(1999 Ed.)

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-150, filed 4/10/96, effective 5/11/96. 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 agency and the presiding officer shall include in every administrative child support order the:

(a) Completed Washington state child support worksheets including all findings of fact required by chapter 26.19 RCW necessary to support the amounts ordered;

(b) Total amount of the responsible parent's support obligation with the transfer payment stated as an amount per month per child;

(c) Specific day of the month on which the support payment is due;

(d) Responsible parent's Social Security number, mailing address, and the name and address of the responsible parent's employer;

(e) Physical custodian's Social Security number;

(f) Name, birthdate, and Social Security number, if any, of each dependent child;

(g) Disposition of the responsible parent's obligation to provide health insurance under WAC 388-11-215, including notice that the agency may take direct enforcement action if

the responsible parent fails to comply with WAC 388-11-215(b);

(h) Statement that the responsible parent shall make all support payments to the Washington state support registry;

(i) Statement that the responsible parent and the physical custodian must each notify the Washington state support registry of a change in residence or mailing address;

(j) Statement that the responsible parent must keep the Washington state support registry informed of the:

(i) Name and address of the responsible parent's employer;

(ii) Availability of health insurance coverage for the dependent child or children; and

(iii) If health insurance is available, of the health insurance policy information.

(k) Duration of the support obligation under WAC 388-11-155(1); and

(l) 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 arrangement under subsection (3) of this section, the presiding officer shall include a statement that the agency 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, based upon a written finding that it would be in the best interests of the child:

(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 arrangement.

(4) All support orders containing an alternate arrangement approved under subsection (3)(a) or (b) of this section shall include a statement that the agency 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) A support payment is not paid when due; and

(b) 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 interests 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 agency 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 interests 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.

(7) The responsible parent's assertion that a payroll deduction would displease the parent's employer does not by itself establish "good cause" under subsection (3)(a) of this section.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-210, filed 4/10/96, effective 5/11/96. 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 agency. Proof of coverage includes, but is not 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) Provide the agency with proof that 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 the responsible parent:

(a) Submits proof of coverage to the agency as required under WAC 388-11-215; and

(b) Pays the required premium.

(5) If the responsible parent fails to submit proof or pay the premium as required under subsection (4) of this section, the agency shall collect the adjusted basic support obligation without a reduction for health insurance premium payments.

(6) Health insurance does not include medical assistance provided by the department under chapter 74.09 RCW.

(7) A child's enrollment in Indian Health Services satisfies the requirements of this section.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-215, filed 4/10/96, effective 5/11/96. 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 agency may assess a responsible parent's liability for a dependent child's birth costs, not covered by health insurance, if there is no order assessing or relieving the responsible parent of liability for birth costs. The agency 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 agency 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) The agency may take action to collect the birth costs under chapters 26.23 and 74.20A RCW:

(a) Twenty days after service in Washington of the affidavit of birth costs or service of a notice and finding of parental responsibility stating birth costs, unless the responsible parent requests a hearing under subsection (4) of this section;

(b) After the entry of a support order requiring payment of birth costs; or

(c) If the affidavit was served in another state, according to WAC 388-11-305.

(4) A responsible parent may request a hearing seeking a reduction of, or relief from, the parent's liability for birth costs. The agency 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 physical custodian 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 agency shall not establish a liability for birth costs paid by the agency, except that the department shall be allowed to:

(i) Establish and collect reimbursement for paternity test costs paid by the agency; and

(ii) Collect reimbursement for birth costs as awarded to the agency in an existing superior court order or administrative order.

(b) Nothing in this rule shall prohibit the agency 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: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-220, filed 4/10/96, effective 5/11/96. 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.]

WAC 388-11-280 Credit for dependent benefits. (1) The agency shall allow credit for dependent benefits paid by the department of labor and industries, a self-insurer, or the Social Security Administration according to the terms of this section and RCW 26.18.190.

(2) The agency shall allow credit against the child support obligation of a responsible parent for dependent benefits paid to the child or the child's physical custodian after June 30, 1990, as a result of the responsible parent's disability by:

(a) The department of labor and industries;

(b) A self-insurer under chapter 51.32 RCW; or

(c) The Social Security Administration before July 23, 1995.

(3) Except as provided in subsection (4) of this section, the agency shall apply credit for benefits:

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

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

(i) First against any support debt owed 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 agency for the dependent child and/or physical custodian to whom the benefit was paid.

(4) The agency shall credit dependent benefits paid by the Social Security Administration after July 22, 1995, as a result of a responsible parent's disability, death or retirement against the responsible parent's child support obligation for the period for which the benefits were paid. The agency shall not credit benefit amounts exceeding the obligation for the period for which the benefits were paid against the responsible parent's:

(a) Support debt; or

(b) Obligation to pay support for future months.

(5) A responsible parent must prove payment of benefits for which credits are claimed under this section and has no right to:

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

(b) Credit for disability benefits actually paid prior to July 1, 1990; or

(c) Credit for benefits paid before July 23, 1995, by the Social Security Administration as a result of death or retirement.

(6) The agency shall mail a notice of credit to the physical custodian if the agency agrees to credit the responsible parent for disability or retirement benefits under this section

(1999 Ed.)

unless the agreement to credit occurred during a negotiation or a hearing in which the physical custodian was present and a party. The agency shall:

(a) Include in the notice the amount of the credit; and

(b) Advise the physical custodian that:

(i) The physical custodian may request a hearing to contest the credit by filing a written application for a hearing with the agency within twenty-three days of the date of mailing of the notice; and

(ii) If the physical custodian files an application for hearing, the agency shall give the responsible parent notice of and an opportunity to participate in the hearing.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-280, filed 4/10/96, effective 5/11/96.]

WAC 388-11-285 Notice and finding of financial responsibility. (1) The agency may serve a notice and finding of financial responsibility (NFFR) on a responsible parent to establish a support obligation under chapter 26.21 or 74.20A RCW if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation.

(2) The agency shall serve an NFFR like a summons in a civil action or by certified mail, return receipt requested.

(3) In an NFFR, the agency shall include the information required by WAC 388-11-210 and RCW 74.20A.055 and calculate:

(a) The responsible parent's accrued support debt and current support obligation using, in the following order of preference:

(i) Actual income;

(ii) Estimated income, if the agency has:

(A) Incomplete information;

(B) Information based on the 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); and

(b) The responsible parent's health insurance coverage obligation under WAC 388-11-215.

(4) The responsible parent shall make all support payments after service of an NFFR to the Washington state support registry. The agency shall not credit payments made to any other party after service of an NFFR except as provided in WAC 388-11-015 and 388-11-280.

(5) An NFFR becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the responsible parent, within twenty days of service of the NFFR in Washington:

(a) Contacts the agency and signs an agreed settlement; or

(b) Files a written request with the agency for a hearing.

(6) An NFFR served in another state becomes final and subject to collection action according to WAC 388-11-305.

(7) The effective date of a hearing request is the date the agency receives the request.

(8) A hearing on the merits of an objection to an NFFR is for the limited purpose of resolving the accrued support debt and current support obligation.

(9) The responsible parent has the burden of proving any defenses to liability. See WAC 388-11-065.

(10) The agency shall mail notice of any hearing scheduled under this section to the physical custodian at the physical custodian's last known address. The physical custodian may participate in the hearing to the extent allowed under WAC 388-11-400 through 388-11-425.

(11) If a responsible parent requests a late hearing under WAC 388-11-310, the responsible parent must show good cause for filing a late hearing request if the request is filed more than one year after service of the NFPR.

(12) WAC 388-11-155 governs the duration of an obligation established under this section.

(13) An NFPR shall fully and fairly apprise the responsible parent of the rights and responsibilities in this section.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-285, filed 4/10/96, effective 5/11/96.]

WAC 388-11-290 Notice and finding of parental responsibility. (1) The agency may serve a notice and finding of parental responsibility (NFPR) on a responsible parent to establish a support obligation under RCW 74.20A.056 if:

(a) There is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation;

(b) An affidavit acknowledging paternity is filed with the center for health statistics or the vital records agency of another state; and

(c) The mother and responsible parent who signed the affidavit were eighteen years of age or older at the time they signed the affidavit, or have reached eighteen years of age after signing the affidavit. If the mother was married at the time of the child's birth, but not to the responsible parent acknowledging paternity, the man to whom she was married must also have signed the affidavit to deny paternity.

(2) The agency shall attach a copy of the acknowledgment of paternity or certification of birth record information to the NFPR.

(3) The agency shall serve an NFPR like a summons in a civil action or by certified mail, return receipt requested.

(4) In an NFPR, the agency shall include the information required by WAC 388-11-210 and calculate, according to WAC 388-11-285(3) the responsible parent's:

(a) Accrued support debt;

(b) Current support obligation;

(c) Health insurance coverage obligation under WAC 388-11-215; and

(d) Birth costs if known and assessed pursuant to WAC 388-11-220.

(5) The agency may not assess an accrued support debt for a period longer than five years before the notice is served. This limitation does not apply to the extent that the responsible parent hid or left the state of Washington for the purpose of avoiding service.

(6) The responsible parent shall make all support payments after service of an NFPR to the Washington state support registry. The agency shall not credit payments made to any other party against the support obligation except as provided in WAC 388-11-015 and 388-11-280.

(7) An NFPR becomes final and subject to immediate wage withholding and enforcement under chapters 26.18, 26.23, and 74.20A RCW without further notice unless the responsible parent, within twenty days of service of the notice in Washington:

(a) Contacts the agency and signs an agreed settlement;

(b) Files a written request with the agency for a hearing; or

(c) Requests paternity tests under WAC 388-11-048 to determine if he is the natural father of the dependent child named in the notice and cooperates in the testing.

(8) An NFPR served in another state becomes final according to WAC 388-11-305.

(9) The effective date of a hearing or paternity test request is the date the agency receives the request.

(10) A responsible parent may request paternity tests at any time. Such a request stays agency collection action only if made within the time specified in subsection (9) of this section, if the NFPR was served in Washington, or under WAC 388-11-305, if the NFPR was served in another state.

(11) A timely hearing request filed by the responsible parent stays agency collection action until the entry of a final order.

(12) If the responsible parent does not request a hearing or paternity tests within the time allowed by subsection (7) or (8) of this section, the agency shall not refund money collected under the notice if the responsible parent is later:

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

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

(13) If the results of paternity tests requested under subsection (7) or (8) of this section do not exclude the responsible parent as the natural father of the dependent child, the responsible parent shall have twenty days from the date of service of the paternity test results in Washington to request in writing:

(a) A hearing under subsection (7)(b) of this section, if the paternity tests were requested within twenty days of service of the notice in Washington; or

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

(14) The provisions of WAC 388-11-305 apply to paternity test results served in another state.

(15) A hearing request or a request for a parentage action is filed on the date it is received by the agency.

(16) A hearing on the merits of an NFPR is for the limited purpose of resolving the accrued support debt, current support obligation, and reimbursement to the agency for paternity test costs.

(17) In a hearing under subsection (7)(b) of this section the responsible parent shall have the burden of proving any defenses to liability. See WAC 388-11-065.

(18) The agency shall mail notice of any hearing scheduled under this section to the physical custodian at the physical custodian's last known address. The physical custodian may participate in the hearing to the extent allowed under WAC 388-11-400 through 388-11-425.

(19) If a responsible parent requests a late hearing under WAC 388-11-310, the responsible parent must show good

cause for filing the late hearing request if the parent files the request more than one year after service of the NFPR.

(20) WAC 388-11-155 governs the duration of an obligation established under this section.

(21) An NFPR shall fully and fairly apprise the responsible parent of the rights and responsibilities in this section.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-290, filed 4/10/96, effective 5/11/96.]

WAC 388-11-295 Notice and finding of medical responsibility. (1) The agency may serve a notice and finding of medical responsibility (NFMR) on a responsible parent to establish a health insurance coverage obligation under chapter 74.20A RCW if:

(a) There is no order that:

(i) Establishes the responsible parent's health insurance coverage obligation; or

(ii) Specifically relieves the responsible parent of a health insurance coverage obligation;

(b) The physical custodian or dependent child is receiving or certified eligible to receive medical assistance and is not receiving cash grant public assistance under chapter 74.12 RCW; and

(c) The physical custodian has requested medical support enforcement only and has asked the agency in writing not to collect monetary child support.

(2) The agency shall serve an NFMR like a summons in a civil action or by certified mail, return receipt requested.

(3) In an NFMR, the agency shall include the information required by WAC 388-11-210 and calculate the responsible parent's obligation to provide health insurance coverage for the dependent child under WAC 388-11-215, including the:

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

(b) Income basis used to calculate the maximum premium amount, according to WAC 388-11-285(3).

(4) An income basis for an obligation established by the agency under this section shall not be binding in any later action to establish a cash child support obligation.

(5) An NFMR becomes final and subject to enforcement under RCW 26.18.170 and WAC 388-11-215 and 388-14-480 without further notice unless the responsible parent, within twenty days of service of the notice in Washington:

(a) Contacts the agency and signs an agreed settlement or consent order; or

(b) Files a written request with the agency for a hearing. The effective date of a hearing request is the date the agency receives the request.

(6) An NFMR served in another state becomes final according to WAC 388-11-305.

(7) A hearing on the merits of an NFMR is for the limited purpose of resolving the responsible parent's health insurance coverage obligation.

(8) The responsible parent shall have the burden of proving any defenses to liability. See WAC 388-11-065.

(9) The agency shall mail notice of any hearing scheduled under this section to the physical custodian at the physical custodian's last known address. The physical custodian

may participate in the hearing to the extent allowed under WAC 388-11-400 through 388-11-425.

(10) If the physical custodian applies for full support enforcement services while a hearing on an NFMR is pending, the agency may, at any time before the hearing record is closed, convert the hearing to a hearing on a notice and finding of financial responsibility under WAC 388-11-285, or a notice and finding of parental responsibility under WAC 388-11-290. To convert the hearing, the agency shall serve a notice and finding of financial responsibility or parental responsibility on the responsible parent and file a copy with the presiding officer. The presiding officer may grant a continuance if a party requests additional time to respond to the claim for cash child support.

(11) The presiding officer in the initial decision shall determine the:

(a) Basic support obligation, without deviations; and

(b) Maximum premium amount under chapter 26.19 RCW and WAC 388-11-215.

(12) If a responsible parent requests a late hearing under WAC 388-11-310, the responsible parent must show good cause for filing the late hearing request if it is filed more than one year after service of the NFMR.

(13) WAC 388-11-155 governs the duration of an obligation established under this section.

(14) An NFMR shall fully and fairly apprise the responsible parent of the rights and responsibilities in this section.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-295, filed 4/10/96, effective 5/11/96.]

WAC 388-11-300 Amending notices. (1) The agency may orally amend a notice issued under chapters 388-11, 388-13, or 388-14 WAC at the hearing to conform to the evidence. When the agency amends a notice at the hearing the:

(a) Presiding officer may grant a continuance when necessary to allow the parties additional time to present evidence and argument as to the amendment; and

(b) Agency shall reduce the terms of the amendment to writing and provide a copy, in person or by regular mail to the last known address of the parties, and to the presiding officer within a reasonable time after amending the notice. The amended notice does not generate a new hearing right.

(2) When the agency has obtained reliable information that the income basis of the notice is incorrect, the agency shall amend a notice issued under WAC 388-11-285, 388-11-290, or 388-11-295 prior to seeking a default order for failure to appear. An amendment under this subsection shall be made according to the terms of subsection (1) of this section.

(3) Subsection (2) of this section does not apply:

(a) To cases in which no one has requested a hearing; or

(b) After the presiding officer has closed the hearing record.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-300, filed 4/10/96, effective 5/11/96.]

WAC 388-11-305 Uniform Interstate Family Support Act—Notices served in another state. (1) Where grounds for personal jurisdiction exist under RCW 26.21.075 or other Washington law, the agency may serve the following

legal actions in another state by certified mail, return receipt requested or by personal service, under chapter 26.21 RCW:

(a) A notice and finding of financial responsibility under WAC 388-11-285; and

(b) A notice and finding of parental responsibility under WAC 388-11-290;

(c) A notice of paternity test costs under WAC 388-11-048; or

(d) An affidavit of birth costs under WAC 388-11-220.

(2) A notice and finding of financial responsibility, a notice of paternity test costs, or an affidavit of birth costs becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the responsible parent, within sixty days of service in another state:

(a) Contacts the agency and signs an agreed settlement or consent order; or

(b) Files a written request for a hearing under:

(i) WAC 388-11-285(5) for a notice and finding of financial responsibility;

(ii) WAC 388-11-220 for an affidavit of birth costs; or

(iii) WAC 388-11-048 for a notice of paternity test costs.

(3) The effective date of a hearing request is the date the agency receives the hearing request.

(4) A notice and finding of parental responsibility becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the responsible parent, within sixty days of service in another state:

(a) Contacts the agency and signs an agreed settlement or consent order;

(b) Files a written request for a hearing under WAC 388-11-290(9) with the agency; or

(c) Files a written request for paternity testing under WAC 388-11-048 to determine if he is the natural father of the dependent child named in the notice and cooperates in the testing. A request for a hearing or paternity testing is filed on the date the request is received by the agency.

(5) If the results of paternity tests requested under subsection (4) of this section do not exclude the responsible parent as the natural father of the dependent child, the notice and finding of parental responsibility becomes final and subject to immediate wage withholding without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the responsible parent, within sixty days of service of the paternity test costs in another state:

(a) Contacts the agency and signs an agreed settlement or consent order; or

(b) Files a written request for a hearing under WAC 388-11-290(9).

(6) Presiding officers and parties shall conduct administrative hearings on notices served in another state under this section under the special rules of evidence and procedure in chapter 26.21 RCW and according to chapter 34.05 RCW.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-305, filed 4/10/96, effective 5/11/96.]

WAC 388-11-310 Request for late hearing—Good cause. (1) A person with a right to a hearing under chapter 388-11, 388-13, or 388-14 WAC may file a written request

for a late hearing after the period for requesting a timely hearing has passed. The effective date of a hearing request is the date the agency receives the request.

(2) Filing a request for a late hearing does not stay:

(a) Collection and enforcement under chapters 26.18, 26.23, or 74.20A RCW;

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

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

(d) Distribution upon receipt of moneys collected.

(3)(a) A person who files a late hearing request shall show good cause for not filing a timely hearing request unless good cause is not required by the rule governing the notice that is objected to. Good cause is defined in WAC 388-11-011.

(b) If the presiding officer finds good cause for filing a late hearing request, the presiding officer shall:

(i) Issue a decision on the merits of the objection to the notice; and

(ii) Consider whether to order a stay of collection activities until such time as an initial decision or a temporary order under WAC 388-11-315 is issued. Upon request, the presiding officer shall, based on the evidence presented at hearing, issue an order under WAC 388-11-315, setting or denying temporary support pending the initial decision. This order shall be on the record, but an order denying temporary support need not be in writing.

(c) If the presiding officer does not find good cause for filing a late hearing request, the presiding officer may issue a decision on modification of the current and future support obligation, if applicable, without a showing of a change of circumstances.

(4) If the presiding officer finds good cause for filing a late hearing request, the agency shall not refund any excess moneys collected prior to the finding of good cause. However, the presiding officer may issue a decision which gives credit against future support in the amount of the excess collections when and to the extent that credits against future support do not:

(a) Create hardship to the children for whom support is sought; and

(b) Offset an overpayment of the obligation to the physical custodian against a debt owed to the department; or

(c) Offset an overpayment of the obligation to the department against a debt owed to the physical custodian.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-310, filed 4/10/96, effective 5/11/96.]

WAC 388-11-315 Temporary administrative orders.

(1) If the presiding officer in a hearing to establish a support obligation, or to determine the amount due under an existing order, continues the hearing for any reason, any party to the hearing or the physical custodian may, before the hearing is adjourned, request that the presiding officer issue a temporary order.

(2) If a request for a temporary order is made under subsection (1) of this section, the presiding officer must:

(a) Allow the parties to present the evidence then available

and allow five working days from the date of the hearing for submission of additional documentary evidence;

(b) Issue a temporary order determining the responsible parent's current and future support obligation beginning the month following the hearing, or denying the request;

(c) Include in the temporary order:

(i) A new hearing date within ninety days from the date of the date the presiding officer hears the request for continuance;

(ii) A statement that any amounts collected under the temporary order will be credited and will be offset against any debt established in the initial decision; and

(iii) A statement that amounts collected will be distributed and may be subject to recovery under WAC 388-14-270 from the physical custodian;

(d) Issue the temporary order within twenty calendar days of the date the request for continuance is heard by the presiding officer.

(3) When the presiding officer denies a request for temporary support, the presiding officer shall enter the order in the hearing record, but the order need not be issued in writing.

(4) The presiding officer shall comply with WAC 388-11-205, 388-11-210, and 388-11-215 and include a Washington state child support schedule worksheet when entering a temporary order.

(5)(a) A temporary order is not an initial decision subject to review under WAC 388-08-464 and terminates on the date an initial decision becomes a final order or on the date of a review decision, if any.

(b) If a responsible parent fails to appear for a continued hearing, the presiding officer shall issue an order on default under WAC 388-11-120.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-315, filed 4/10/96, effective 5/11/96.]

WAC 388-11-320 What is the division of child support's DCS most wanted internet site? (1) The division of child support (DCS) maintains the DCS most wanted internet site in an effort to:

(a) Locate responsible parents (also known as noncustodial parents) in order to establish or enforce a child support obligation; and

(b) Collect unpaid child support from noncustodial parents who have a support obligation.

(2) Anyone who has information concerning a noncustodial parent (called the "NCP") is encouraged to provide that information to DCS.

[Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-320, filed 12/11/98, effective 1/11/99.]

WAC 388-11-325 Whose picture can go on the division of child support's DCS most wanted internet site?

(1) If the child's physical custodian or custodial parent (called the "CP") requests DCS to post the NCP to the DCS Most Wanted Internet site (also called the "site"), the CP must:

(a) Give written permission to DCS to post the NCP on the site; and

(b) Provide a photograph of the NCP.

(1999 Ed.)

(2) Only the NCP's photograph appears on the site. If the CP submits a group photograph, DCS edits out everyone except the NCP.

(3) DCS may post an NCP to the site when:

(a) The NCP:

(i) Has made no payments in at least six months (intercepted IRS refunds are not considered to be payments for purposes of this section); and

(ii) Owes at least ten thousand dollars in back child support; or

(b) DCS has been unable to locate the NCP after trying other means for at least twelve months, and:

(i) There is a valid support order; or

(ii) There is a valid paternity affidavit filed for a child on the case, or

(iii) The NCP is:

(A) The mother of the child(ren) on the case; or

(B) The presumed father under RCW 26.26.040.

[Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-325, filed 12/11/98, effective 1/11/99.]

WAC 388-11-330 How does a noncustodial parent avoid being posted on the DCS most wanted internet site?

(1) DCS mails a letter to the NCP's last known mailing address by first class mail before posting an NCP on the site. The letter advises the NCP:

(a) Who cannot be located, to provide DCS with a current address and employer information.

(b) Who owes back support, to:

(i) Pay the back support debt in full; or

(ii) Sign a repayment agreement with DCS and make the first payment under that agreement.

(2) If the NCP does not comply within twenty days of the date on the letter, DCS may post the NCP to the site.

(3) If the NCP wishes to dispute the amount of the support debt, the NCP may request a conference board review under WAC 388-14-385. Such a request does not stay (stop) DCS from posting the NCP to the site.

(4) If the NCP files a court or administrative action to vacate or modify the support obligation, DCS will stay the posting of the NCP to the site for up to six months. If DCS finds good cause, DCS may extend the stay.

(5) If the NCP enters into a repayment agreement, but then misses a payment under the agreement, DCS may post the NCP to the site without further notice to the NCP.

[Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-330, filed 12/11/98, effective 1/11/99.]

WAC 388-11-335 When does DCS remove a noncustodial parent from the DCS most wanted internet site?

(1) DCS must remove the NCP from the site if:

(a) The NCP pays the back support debt in full;

(b) The NCP files a court or administrative action to modify or vacate the support obligation (subject to the limitations in WAC 388-11-330(4));

(c) The NCP enters into a repayment agreement and makes the first payment under that agreement (subject to the limitations in WAC 388-11-330(5));

(d) The CP withdraws permission for the posting.

(2) DCS may remove an NCP from the site even if the NCP has not complied with the requirements of this section.

(3) If an NCP receives a warning letter for locate purposes only, DCS must remove the NCP who provides a current address and employment information.

[Statutory Authority: RCW 26.23.120(2), 99-01-057, § 388-11-335, filed 12/11/98, effective 1/11/99.]

WAC 388-11-340 What information does the division of child support post to the DCS most wanted internet site? (1) DCS may post to the site any information about the NCP which may aid in locating the NCP or collecting child support from the NCP, such as:

- (a) Full name and aliases;
- (b) Photograph;
- (c) Physical description;
- (d) Birth date;
- (e) Last known address;
- (f) Usual occupation;
- (g) Number and ages of children;
- (h) Amount of back support owed; and
- (i) Ongoing monthly support obligation, if any.

(2) DCS does not post the names or photographs of the CP or the children.

[Statutory Authority: RCW 26.23.120(2), 99-01-057, § 388-11-340, filed 12/11/98, effective 1/11/99.]

WAC 388-11-400 Physical custodians—Rights to participate in hearings. (1) This section and WAC 388-11-410 through 388-11-425 of this chapter govern the rights of physical custodians receiving support enforcement services to participate in hearings based on support establishment notices.

(2) In a hearing based on a support establishment notice, the physical custodian shall have all the rights of a party to an adjudicative proceeding authorized by the Administrative Procedure Act, chapter 34.05 RCW. The exercise of those rights is governed by WAC 388-11-400 through 388-11-430, and chapters 10-08 and 388-08 WAC.

[Statutory Authority: RCW 34.05.220(1) and 74.20A.055, 97-16-037, § 388-11-400, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090, 96-09-036 (Order 3964), § 388-11-400, filed 4/10/96, effective 5/11/96.]

WAC 388-11-410 Notice of proposed child support amount. (1) This section describes and governs agency action in cases under WAC 388-11-400(2).

(2) Before serving a support establishment notice on a responsible parent, the IV-D agency shall serve a notice containing a summary of the proposed terms of the notice on the physical custodian by regular mail to the physical custodian's last known address.

(3) The physical custodian shall respond to the notice within twenty days by notifying the IV-D agency in writing that the custodian:

(a) Accepts the proposed child support amount and authorizes the IV-D agency to sign an agreed settlement or consent order if the order amount is greater than or equal to the proposed child support amount; or

(b) Objects to the proposed child support amount.

[Title 388 WAC—p. 124]

(4) A physical custodian who objects to the proposed child support amount must include a specific dollar amount the physical custodian believes to be the correct monthly child support obligation with the objection.

(5)(a) The IV-D agency cannot proceed to serve the responsible parent and may initiate case closure action under WAC 388-14-420 (1)(g) unless the physical custodian responds to the notice as required under subsection (3) of this section.

(b) If a physical custodian receiving public assistance fails to respond to the notice, the IV-D agency shall proceed as if the physical custodian had accepted the proposed child support amount. The physical custodian's failure to respond shall not be the basis of a claim of noncooperation.

(6) The IV-D agency may attempt to reconcile the proposed child support amount with the physical custodian's claim through negotiation or requests for production of documentary evidence. If the IV-D agency and the physical custodian reach agreement on a new proposed child support amount, upon written or telephonic acceptance by the physical custodian, the IV-D agency shall proceed under WAC 388-11-415.

(7) The notice of proposed child support amount shall inform the physical custodian of the custodian's rights and responsibilities under this section.

(8) The notice of proposed child support amount shall inform the physical custodian that at a hearing, the presiding officer will enter a support order based on the Washington state child support schedule, in an amount which may be different from the proposed child support order amount.

[Statutory Authority: RCW 34.05.220(1) and 74.20A.055, 97-16-037, § 388-11-410, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090, 96-09-036 (Order 3964), § 388-11-410, filed 4/10/96, effective 5/11/96.]

WAC 388-11-415 Support establishment notice—Physical custodian accepts proposed child support amount. (1) When the physical custodian accepts the proposed child support amount, the IV-D agency shall proceed to serve the responsible parent with the appropriate support establishment notice.

(2) If the responsible parent objects to the support establishment notice, the physical custodian may participate in the hearing to the extent allowed under WAC 388-11-400(2) and 388-11-425, including the right to appeal an adverse decision.

(3) The presiding officer shall conduct a hearing requested under this section according to the terms of:

(a) WAC 388-11-425;

(b) The statute and rules authorizing the support establishment notice;

(c) Chapter 10-08 WAC; and

(d) Chapter 388-08 WAC.

(4) The IV-D agency may accept a settlement, without the physical custodian's approval, for an amount equal to or greater than the proposed notice amount accepted by the physical custodian under WAC 388-11-410 (3)(a) or (6).

(5) The IV-D agency shall mail a copy of a settlement entered under subsection (4) of this section to the physical

custodian within five working days of the date the settlement is entered.

[Statutory Authority: RCW 34.05.220(1) and 74.20A.055. 97-16-037, § 388-11-415, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-415, filed 4/10/96, effective 5/11/96.]

WAC 388-11-420 Support establishment notice—Physical custodian objects to the proposed child support amount. (1) When the physical custodian objects to the proposed child support amount, the IV-D agency shall proceed to serve a support establishment notice according to the terms of this section.

(2) In addition to the requirements of the section of this chapter authorizing the notice, the IV-D agency shall include the following in a support establishment notice served under this section:

- (a) The physical custodian's claimed support amount;
- (b) The agency's claimed support amount; and
- (c) Notice that:

(i) The agency and the physical custodian disagree on the proper support amount;

(ii) A hearing will be scheduled to resolve the dispute;

(iii) The responsible parent is a party to that hearing;

(iv) If the responsible parent fails to appear for the hearing, the parent will be held in default and the child support amount may be resolved by agreement of the remaining parties at any amount equal to or lower than the highest amount claimed by the agency or the custodian;

(v) If the responsible parent fails to appear for the hearing, the parent will be held in default and the presiding officer may hold a hearing and enter an order based on the Washington state child support schedule, which order may be higher or lower than the amounts stated in the notice; and

(vi) The responsible parent may argue and present evidence at the hearing to show that the support obligation should be different from that claimed by the agency or the physical custodian.

(3) When the IV-D agency serves the responsible parent with a notice under this section, the office of administrative hearings shall send a notice of the hearing to the physical custodian and the responsible parent at their last known mailing address.

(4) The presiding officer shall conduct a hearing requested under this section according to the terms of:

(a) WAC 388-11-425;

(b) The statute and rules authorizing the support establishment notice;

(c) Chapter 10-08 WAC; and

(d) Chapter 388-08 WAC.

[Statutory Authority: RCW 34.05.220(1) and 74.20A.055. 97-16-037, § 388-11-420, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-420, filed 4/10/96, effective 5/11/96.]

WAC 388-11-425 Hearings on support establishment notices. (1) In a hearing under this section, the IV-D agency shall proceed first to document the support amount the IV-D agency believes to be correct. Following the IV-D agency's presentation, the physical custodian and the responsible par-

ent may proceed in turn to show why the agency position is wrong.

(2) If any party appears for the hearing 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 on the evidence presented. The presiding officer shall include a party's failure to appear in the initial decision and order as an order of default against that party. The direct appeal rights of the party who failed to appear shall be limited to an appeal on the record made at the hearing.

(3) If neither party appears and elects to proceed, the presiding officer shall enter an initial decision and order on default, declaring the IV-D agency's claim for support to be final subject to collection action.

(4) If the physical custodian appears and the responsible parent fails to appear, the IV-D agency or the custodian may seek an order of default against the responsible parent. On obtaining the default order, the IV-D agency and the custodian may execute an agreed settlement or consent order setting the support obligation, so long as the settlement is no more than the greatest amount stated in the notice.

(5) The IV-D agency shall not take action to collect support under an order based on subsection (4) of this section until:

(a) The default order becomes a final order, and

(b) The order has been sent by regular mail to the responsible parent with a copy of the default order.

(6) A party against whom the presiding officer has entered an order of default may petition to vacate the order under WAC 388-11-120. However, a physical custodian who has accepted the proposed notice amount under WAC 388-11-410 (3)(a) may vacate an order based on that amount only on a showing of fraud or misconduct in obtaining the custodian's acceptance of the proposed child support amount.

(7) When a party has advised the presiding officer that they will participate by telephone, the presiding officer shall attempt to contact that party on the record before beginning the proceeding or ruling on a motion. The presiding officer shall not disclose a telephone number or the location of the party appearing by phone.

[Statutory Authority: RCW 34.05.220(1) and 74.20A.055. 97-16-037, § 388-11-425, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-425, filed 4/10/96, effective 5/11/96.]

WAC 388-11-430 Settlement and consent order. (1) Except as provided in this section, a consent order or agreed settlement entered under WAC 388-11-415 through 388-11-425 is not valid until it is signed by all parties to the action. However, the physical custodian's telephonic approval may be substituted for his or her signature.

(2) A presiding officer may issue a consent order without the signatures of the parties after reviewing the terms of the order with the parties and making a finding that the parties understand and accept the terms of the order.

(3) A consent order or agreed settlement entered according to WAC 388-11-410 (3)(a) becomes valid without the signature of the physical custodian.

(4) A presiding officer may enter an order of default against a party who fails to appear at hearing, and that order

of default shall substitute for the defaulting party's signature if the remaining parties enter into a consent order or agreed settlement.

[Statutory Authority: RCW 34.05.220(1) and 74.20A.055, 97-16-037, § 388-11-430, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090, 96-09-036 (Order 3964), § 388-11-430, filed 4/10/96, effective 5/11/96.]

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.
------------	--

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 sum-

mons 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

(1999 Ed.)

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.
388-14-030	Confidentiality.
388-14-035	Requests for address disclosure—Form of request.
388-14-040	Authorization for address release.
388-14-045	Requests for address disclosure—Notice of request—Standards for nonrelease.
388-14-050	Requests for address disclosure—Hearings.
388-14-100	Absent parent's responsibility—Liability.
388-14-200	Families accepting assistance must assign certain support rights to the state.
388-14-201	Cooperation with division of child support.
388-14-202	Effects of noncooperation.
388-14-203	Medical assistance only—Assignment of support rights—Cooperation.
388-14-205	Responsibilities of the office.
388-14-210	Support payments to office of support enforcement.
388-14-220	Subpoena power.

[Title 388 WAC—p. 128]

388-14-250	Payments to the family.
388-14-260	Interstate cases.
388-14-270	Distribution of support payments.
388-14-271	Notice of intent to distribute support money.
388-14-272	Notice to recover a support payment.
388-14-273	Payment distribution payment services only cases.
388-14-274	Distribution notice.
388-14-276	Total versus total notice.
388-14-300	Nonassistance support enforcement services—Persons eligible for services.
388-14-310	Nonassistance support enforcement application.
388-14-350	Location of absent parents.
388-14-360	Cooperation with other states.
388-14-365	Reassignment by state administering an approved plan.
388-14-370	Cooperative arrangements with courts and law enforcement officials.
388-14-376	Recovery of excess daycare and special child rearing expense payments.
388-14-385	The division of child support's grievance and dispute resolution method is called a conference board.
388-14-386	How to apply for a conference board.
388-14-387	Explanation of the conference board process.
388-14-388	Scope of authority of conference board chair defined.
388-14-390	Hearing when collection action is initiated against a bank account—Exemptions—Burden of proof.
388-14-395	Limitation on collection of support payments from head of household—Request for conference board—Burden of proof.
388-14-410	Release of information to consumer reporting agency.
388-14-415	Notice of support owed.
388-14-420	Termination of support enforcement services.
388-14-427	Payroll deduction notice—Order to withhold and deliver—Wage assignments—Agreements for electronic service.
388-14-435	Notice of support debt.
388-14-440	Notice to payee.
388-14-445	Notice of proposed settlement.
388-14-450	Debt adjustment notice.
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.
388-14-495	Registering an order from another state for enforcement or modification.
388-14-496	Uniform Interstate Family Support Act—Notices served in another state.
388-14-500	The division of child support will accept oral requests for hearing or conference board.
388-14-510	What is the division of child support's license suspension program?
388-14-520	The notice of noncompliance and intent to suspend licenses.
388-14-530	Who is subject to the DCS license suspension program?
388-14-540	How do I avoid having my license suspended for failure to pay child support?
388-14-550	Signing a repayment agreement will avoid certification for noncompliance.
388-14-560	How to obtain a release of certification for noncompliance.
388-14-570	Administrative hearings regarding license suspension are limited in scope.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-14-275	Fifty dollars disregard payment. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
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

(1999 Ed.)

- (Order 3043), filed 7/24/90, effective 8/24/90. Statutory Authority: RCW 74.08.090.
- 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.
- 388-14-400 Order to withhold and deliver—Issuance and termination. [Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-14-400, filed 2/12/86.] Repealed by 97-13-092, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035.
- 388-14-405 Order to withhold and deliver—Responsibilities of employer. [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.] Repealed by 97-13-092, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035.
- 388-14-425 Payroll deduction—Notice and order—Issuance and termination. [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.] Repealed by 97-13-092, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035.
- 388-14-430 Income withholding action. [Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-430, filed 3/4/88.] Repealed by 97-13-092, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035.

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.

(1999 Ed.)

(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.

Unless context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"Absent parent" means "responsible parent" as defined in this section.

"Aid" or "public assistance" means aid to families with dependent children (AFDC) or AFDC foster care, tem-

porary assistance for needy families (TANF), federally-funded or state-funded foster care, and includes day care benefits, and medical benefits to families as an alternative or supplement to AFDC or TANF.

"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 IV-D agency under RCW 74.20.040, chapter 26.23 RCW, and 42 USC Sec. 654(6) or 657(C).

"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.

"Disposable earnings" means that part of earnings of a person remaining after the deduction of amounts required by law to be withheld.

"Earnings" means compensation paid or payable for personal services.

(1) Earnings include:

- (a) Wages or salary;
- (b) Commissions and bonuses;
- (c) Periodic payments under pension plans, retirement programs, and insurance policies of any type;
- (d) Disability payments under Title 51 RCW;
- (e) Unemployment compensation as provided for under RCW 50.40.020 and 50.40.050, and Title 74 RCW;
- (f) Gains from capital, labor, or from both combined; and
- (g) The fair value of nonmonetary compensation received in exchange for personal services.

(2) Earnings do not include profit gained through the sale or conversion of capital assets.

"Employee" means a person in employment to whom an employer is paying, owes, or anticipates paying earnings as the result of services performed.

"Employer" means any person or organization having any person in employment. It includes:

- (1) Partnerships and associations;
- (2) Trusts and estates;
- (3) Joint stock companies and insurance companies;
- (4) Domestic and foreign corporations;
- (5) The receiver or trustee in bankruptcy;
- (6) The trustee or the legal representative of a deceased person.

"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.

"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.

"Foster care case" means a case referred to the IV-D agency by the Title IV-E agency or the state division of child and family services.

"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.

"Income" includes:

- (1) All appreciable gains in real or personal property;

(2) Net proceeds from the sale or exchange of real and personal property;

(3) Earnings;

(4) Interest and dividends;

(5) Proceeds of insurance policies;

(6) Other periodic entitlements to money from any source; and

(7) Any other property subject to withholding for support under the law of this state.

"Income withholding action" includes all withholding action the IV-D agency is authorized to take. The term includes, but is not limited to actions to:

(1) Assert liens under RCW 74.20A.060;

(2) Serve and enforce liens under chapter 74.20A RCW;

(3) Issue orders to withhold and deliver under chapter 74.20A RCW, and notices of payroll deduction under chapter 26.23 RCW;

(4) Obtain wage assignment orders under RCW 26.18.080.

"Payment services only" or **"PSO"** means a case on which the IV-D agency's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not a IV-D case.

"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.

"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.

The **"required support obligation for the current month"** means the amount of a superior court order, tribal court order, or administrative order for support or the periodic future support amount that is or will be owing for the current month.

"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.

"Residential care" means foster care as defined under WAC 388-70-012.

"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 center for health statistics, from whom the IV-D agency seeks support for a dependent child.

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

(1) 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.

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

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

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

"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 IV-D agency, or the director's designee, except as is provided for under the definition of "secretary" in WAC 388-11-011 or where for the purposes of RCW 74.20A.055 "secretary" has another meaning.

"**Support enforcement services**" for the purposes of chapters 388-11 and 388-14 WAC, means all action the IV-D agency is required to perform under Title IV-D of the Social Security Act and state law. This includes, but is not limited to, action to establish, enforce, and collect child and medical support obligations, action to enforce and collect spousal support obligations, action to establish paternity, action to modify support order, and distribution of support moneys.

"**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 Title 42 USC.

"**Title IV-D agency**" or "**IV-D agency**" means the agency currently known as the division of child support or the Washington state support registry, formerly known as the support enforcement division or the office of support enforcement, which is the agency responsible for carrying out the Title IV-D plan in the state of Washington.

"**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.

"**Title IV-E**" means Title IV-E of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"**Title IV-E case**" means a "**foster care case**" as defined in this section.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-020, filed 6/18/97, effective 7/19/97. 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 IV-D agency provides support enforcement services, are private and confidential. The IV-D agency shall disclose information and records only as follows:

(a) The IV-D agency 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, including a federally recognized Indian tribe, if disclosure will allow the party to assist in the program's management or operation;

(vi) A person or entity, including a federally recognized Indian tribe, when necessary to the administration of the program or the performance of functions and duties in state and federal law. The IV-D agency 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 either party in an administrative order, or disclose a party's address to the other party. 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 IV-D agency 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 address information is subject to the provisions of WAC 388-14-035, 388-14-040, 388-14-045, and 388-14-050;

(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. Disclosure of this information is subject to the provisions of WAC 388-14-035, 388-14-040, 388-14-045, and 388-14-050;

(d) The IV-D agency may disclose the Social Security Number of a dependent child to the responsible parent to enable the parent to claim the dependency exemption as authorized by the Internal Revenue Service;

(e) Financial records of an individual obtained from a financial institution may be disclosed only for the purpose of, and to the extent necessary, to establish, modify, or enforce a child support obligation of that individual.

(2) Except as provided under WAC 388-14-035, 388-14-040, 388-14-045, and 388-14-050, chapter 388-320 WAC governs the process of requesting and disclosing information and records.

(3) The IV-D agency shall take timely action on requests for disclosure. The office shall respond in writing within five working days of receipt of the request.

(4) 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.

(5) The rules of confidentiality and penalties for misuse of information and reports that apply to a IV-D agency employee, shall also apply to a person who receives information under this section.

(6) Nothing in these rules:

(a) Prevents the IV-D agency 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 IV-D agency to disclose information and records obtained from a confidential source.

[Statutory Authority: RCW 26.23.120, as amended by 1997 c 58 § 908 and Section 303 of Public Law 104-193 (Federal Personal Responsibility and Work Opportunity Reconciliation Act). 97-18-075, § 388-14-030, filed 9/2/97, effective 10/3/97. 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 388-14-035 Requests for address disclosure—

Form of request. (1) A person shall submit a request for disclosure of a parent or child's address in writing and in person, with satisfactory evidence of identity, at any office of the IV-D agency;

(2) If the request is made by the person's attorney, the agency may waive the provisions regarding submission in person with satisfactory evidence of identity;

(3) If the person is unable to appear at the IV-D agency in person, the IV-D agency may waive the provision requiring submission in person if the person submits a notarized request for disclosure;

(4) The requester shall attach the following to a request for disclosure of an address:

(a) A copy of the superior court order on which the request is based. The IV-D agency shall waive this provision if the IV-D agency has a true copy of the order on file;

(b) A sworn statement by the individual that the order has not been modified; and

(c) A statement explaining the purpose of the request and how the information will be used.

[Statutory Authority: RCW 26.23.120, as amended by 1997 c 58 § 908 and Section 303 of Public Law 104-193 (Federal Personal Responsibility and Work Opportunity Reconciliation Act). 97-18-075, § 388-14-035, filed 9/2/97, effective 10/3/97.]

WAC 388-14-040 Authorization for address release.

(1) Any party to a support order may authorize the IV-D agency to release his or her address to the other party with no prior notice.

(2) An authorization to release an address shall be:

(a) In writing;

(b) Notarized; and

(c) Effective for any period designated by the party up to three years or until the IV-D agency is notified in writing that the party has revoked the authorization, whichever is sooner.

[Statutory Authority: RCW 26.23.120, as amended by 1997 c 58 § 908 and Section 303 of Public Law 104-193 (Federal Personal Responsibility and Work Opportunity Reconciliation Act). 97-18-075, § 388-14-040, filed 9/2/97, effective 10/3/97.]

WAC 388-14-045 Requests for address disclosure—

Notice of request—Standards for nonrelease. (1) The following provisions apply to a request for disclosure of the address of a party to the order or a dependent child under

WAC 388-14-030 through 388-14-050. The IV-D agency shall not release the address if:

(a) The department has determined, under WAC 388-215-1450, that the physical custodian has good cause for refusing to cooperate;

(b) 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 party or the child from harm;

(c) An order has been entered finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of the information; or

(d) The IV-D agency has information which gives the agency reason to believe that release of the address may result in physical or emotional harm to the other party or to the children.

(2) Whenever the IV-D agency denies a request for disclosure under subsection (1) of this section, the IV-D agency shall notify the nonrequesting party that disclosure of the address was requested and was denied.

(3) Prior to disclosing the address of a party or a child, the IV-D agency shall mail a notice to the last known address of the party whose address is sought, except as provided under subsection (4) of this section. The notice shall advise the party that:

(a) A request for disclosure has been made;

(b) The IV-D agency will disclose the address after thirty days from the date of the notice, unless:

(i) The IV-D agency receives a copy of an order which:

(A) Enjoins disclosure of the address;

(B) Restricts the address requesting party's right to contact or visit the other party or a child by imposing conditions to protect the party or the child from harm, including, but not limited to, temporary orders for protection under chapter 26.50 RCW; or

(C) States that the health, safety, or liberty of a party or child would be unreasonably put at risk by disclosure of address or other identifying information.

(ii) The party requests an adjudicative proceeding which ultimately results in a decision that release of the address is reasonably anticipated to result in harm to a party or a dependent child;

(iii) In any hearing under this section, either party may participate in the proceeding by telephone, from any prearranged location. The location and phone number shall not be disclosed by the presiding officer.

(4) The IV-D agency shall not mail a notice prior to disclosure if:

(a) The requesting party presents a facially valid warrant or a judicial finding that:

(i) The other party will likely flee to avoid service of process; or

(ii) The other party will likely flee and that:

(A) 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

(B) The custody order has not been altered, changed, modified, superseded, or dismissed; and

(C) A child was taken or enticed from the address requesting party's physical custody without that party's consent; and

(D) The address requesting party has not subsequently assented to being deprived of physical custody of the children; and

(E) The address requesting party is making reasonable efforts to regain physical custody of the child; or

(b) The records of the IV-D agency contain a written authorization for address release under WAC 388-14-040.

[Statutory Authority: RCW 26.23.120, as amended by 1997 c 58 § 908 and Section 303 of Public Law 104-193 (Federal Personal Responsibility and Work Opportunity Reconciliation Act). 97-18-075, § 388-14-045, filed 9/2/97, effective 10/3/97.]

WAC 388-14-050 Requests for address disclosure—Hearings. (1) In any adjudicative proceeding requested under WAC 388-14-045 (2)(b)(ii):

(a) The parent requesting address disclosure and the other party to the order or action are independent parties in the adjudicative proceeding;

(b) Either party may participate by telephone, provided the party:

(i) States in the request for the adjudicative proceeding that participation will be by telephone; or

(ii) Advises the office of administrative hearings at least five calendar days prior to the scheduled hearing that participation will be by telephone; and

(iii) Provides the office of administrative hearings with a telephone number where the party 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 party 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 WAC 388-14-030 through 388-14-050;

(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 other party must then show that it is reasonable to anticipate that physical or emotional harm to the party or a child will result from release of the address. The party objecting to address release:

(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 388-215-1450, 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 party objecting to disclosure fails to appear, the order shall require the IV-D agency to release the address unless the record contains documentary evidence which provides the basis for a finding that physical or emotional harm will likely result from release of the 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 parties and the children;

(h) The IV-D agency shall issue a final response to the disclosure request within five working days of the exhaustion of administrative remedies.

(2) If the physical custodian requests a hearing under 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.

[Statutory Authority: RCW 26.23.120, as amended by 1997 c 58 § 908 and Section 303 of Public Law 104-193 (Federal Personal Responsibility and Work Opportunity Reconciliation Act). 97-18-075, § 388-14-050, filed 9/2/97, effective 10/3/97.]

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 Families accepting assistance must assign certain support rights to the state. This section applies to all applicants and recipients of cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

(1) For purposes of this section:

(a) **Family** means "assistance unit."

(b) **Family member** means the caretaker relative, the child(ren), and any other person whose needs are considered in determining eligibility for assistance.

(c) **Assistance** means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

(d) **Unreimbursed assistance** means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

(e) **Permanently assigned arrearages** means those arrearages which shall be collected and retained by the state up to the amount of unreimbursed assistance. Permanently assigned arrearages accrue only under the following conditions:

(i) For those periods prior to the family receiving assistance, for assistance applications dated on or before September 30, 1997; and

(ii) For those periods while a family receives assistance, for assistance applications dated at any time.

(f) **Temporarily assigned arrearages** means those arrearages which accrue prior to the family receiving assis-

tance, for assistance applications dated on or after October 1, 1997. Temporarily assigned arrearages are:

- (i) Not permanently assigned to the state;
- (ii) Collected and retained by the state up to the amount of unreimbursed assistance, if these arrearages are collected by federal income tax refund offset at any time; and
- (iii) Collected and retained by the state by any means, up to the cumulative amount of unreimbursed assistance:

(A) Until October 1, 2000 or until the date the family terminates from assistance, whichever date is later; or

(B) Only while the family receives assistance, for assistance periods beginning October 1, 2000 or later.

(2) When a family accepts assistance, the family authorizes the division of child support (DCS) to provide support enforcement services to the family until the support enforcement case is closed pursuant to WAC 388-14-420.

(3) As a condition of eligibility for assistance, a family member must assign to the state the right to collect and keep, subject to the limitation in subsection (4), any support owing to the family member or to any other person for whom the family member has applied for or is receiving assistance.

(4) Amounts assigned under this section may not exceed the lesser of the total amount of assistance paid to the family or the total amount of the assigned support obligation.

(5) While the family receives assistance, all support collected will be retained by the state to reimburse the total amount of assistance which has been paid to the family.

(6) After the family terminates from assistance, certain accrued arrearages remain assigned to the state in accordance with the following rules:

(a) For assistance applications dated prior to October 1, 1997, the applicant permanently assigns to the state all rights to support which accrued before the application date and which will accrue prior to the date the family terminates from assistance.

(b) For assistance applications dated on or after October 1, 1997, and before October 1, 2000:

(i) The applicant permanently assigns to the state all rights to support which accrue while the family receives assistance; and

(ii) The applicant temporarily assigns to the state all rights to support which accrued before the application date, until October 1, 2000, or such time that the family terminates from assistance, whichever date is later. After this date, if any such remaining arrearage is collected by federal income tax refund offset, the state shall retain such amounts, up to the amount of unreimbursed assistance.

(c) For assistance applications dated on or after October 1, 2000:

(i) The applicant permanently assigns to the state all rights to support which accrue while the family receives assistance; and

(ii) The applicant temporarily assigns to the state all rights to support which accrued before the application date, until the date the family terminates from assistance. After this date, if any such remaining arrearage is collected by federal income tax refund offset, the state shall retain such amounts, up to the amount of unreimbursed assistance.

[Statutory Authority: RCW 74.20A.310 and 26.23.035. 98-10-042, § 388-14-200, filed 4/28/98, effective 5/29/98. 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 388-14-201 Cooperation with division of child support. (1) An applicant/recipient (also called the "client") must cooperate with the division of child support (DCS), which is the state IV-D agency, unless the department determines there is good cause not to cooperate under WAC 388-215-1400 through 388-215-1490. For purposes of this section and WAC 388-14-202, DCS includes those acting on behalf of DCS (its "representatives"), namely the prosecuting attorney, the attorney general, or a private attorney paid per RCW 74.20.350. In cases where paternity is at issue, the custodial parent of a child who receives assistance must cooperate whether or not the parent receives assistance as well.

(2) Cooperation means giving information, attending interviews, attending hearings, or taking actions to help DCS establish and collect child support. This information and assistance is necessary for DCS to:

- (a) Identify and locate the responsible parent;
- (b) Establish the paternity of the child(ren) on assistance in the client's care; and
- (c) Establish or collect support payments or resources such as property due the client or the child(ren).

(3) The client must also cooperate by sending to DCS any child support received by the client while on assistance, as required by RCW 74.20A.320. If the client keeps these payments, known as retained support, the client must sign an agreement to repay under RCW 74.20A.275, and the client must honor that agreement.

(4) There may be penalties, called sanctions, for not cooperating with DCS. These sanctions and the noncooperation process are described in WAC 388-14-202. A client will be sanctioned if:

- (a) The client does not go to scheduled interviews and answer questions;
- (b) There is credible evidence showing that the client could have given the information but did not; or
- (c) The client has been giving inconsistent or false information without a good reason.

(5) The client must be given the opportunity to swear he or she does not have the information.

(6) The client will not be sanctioned because he or she provided information on a possible parent who was then excluded by genetic testing. In this event the client must continue to cooperate in naming other possible parents and taking part in any resulting genetic testing.

(7) The client may not be able to help DCS if the client does not know, does not possess, or cannot reasonably obtain the requested information. To avoid a sanction, the client must, under penalty of perjury, attest to the lack of information in an interview held by DCS or its representative.

(8) The use of the term "client" in chapters 388-11 and 388-14 WAC reflects usage in the department of social and

health services as a whole, and shall not be construed or understood to create or imply an attorney-client relationship between DCS and those receiving child support enforcement services.

[Statutory Authority: RCW 74.20A.310 and 26.23.035. 98-10-042, § 388-14-201, filed 4/28/98, effective 5/29/98.]

WAC 388-14-202 Effects of noncooperation. (1) When the division of child support (DCS) or its representatives believe an applicant/recipient (also called "the client") is not cooperating as defined in WAC 388-14-201, a notice is sent to the client and to the community service office (CSO) of the alleged noncooperation and must explain to both the following:

(a) How the noncooperation was determined, including what actions were required;

(b) What actions must be taken to resume cooperation;

(c) That this notice was sent to the CSO;

(d) That the client may contact the CSO immediately if he or she disagrees with the notice, needs help in order to cooperate, believes the actions required are unreasonable; and

(e) That the CSO may sanction the client by either reducing or terminating the grant.

(2) The CSO will send a notice of planned action to the client as provided by WAC 388-245-1700.

(3) Either the notice of alleged noncooperation or the CSO's notice of planned action may serve as the basis for a sanction.

(4) If the noncooperation was due to missing an interview without reasonable excuse, cooperation resumes when the client appears for a rescheduled interview and either provides information or attests to the lack of information. DCS or its representative must reschedule the interview within seven business days from the date the client contacts them to reschedule an interview.

(5) If the noncooperation was due to not taking a required action, cooperation resumes when the client takes that action.

(6) The use of the term "client" in chapters 388-11 and 388-14 WAC reflects usage in the department of social and health services as a whole, and shall not be construed or understood to create or imply an attorney-client relationship between DCS and those receiving child support enforcement services.

[Statutory Authority: RCW 74.20A.310 and 26.23.035. 98-10-042, § 388-14-202, filed 4/28/98, effective 5/29/98.]

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.

(11) 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 Interstate cases. (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) or chapter 26.21 RCW, the IV-D agency shall initiate appropriate action to establish, enforce, and collect the support obligation, including any medical 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. In addition, the request may be forwarded by use of electronic referral systems such as the child support enforcement network (CSENET). 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;

(1999 Ed.)

(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, tribal court 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 order, tribal court order 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 order, tribal court order 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 or tribal court order has been entered establishing the responsible parent's support obligation, the IV-D agency may proceed under chapters 26.18, 26.21, 26.23, 74.20, and 74.20A RCW 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 IV-D agency may issue a notice of support debt under RCW 26.21.460.

(4) If there is no superior court order, tribal court order or administrative order, the IV-D agency may issue a support establishment notice.

(5) If the IV-D agency 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, attorney general's office, or Indian tribe for collection action.

(6) If the IV-D agency 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 agency may discontinue support enforcement services and return the request and accompanying documentation to the requesting agency.

(7) If the IV-D agency 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.

(8) 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 IV-D agency may execute and submit a request or an electronic referral 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.

(9) Upon request from another state, the IV-D agency 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), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-260, filed 6/18/97, effective 7/19/97. 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.

The definitions contained in WAC 388-14-200 are incorporated into and made a part of this section.

(1) Under state and federal law, the division of child support (DCS) shall distribute support money it collects or receives to the:

(a) Department when the department provides or has provided public assistance payments for the support of the family;

(b) Payee under the order, or to the physical custodian of the child according to WAC 388-14-271;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services;

(d) Indian tribe which has a TANF program and/or a cooperative agreement regarding the delivery of child support services; or

(e) Person or entity making the payment when DCS is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) If DCS is unable to distribute support money because the location of the family or person is unknown, it shall exercise reasonable efforts to locate the family or person. When the family or person cannot be located, DCS shall handle the money in accordance with chapter 458-65 WAC, the uniform unclaimed property act rules.

(3) When distributing support money, DCS shall do the following:

(a) Record payments in exact amounts without rounding;

(b) Distribute support money within eight days of the date DCS receives the money, unless it is unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) DCS does not have sufficient information to identify the accounts against which or to which it should apply the money;

(iii) An action is pending before a court or agency which has jurisdiction over the issue to determine whether support money is owed or how DCS should distribute the money.

(iv) DCS receives prepaid support money which it is holding for distribution in future months under subsection (5) of this section;

(v) DCS mails a notice of intent to distribute support money to the physical custodian under WAC 388-14-271;

(vi) DCS may hold funds and not issue a check to the family for amounts under one dollar. DCS must give credit for the payment, but may delay disbursement of that amount until a future payment is received which increases the amount of the payment to the family to at least one dollar. This subsection does not apply to disbursements which can be made by electronic funds transfer (EFT), or to refunds of intercepted federal income tax refunds; or

(vii) Other circumstances exist which make a proper and timely distribution of the money impossible through no fault or lack of diligence of DCS.

(c) Distribute support money based on the date DCS receives the money, except as provided under subsection (3)(g) of this section;

(d) Apply support money within each Title IV-D nonassistance case:

(i) First, to satisfy the current support obligation for the month DCS received the money;

(ii) Second, to the responsible parent's support debts owed to the family;

(iii) Third, to prepaid support as provided for under subsection (5) of this section.

(e) Apply support money within each Title IV-D assistance case:

(i) First, to satisfy the current support obligation for the month DCS received the money;

(ii) Second, to satisfy support debts which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(iii) Third, to satisfy support debts which are temporarily assigned to the department to reimburse the cumulative amount of assistance paid to the family;

(iv) Fourth, to prepaid support as provided for under subsection (5) of this section.

(f) Apply support money within each Title IV-D former-assistance case:

(i) First, to satisfy the current support obligation for the month DCS received the money;

(ii) Second, to satisfy support debts which accrued after the family's most recent period of assistance;

(iii) Third, to satisfy support debts which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(iv) Fourth, to satisfy support debts which are temporarily assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(v) Fifth, to satisfy support debts which exceed the cumulative amount of unreimbursed assistance which has been paid to the family;

(vi) Sixth, to prepaid support as provided for under subsection (5) of this section.

(g) Apply intercepted federal income tax refunds in accordance with 42 U.S.C. Sec. 657, as follows:

(i) First, to support debts which are permanently assigned to the department to reimburse public assistance payments; and

(ii) Second, to support debts which are temporarily assigned to the department to reimburse public assistance payments; and

(iii) Third, to support debts that are not assigned to the department; and

(iv) To support debts only, not to current and future support obligations. DCS shall refund any excess to the responsible parent.

(h) Apply amounts to a support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution between support debts owed to different families, 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 physical custodian a judgment lien for child support; or

(iii) The collection resulted from a contempt order in a particular case.

(i) Report amounts distributed to a family, receiving public assistance, to the community services office. This requirement shall not relieve the recipient of the duty to report receipt of support money.

(4) Except as provided in subsection (3)(g) of this section, when the responsible parent has more than one Title IV-D case, DCS shall distribute support money:

(a) First, to the current support obligation on each Title IV-D case, in proportion to the amount of the current support order on each case; and

(b) Second, to the total of the support debts whether owed to the family or to the department for the reimbursement of public assistance on each Title IV-D case, in proportion to the amount of support debt owed by the responsible parent on each case; and

(c) Third, after distribution under subsection (3)(d)(ii) of this section, within each Title IV-D case according to subsection (3)(e) of this section.

(5) If DCS receives or collects support money representing payment on the required support obligation for future months, it 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) DCS received prepaid support money;

(ii) DCS will distribute the prepaid money as support payments become due in the future; and

(iii) The person may request a conference board under WAC 388-14-385 to determine if the prepaid support money should be immediately distributed.

(d) DCS shall not mail the notice referred to in (5)(c) of this section if the prepaid support is equal to or less than one month's support obligation.

[Statutory Authority: RCW 74.20A.310 and 26.23.035. 98-10-042, § 388-14-270, filed 4/28/98, effective 5/29/98. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-270, filed 6/18/97, effective 7/19/97. 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

(1999 Ed.)

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 388-14-271 Notice of intent to distribute support money. (1) The IV-D agency may distribute support money to a physical custodian other than the payee under the support order if the physical custodian signs a sworn statement that:

(a) The physical custodian has physical custody of and is caring for the child; and

(b) Is not wrongfully depriving the payee of physical custody.

(2) Before the IV-D agency begins distributing support money to a physical custodian who is not the payee under the support order, it shall send the payee under the support order and the responsible parent a notice of intent to distribute support money and a copy of the sworn statement of the physical custodian to their last known addresses by first class mail. The notice shall state:

(a) The IV-D agency will distribute support money collected under the support order to the physical custodian; and

(b) The name of the physical custodian.

(3) The IV-D agency shall distribute support money to the physical custodian when the notice of intent to distribute support money becomes final.

(4) A notice served in the state of Washington becomes final unless the payee under the support order, within twenty days of the date of mailing of the notice of intent to distribute support money, files a request with the IV-D agency for a hearing under subsection (4) of this section. The effective date of a hearing request is the date the IV-D agency receives the request.

(5) A notice of intent to distribute support money served in another state becomes final according to WAC 388-14-496.

(6) A hearing on a notice of intent to distribute support money is for the limited purpose of resolving who is entitled to receive the support money.

(7) A copy of the notice of any hearing scheduled under this section shall be mailed to the alleged physical custodian at the physical custodian's last known address. The notice shall advise the physical custodian of the right to participate in the proceeding as a witness or observer.

(8) The payee under the support order may file a late hearing request on a notice of intent to distribute support money.

(9) The payee under the support order does not need to show good cause for filing a late hearing request under WAC 388-11-310.

(10) The IV-D agency may not reimburse the payee under the support order for amounts the IV-D agency sent to the physical custodian before the administrative order on a late hearing request becomes final.

(11) The payee under the support order must give the IV-D agency and the physical custodian notice of any judicial proceeding to contest a notice of intent to distribute support money.

(12) If the support order is a court order, the IV-D agency shall file a copy of the notice of intent to distribute support

money or the final administrative order entered on a notice of intent to distribute support money with the clerk of the court where the support order was entered.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-271, filed 6/18/97, effective 7/19/97.]

WAC 388-14-272 Notice to recover a support payment. (1) The IV-D agency may serve a notice to recover a support payment on the person who received the payment when the IV-D agency:

- (a) Distributed the money in error;
- (b) Distributed the money based on a check that is later dishonored;
- (c) Is required to refund or return the money to the person or entity that made the payment; or
- (d) Distributed money under a support order that was later modified so as to create an overpayment.

(2) The IV-D agency shall serve a notice to recover a support payment like a summons in a civil action or by certified mail, return receipt requested.

(3) In the notice, the IV-D agency shall identify the support payment the IV-D agency seeks to recover.

(4) The IV-D agency may take action to enforce the notice to recover a support payment without further notice once the notice becomes final.

(a) A notice to recover a support payment becomes final unless the person who received the payment requests a hearing under subsection (5) of this section within twenty days of service of the notice to recover a support payment in Washington. The effective date of a hearing request is the date the IV-D agency receives the request.

(b) A notice to recover a support payment may be served in another state to recover a payment disbursed by the IV-D agency under RCW 26.21.385. A notice to recover a support payment served in another state becomes final according to WAC 388-14-305.

(5) A hearing on the merits of a notice to recover a support payment is for the limited purpose of resolving the existence and amount of the debt the IV-D agency is entitled to recover.

(6) A person who files a late request for a hearing on a notice to recover a support payment must show good cause under WAC 388-11-310.

(7) In nonassistance cases and payment services only cases, the IV-D agency may recover a support payment under a final administrative order on a notice to recover a support payment by retaining ten percent of current support and one hundred percent of amounts collected on arrears in addition to any other remedy authorized by law.

(8) If a public assistance recipient receives a support payment directly from a responsible parent and fails to remit it to the IV-D agency as required, the IV-D agency shall recover the money as retained support under WAC 388-14-200.

(9) The IV-D agency may enforce the notice to recover a support payment as provided in subsection (7), or may act according to RCW 74.20A.270 as deemed appropriate.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-272, filed 6/18/97, effective 7/19/97.]

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 388-14-274 Distribution notice. (1) The IV-D agency shall mail a distribution notice once each month, or more often, to the last known address of a person for whom it received support during the month, except as provided under subsection (6) of this section.

(2) The IV-D agency shall include the following information in the notice:

(a) The current support and support debt owed under the order;

(b) The amount of support money the IV-D agency received and the date of collection;

(c) A description of how the IV-D agency allocated the support money between current support and the support debt; and

(d) The amount the IV-D agency claims as reimbursement for public assistance paid, if applicable.

(3) The person to whom a distribution notice is sent may file a request for a hearing under subsection (4) of this section within ninety days of the date of the notice to contest how the IV-D agency distributed the support money. A requestor shall state specific objections to the distribution notice. The effective date of a hearing request is the date the IV-D agency receives the request.

(4) A hearing under this section is for the limited purpose of determining if the IV-D agency correctly distributed the support moneys in the contested notice.

(5) A person who requests a late hearing under WAC 388-11-310 must show good cause.

(6) This section does not require the IV-D agency to send a notice to a recipient of payment services only under WAC 388-14-300(1) and 388-14-310 (2)(a).

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-274, filed 6/18/97, effective 7/19/97.]

WAC 388-14-276 Total versus total notice. (1) The IV-D agency shall identify cases needing a "total versus total" calculation, which will compare amounts of public assistance paid to the assistance unit with amounts of support collected and uncollected support debt. The IV-D agency shall perform a total versus total calculation upon the request of the physical custodian or a IV-D agency field office.

(a) The total versus total calculation will allocate the uncollected support debt between the state and the physical custodian, based on the amounts of public assistance paid to the family.

(b) The total versus total calculation will indicate the amounts of support paid by each responsible parent and how the support was distributed.

(c) The IV-D agency may at any time review a case to determine if a total versus total calculation is appropriate.

(2) When a total versus total calculation is completed at the request of the physical custodian, the IV-D agency shall mail a total versus total notice to the last known address of the former assistance recipient.

(3) The person to whom a total versus total notice is sent may within ninety days of the date of the notice file a request for a conference board under WAC 388-14-385 to contest the distribution of support money and the allocation of uncollected support debt. The requestor shall state specific objections to the total versus total notice. The effective date of a hearing request is the date the IV-D agency receives the request.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-276, filed 6/18/97, effective 7/19/97.]

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 IV-D agency shall provide payment processing and records maintenance services under RCW 26.23.050(8) to parties to a court order who are not receiving a public assistance grant when:

(1999 Ed.)

(a) A Washington superior court order, tribal court order administrative order, or wage assignment order under chapter 26.18 RCW directs payments through the IV-D agency 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, tribal court, administrative, or wage assignment order, directing payment to the IV-D agency or WSSR.

(2) The IV-D agency 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 or under temporary assistance to needy families;

(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 IV-D agency 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 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-300, filed 6/18/97, effective 7/19/97. 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

ful 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.

(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 388-14-376 Recovery of excess daycare and special child rearing expense payments. (1) A responsible parent who has paid child support under a court or administrative order and believes that daycare or special child rearing expenses were not actually incurred in the amount of the order may file an application for an administrative hearing to determine if an overpayment of at least twenty per cent has occurred and how the overpayment should be reimbursed.

(a) A petition for reimbursement shall cover a twelve-month period; and

(b) The twelve-month period may be:

(i) A calendar year; or

(ii) The twelve-month period following the anniversary date of the support order; or

(iii) The twelve-month period following an adjudication under this section.

(c) Twelve-month periods under this section may not overlap.

(2) The application shall be in writing and shall at a minimum state:

(a) The twelve-month time period to be considered;

(b) The date of the order requiring the payment of daycare or special child rearing expenses;

(c) The amounts required by the court or administrative order for day care or special child rearing expenses for that time period;

(d) The amounts actually paid by the responsible parent for that time period;

(e) The total amount of day care or special child rearing expenses which the responsible parent claims the physical custodian actually incurred for that time period;

(f) The responsible parent's proportionate share of the expenses actually incurred; and

(g) The amount of reimbursement for overpayment to which the responsible parent claims to be entitled for that time period.

(3) An application for hearing under this section shall be considered an application for full support enforcement services if there is not already an open enforcement case.

(4) The effective date of a hearing request is the date the IV-D agency receives the written request.

(5) The IV-D agency shall send notice of a hearing under this subsection to the responsible parent and the physical custodian. The responsible parent and the physical custodian shall participate in the hearing as independent parties with the same procedural rights.

(6) The responsible parent has the burden of proving the amounts actually paid by the responsible parent under the order.

(7) The physical custodian has the burden of proving the amounts actually incurred for day care and special child rearing expenses.

(8) The physical custodian is not required to provide the address of the day care provider unless the presiding officer finds that such information may be disclosed under the standards set forth in WAC 388-14-030(6) for the disclosure of the address of the physical custodian.

(9) If the responsible parent fails to appear for the hearing, upon proof of service of the notice of hearing the presiding officer shall issue an order of default against the responsible parent and dismiss the petition for reimbursement.

(10) If the physical custodian fails to appear for the hearing, upon proof of service of the notice of hearing the presiding officer shall issue an order of default against the physical custodian and hold a hearing on the merits of the petition for reimbursement.

(11) A hearing under this subsection is for the limited purpose of determining whether the amount paid by the responsible parent exceeds the responsible parent's proportionate share of the amount actually incurred for day care and special child rearing expenses.

(a) If the presiding officer determines that the overpayment amounts to twenty percent or more of the responsible parent's share of annual day care and special child rearing expenses, the presiding officer shall enter an order stating:

(i) The twelve-month time period in question;

(ii) The amount of the overpayment; and

(iii) The method by which the overpayment shall be reimbursed by the obligated party.

(b) If the presiding officer determines that the overpayment amounts to less than twenty percent of the responsible parent's share of annual day care and child rearing expenses, the presiding officer shall enter an order stating:

(i) Whether the responsible parent has overpaid or underpaid the day care and special child rearing expenses;

(ii) If an overpayment has occurred, by what percentage of the annual proportionate share; and

(iii) That reimbursement under this section is denied for that twelve-month period.

(12) Any ordered overpayment reimbursement shall be applied as an offset to any nonassistance child support arrearages owed by the responsible parent on that case only. If there are no nonassistance arrearages owed on that case, the reimbursement shall be:

(a) In the form of a credit against the responsible parent's future child support obligation:

(i) Spread equally over a twelve-month period commencing the month after the administrative order becomes final; or

(ii) When the future support obligation will terminate under the terms of the order in less than twelve months, spread equally over the life of the order; or

(b) With the consent of the obligated party, in the form of a direct reimbursement by the obligated party to the responsible parent.

(13) The responsible parent may not pay more than his or her proportionate share of day care or other special child rearing expenses in advance and then deduct the overpayment from future support transfer payments unless:

(a) Specifically agreed to by the physical custodian; and

(b) Specifically agreed to in writing by the IV-D agency for periods when the physical custodian or the dependent child receives public assistance.

(14) This section applies only to amounts paid during the twelve-month period ending May 31, 1996 or later.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-376, filed 6/18/97, effective 7/19/97.]

WAC 388-14-385 The division of child support's grievance and dispute resolution method is called a conference board. (1) The division of child support (DCS) provides conference boards for the resolution of complaints and problems regarding DCS cases, and for granting exceptional or extraordinary relief. A conference board is an informal review of case actions and of the circumstances of the parties and children related to a child support case.

(a) The term **conference board** can mean either of the following, depending on the context:

(i) The process itself, including the review and any meeting convened; or

(ii) The DCS staff who make up the panel which convenes the hearing and makes factual and legal determinations.

(b) A **conference board chair** is an attorney employed by DCS in the conference board unit. In accordance with new section WAC 388-14-387, the conference board chair reviews a case and:

(i) Issues a decision without a hearing, or

(ii) Sets a hearing to take statements from interested parties before reaching a decision.

(2) A person who disagrees with any DCS action related to establishing, enforcing or modifying a support order may ask for a conference board.

(3) DCS uses the conference board process to:

(a) Help resolve complaints and problems over agency actions;

(b) Determine when hardship in the paying parent's household, as defined in RCW 74.20A.160, justifies the release of collection action or the refund of a support payment;

(c) Set a repayment rate on a support debt; and

(d) Determine when it is appropriate to write off support debts owed to the department based on:

(i) Hardship to the paying parent or that parent's household;

(ii) Settlement by compromise of disputed claims;

(iii) Probable costs of collection in excess of the support debt; or

(iv) An error or legal defect that reduces the possibility of collection.

(4) A conference board is not a formal hearing under the administrative procedure act, chapter 34.05 RCW.

(5) A conference board does not replace any formal hearing right created by chapters 388-11, 388-13 and 388-14 WAC, or by chapters 26.23, 74.20 or 74.20A RCW.

(6) This section and WAC 388-14-386 through 388-14-388 govern the conference board process in DCS cases.

[Statutory Authority: RCW 74.20A.310, 26.23.035 and 74.08.090. 98-17-033, § 388-14-385, filed 8/11/98, effective 9/11/98. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-385, filed 6/18/97, effective 7/19/97. 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 388-14-386 How to apply for a conference board. (1) A person may request a conference board, orally or in writing, at any division of child support (DCS) office.

(2) Oral requests for conference boards are governed by WAC 388-14-500.

(3) DCS may start conference board proceedings in appropriate circumstances.

[Statutory Authority: RCW 74.20A.310, 26.23.035 and 74.08.090. 98-17-033, § 388-14-386, filed 8/11/98, effective 9/11/98.]

WAC 388-14-387 Explanation of the conference board process. (1) An applicant for a conference board must make reasonable efforts to resolve the dispute with division of child support (DCS) staff before the conference board can act in the case.

(2) A conference board chair reviews each application to determine appropriate action:

(a) If there are questions of both law and fact or if the dispute involves only facts, the chair may schedule a conference board hearing to gather evidence;

(b) If the factual dispute would not provide a basis on which the conference board could grant relief, even if all facts were resolved in favor of the applicant, the chair may issue a decision without a hearing; or

(c) If the dispute can be resolved as a matter of law without relying upon disputed facts, the conference board chair may issue a decision without scheduling a hearing.

(3) If the conference board chair schedules a hearing, the conference board is made up of the conference board chair and staff from the DCS field office which handles the child support case, if needed.

(a) At the hearing, the conference board makes determinations of relevant disputed facts. Decisions on factual issues are made by a majority of the conference board.

(b) Decisions on issues of law are made by the conference board chair alone.

(c) The DCS worker regularly assigned to a case shall not be part of a conference board dealing with that case.

(4) The conference board chair will prepare a decision, if necessary, and provide that decision to the parties to the conference board, and to the DCS staff responsible for the case.

(5) The director of DCS, or a person designated by the director, may review conference board decisions, and may alter, amend, vacate or remand decisions that are inconsistent with Washington law or DCS policy, or are grossly unfair.

[Statutory Authority: RCW 74.20A.310, 26.23.035 and 74.08.090. 98-17-033, § 388-14-387, filed 8/11/98, effective 9/11/98.]

WAC 388-14-388 Scope of authority of conference board chair defined. The conference board chair has the authority to:

(1) Subpoena witnesses and documents, administer oaths and take testimony;

(2) Grant relief by setting payment plans, writing off debt owed to the department, or refunding collected money;

(3) Adjust support debts based on evidence gathered during the conference board process;

(4) Direct distribution of collected support; and

(5) Take any action consistent with Washington law and DCS policy to resolve disputes, grant relief or address issues of equity.

[Statutory Authority: RCW 74.20A.310, 26.23.035 and 74.08.090. 98-17-033, § 388-14-388, filed 8/11/98, effective 9/11/98.]

WAC 388-14-390 Hearing when collection action is initiated against a bank account—Exemptions—Burden of proof. (1) If the IV-D agency initiates collection action against a bank account, safe 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, safe deposit box or other property may contest the action in a hearing. The effective date of a hearing request is the date the IV-D agency receives the request.

(2) The responsible parent or the joint owner shall file the hearing request within twenty days of the date the IV-D agency 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 IV-D agency, the IV-D agency shall schedule a hearing 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 safe 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, TANF 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 safe 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, or property in a safe deposit box, are exempt from satisfaction of the child support obligation of the responsible parent.

(6) The IV-D agency 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 IV-D agency at the time of the granting of an application pending the final administrative 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 IV-D agency 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 IV-D agency 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 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-390, filed 6/18/97, effective 7/19/97. 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 depart-

[Title 388 WAC—p. 146]

ment 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 388-14-410 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.

(1999 Ed.)

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) The IV-D agency may serve a notice of support owed on a responsible parent under RCW 26.23.110 to establish a fixed dollar amount of monthly support and accrued support debt if a support obligation under a court order is not a fixed dollar amount, or to implement an adjustment or escalation provision of the court order.

(a) The notice of support owed shall include day care costs and medical support if the court order provides for such costs.

(b) The IV-D agency shall serve a notice of support owed on a responsible parent like a summons in a civil action or by certified mail, return receipt requested.

(c) Following service on the responsible parent, the IV-D agency shall mail a notice to payee under WAC 388-14-440.

(2) In a notice of support owed, the IV-D agency shall include the information required by WAC 388-11-210 and RCW 26.23.110 and:

(a) The factors stated in the order to calculate monthly support;

(b) Any other information not contained in the order that was used to calculate monthly support and the support debt; and

(c) Notice of the right to request a review of the order once yearly or on the date, if any, given in the order for an annual review.

(3) The responsible parent must make all support payments after service of a notice of support owed to the Washington state support registry. The IV-D agency shall not credit payments made to any other party after service of a notice of support owed except as provided in WAC 388-11-015 and 388-11-280.

(4) A notice of support owed becomes final as defined in this subsection.

(a) A notice of support owed becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the responsible parent, within twenty days of service of the notice in Washington:

(i) Contacts the IV-D agency, and signs an agreed settlement;

(ii) Files a request with the IV-D agency for a hearing under subsection (5) of this section. The effective date of a hearing request is the date the IV-D agency receives the request; or

(iii) Obtains a stay from the superior court.

(b) A notice of support owed served in another state becomes final according to WAC 388-14-496.

(5) The IV-D agency may enforce at any time:

(a) A fixed or minimum dollar amount for monthly support stated in the court order or by prior administrative order entered under this section;

(b) Any part of a support debt that has been reduced to a fixed dollar amount by a court or administrative order; and

(c) Any part of a support debt that neither party alleges is incorrect.

(6) A hearing on the merits of a notice of support owed is for the limited purpose of interpreting the court order for support and any modifying orders and not to change or defer the support provisions of the order. The hearing is only to determine:

(a) The amount of monthly support as a fixed dollar amount;

(b) Any accrued arrears through the date of hearing; and

(c) If a condition precedent in the court order to begin or modify the support obligation was met.

(7) If the responsible parent requested the hearing, he or she has the burden of proving any applicable defenses to liability under WAC 388-11-065 or that the amounts stated in the notice of support owed are incorrect.

If the payee under the order requested the hearing, see WAC 388-14-440.

(8) The IV-D agency shall send notice of a hearing under this subsection to the responsible parent and payee. The payee may participate in the hearing as an independent party with the same procedural rights as the responsible parent.

(9) If only one party appears and wishes to proceed with the hearing, the presiding officer shall either continue the hearing or hold a hearing and issue an initial decision based on the evidence presented.

(a) The presiding officer shall include an order of default against the nonappearing party in the initial decision, and the appeal rights of the nonappearing party are limited to the record made at the hearing.

(b) If neither party appears or wishes to proceed with the hearing, the presiding officer shall issue an order of default against both parties.

(10) A notice of support owed or an initial or review decision issued under subsection (6) of this section shall inform the parties of the right to request a review of the order once yearly or on the date, if any, given in the order for an annual review.

(11) If a responsible parent requests a late hearing under WAC 388-11-310, the responsible parent must show good cause for filing the late hearing request if it is filed more than one year after service of the notice of support owed.

(12) A notice of support owed shall fully and fairly apprise the responsible parent of the rights and responsibilities in this section.

(13) For the purposes of this section, "payee" shall include "physical custodian."

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035, 97-13-092, § 388-14-415, filed 6/18/97, effective 7/19/97. 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.]

WAC 388-14-420 Termination of support enforcement services. (1) After the IV-D agency begins providing

services under chapter 74.20 RCW and RCW 26.23.045 (1)(a), (b), (c), (e), or (f), the IV-D agency 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) The IV-D agency determines that the responsible parent or putative father is dead and has no available assets, income, or estate subject to collection action;

(c) The IV-D agency 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 current assignment to the state of medical support rights exists. If there is accrued debt under a support order that is assigned to the state:

(i) That portion of the case shall remain open; and

(ii) The IV-D agency may close the nonassistance portion of the case.

(e) The IV-D agency 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) The IV-D agency 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) The IV-D agency documents:

(i) Instances of the physical custodian's failure or refusal to cooperate with the IV-D agency; and

(ii) That the physical custodian's cooperation is essential for the next step in providing support enforcement services;

(h) The IV-D agency 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(3);

(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) The IV-D agency has provided locate-only services in response to a request for state parent locator services;

(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 the IV-D agency; and

(ii) Washington state has been unable to establish reciprocity in child support matters with that country; or

(m) The dependent child is confined to a juvenile rehabilitation facility for a period of ninety day or more; or

(n) Any other circumstances exist which would allow closure under 45 CFR 303.11 or any other federal statute or regulation.

(2) After the IV-D agency provides services under RCW 26.23.045 (1)(d), the IV-D agency shall:

(a) Terminate support enforcement services;

(i) If a court of competent jurisdiction orders the IV-D agency 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 the IV-D agency 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 the IV-D agency 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), (l), or (m) 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, the IV-D agency shall mail a notice to the physical custodian. The IV-D agency 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 a hearing to contest the decision terminating services.

(4) After terminating support enforcement services, the IV-D agency shall return support money the IV-D agency receives to the payor except as provided under subsection (2)(b) of this section.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-420, filed 6/18/97, effective 7/19/97. 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 388-14-427 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 388-14-435 Notice of support debt. (1) The IV-D agency may serve a notice of support debt on a responsible parent under RCW 74.20A.040 to provide notice that the IV-D agency is enforcing a court order or foreign administrative order for support.

(2) The IV-D agency shall serve a notice of support debt like a summons in a civil action or by certified mail, return receipt requested.

(3) In a notice of support debt, the IV-D agency shall include the information required by WAC 388-11-210, the amount of current and future support, accrued support debt, any health insurance coverage obligation, and any day care costs under the court or administrative order.

(4) The responsible parent must make all support payments after service of a notice of support debt to the Washington state support registry. The IV-D agency shall not credit payments made to any other party after service of a notice of support debt except as provided in WAC 388-11-015 or 388-11-280.

(5) A notice of support debt becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW, subject to the terms of the order, unless, within twenty days of service of the notice in Washington, the responsible parent:

(a) Files a request with the IV-D agency for a conference board under WAC 388-14-285. The effective date of a conference board request is the date the IV-D agency receives the request;

(b) Obtains a stay from the superior court; or

(c) A notice of support debt served in another state becomes final according to WAC 388-14-496.

(6) Enforcement of the following are not stayed by a request for a conference board or hearing under this section or WAC 388-14-440:

(a) Current and future support stated in the order; and

(b) Any portion of the support debt that the responsible parent or payee under the order fail to allege is not owed.

(7) Following service of the notice of support debt on the responsible parent, the IV-D agency shall mail to the last known address of the payee under the order:

(a) A copy of the notice of support debt; and

(b) A notice to payee under WAC 388-14-440 regarding the payee's rights to contest the notice of support debt.

(8) If the responsible parent requests a conference board under subsection (5)(a) of this section, the IV-D agency shall mail a copy of the notice of conference board to the payee under the order informing the payee of the payee's right to:

(a) Participate in the conference board; or

(b) Request a hearing under WAC 388-14-440(3) within twenty days of the date of a notice of conference board that was mailed to a Washington address. If the notice of conference board was mailed to an out-of-state address, the payee may request a hearing within sixty days of the date of the notice of conference board. The effective date of a hearing request is the date the IV-D agency receives the request.

(9) If the payee requests a hearing under subsection (8) of this section, the IV-D agency shall:

(a) Stay enforcement of the notice of support debt except as required under subsection (6) of this section; and

(b) Notify the responsible parent of the hearing.

(10) If a payee requests a late hearing under subsection (8) of this section, the payee must show good cause for filing the late request.

(11) A notice of support debt shall fully and fairly apprise the responsible parent of the rights and responsibilities in this section.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035, 97-13-092, § 388-14-435, filed 6/18/97, effective 7/19/97. 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 IV-D agency shall send a notice to a payee under a court order or foreign administrative order for support when the IV-D agency receives proof of service on the responsible parent of:

(a) A notice of support owed under WAC 388-14-415; or

(b) A notice of support debt under WAC 388-14-435.

(2) The IV-D agency shall send the notice to payee by first class mail to the last known address of the payee and enclose a copy of the notice served on the responsible parent.

(3) In a notice to payee, the IV-D agency shall inform the payee of the right to file a request with the IV-D agency for a hearing on a notice of support owed under WAC 388-14-415 or a notice of support debt under WAC 388-14-435 within twenty days of the date of a notice to payee that was mailed to a Washington address.

(4) If the notice to payee was mailed to an out-of-state address, the payee may request a hearing within sixty days of the date of the notice to payee.

(5) The effective date of a hearing request is the date the IV-D agency receives the request.

(6) A hearing on a notice of support debt is for the limited purpose of determining the amount of accrued support debt through the date of the hearing under the order.

(7) The IV-D agency shall send a notice of hearing on a notice of support debt to the responsible parent and payee. The responsible parent may participate in the hearing as an independent party.

(8) If only one party appears and wishes to proceed with the hearing, the presiding officer shall hold a hearing and issue an initial decision based on the evidence presented or continue the hearing.

(a) An initial decision issued under this subsection shall include an order of default against the nonappearing party and limit the appeal rights of the nonappearing party to the record made at the hearing.

(b) If neither the responsible parent nor the payee appears or wishes to proceed with the hearing, the presiding officer shall issue an order of default against both parties.

(9) If the payee requests a late hearing under WAC 388-11-310 on a notice of support owed or a notice of support debt, the payee must show good cause for filing the late hearing request.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-440, filed 6/18/97, effective 7/19/97. 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)

The IV-D agency shall send a notice of proposed settlement to a payee when the IV-D agency and the responsible parent sign an agreed settlement or consent order in cases where the support obligation is being set under a court order which does not specify a fixed dollar amount.

The IV-D agency shall send the notice of proposed settlement by first class mail to the last known address of the payee and enclose a copy of the agreed settlement or consent order.

(2) A proposed settlement becomes final according to this subsection.

(a) A proposed settlement under this section becomes final and subject to enforcement unless the payee, within twenty days of the date of a notice of proposed settlement that was mailed to a Washington address:

(i) Approves the proposed settlement; or

(ii) Files a request with the agency IV-D for a hearing on a notice of support owed under WAC 388-14-415 or a notice of support debt under WAC 388-14-435. The effective date of a hearing request is the date the IV-D agency receives the request.

(b) If the notice of proposed settlement was mailed to an out-of-state address, the payee may request a hearing within sixty days of the date of the notice of proposed settlement.

(3) The payee may not request a late hearing under WAC 388-11-310 on a notice of proposed settlement.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-445, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090. 91-09-018 (Order 3133), § 388-14-445, filed 4/9/91, effective 5/10/91.]

[Title 388 WAC—p. 150]

WAC 388-14-450 Debt adjustment notice. (1) The IV-D agency shall mail a debt adjustment notice to the payee under a court order within thirty days of the date the IV-D agency reduces the amount of the court-ordered support debt it 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 the IV-D agency reduced the support debt, as provided under subsection (1) of this section;

(c) The name of the responsible parent and a statement that the responsible parent may attend and participate as an independent party in any hearing requested by the payee under this section; and

(d) The IV-D agency will continue to provide support enforcement services whether or not the payee objects to the debt adjustment notice.

(3) A debt adjustment notice becomes final under this subsection.

(a) A debt adjustment notice becomes final unless the payee, within twenty days of service of the notice in Washington, files a request with the IV-D agency for a hearing under subsection (4) of this section. The effective date of a hearing request is the date the IV-D agency receives the request.

(b) A debt adjustment notice served in another state becomes final according to WAC 388-14-496.

(4) A hearing under this section is for the limited purpose of determining if the IV-D agency correctly reduced the support debt as stated in the notice of debt adjustment.

(5) A payee who requests a late hearing under WAC 388-11-310 must show good cause for filing a late hearing request if it is filed more than one year after the date of the notice of debt adjustment.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-450, filed 6/18/97, effective 7/19/97. 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 IV-D agency 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 or prove that coverage is not available; and

(b) Does not inform the parent that failure to provide coverage or prove that coverage is not available may result in direct enforcement of the order.

(2) The IV-D agency shall serve the notice on the responsible parent by certified mail, return receipt requested or by personal service.

(3) The IV-D agency shall state on the notice of intent to enforce that the responsible parent must submit proof of cov-

(3) The IV-D agency shall state on the notice of intent to enforce that the responsible parent must submit proof of cov-

erage, proof that coverage is not available, or proof that the parent has applied for coverage to the IV-D agency 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 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-460, filed 6/18/97, effective 7/19/97. 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.]

WAC 388-14-495 Registering an order from another state for enforcement or modification. (1) A support enforcement agency, or a party to a child support order or an income-withholding order for support issued by a tribunal of another state, may register the order in this state for enforcement pursuant to chapter 26.21 RCW.

(a) The order may be registered with the superior court pursuant to RCW 26.21.490 or it may be registered with the administrative tribunal according to subsection (2) of this section, at the option of the IV-D agency. Either method of registration shall be considered valid registration.

(b) A support order or income-withholding order issued in another state is registered when the order is filed with the registering tribunal of this state.

(c) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(2) The IV-D agency shall give notice to the nonregistering party when it administratively registers a support order or income-withholding order issued in another state.

(a) The notice must inform the nonregistering party:

(i) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(ii) That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of receipt by certified or registered mail or personal service of the notice given to a nonregistering party within the state and within sixty days after the date of receipt by certified or registered mail or personal service of the notice on a nonregistering party outside of the state;

(iii) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(iv) Of the amount of any alleged arrearages.

(b) The notice must be:

(i) Served by certified or registered mail or by any means of personal service authorized by the laws of the state of Washington; and

(ii) Accompanied by a copy of the registered order and any documents and relevant information accompanying the order submitted by the registering party.

(c) The effective date of a request for hearing to contest the validity or enforcement of the registered order is the date the IV-D agency receives the request.

(3) A hearing under this section is for the limited purpose of determining if the nonregistering party can meet the burden of proving one or more of the defenses enumerated in RCW 26.21.540(1).

(a) If the contesting party presents evidence establishing a full or partial defense under RCW 26.21.540(1), the presiding officer may:

(i) Stay enforcement of the registered order;

(ii) Continue the proceeding to permit production of additional relevant evidence; or

(iii) Issue other appropriate orders.

(b) An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

(c) If the contesting party does not establish a defense under RCW 26.21.540(1) to the validity or enforcement of the order, the presiding officer shall issue an order confirming the registered order.

(d) The physical custodian, or payee of the order, shall be a party to any hearing under this section.

(4) Confirmation of a registered order shall preclude further contest of the order with respect to any matter that could have been asserted at the time of registration. Confirmation may occur:

(a) By operation of law upon failure to contest registration; or

(b) By order of the presiding officer.

(5) A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state may register the order in this state according to RCW 26.21.560 through 26.21.580.

(a) The order shall be registered in the same manner provided in subsection (1)(a) if the order has not yet been registered.

(b) A petition for modification may be filed at the same time as a request for registration, or later. The petition must specify the grounds for modification.

(c) The IV-D agency may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of RCW 26.21.580 have been met.

(6) Interpretation of the registered order shall be governed by RCW 26.21.510.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-495, filed 6/18/97, effective 7/19/97.]

WAC 388-14-496 Uniform Interstate Family Support Act—Notices served in another state. (1) The agency may serve the following legal actions in another state by certified mail, return receipt requested, under chapter 26.21 RCW:

(a) A notice of intent to distribute support money under WAC 388-14-271;

(b) A notice to recover a support payment under WAC 388-14-272;

(c) A notice of support owed under WAC 388-14-415;

(d) A notice of support debt under WAC 388-14-435;

(e) A notice to payee under WAC 388-14-440;

(f) A notice of proposed settlement under WAC 388-14-445.

(2) The agency may serve a distribution notice under WAC 388-14-274, a debt adjustment notice under WAC 388-14-450 or a total versus total notice under WAC 388-14-276 in another state by first class mail.

(3) A notice becomes final and, if applicable, subject to immediate wage withholding and enforcement without further notice if applicable under chapters 26.18, 26.23, and 74.20A RCW unless the recipient of the notice, within sixty days of service in another state:

(a) Contacts the IV-D agency and signs an agreed settlement; or

(b) Files a request for a hearing under the applicable section in subsection (1) of this section. The effective date of a hearing request is the date the IV-D agency receives the request.

(4) Administrative hearings on notices served in another state under this section may be conducted under the special rules of evidence and procedure in chapter 26.21 RCW.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-496, filed 6/18/97, effective 7/19/97.]

WAC 388-14-500 The division of child support will accept oral requests for hearing or conference board. (1) Except for the instances listed in subsection (8), DCS will accept either a written or an oral request for hearing or conference board, even though other sections of chapters 388-11 and 388-14 WAC provide that objections and hearing requests should be in writing.

(2) The subject matter of the objection determines whether the matter is set as a conference board or hearing, unless there is a specific request for administrative hearing under chapter 34.05 RCW.

(1999 Ed.)

(3) DCS will process oral and written requests for hearing in the same manner.

(4) An oral request for hearing is complete if it contains sufficient information to identify the person making the request, the DCS action, and the case or cases involved in the hearing request.

(5) The effective date of an oral request for hearing is the date that a complete oral request for hearing is communicated to any DCS representative in person or by leaving a message on the automated voice mail system of any DCS field office.

(6) When making an oral request, you are not required to specify whether you want a hearing under chapter 34.05 RCW or a conference board under WAC 388-11-385.

(7) You can make an oral request for hearing or conference board on behalf of another person, if you have written authorization to act on their behalf. The effective date of an oral request for hearing or conference board made on behalf of another person is the date that DCS receives the written authorization.

(8) There are two types of hearing request which must be in writing:

(a) A petition for prospective modification under WAC 388-11-140; and

(b) A petition for relief under WAC 388-14-376.

[Statutory Authority: RCW 34.05.220(1) and 74.08.090. 98-17-032, § 388-14-500, filed 8/11/98, effective 9/11/98. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-500, filed 6/18/97, effective 7/19/97.]

WAC 388-14-510 What is the division of child support's license suspension program? (1) RCW 74.20A.320 provides that, in some circumstances, the division of child support (DCS) may certify a responsible parent as someone who is not in compliance with a child support order.

(a) "Certify" means to establish that the parent is not in compliance with a child support order and to ask the department of licensing and other state licensing entities to take appropriate action against licenses held by the noncustodial parent.

(b) "Responsible parent" is defined in WAC 388-11-011(22). The responsible parent is also called the "noncustodial parent."

(2) "Noncompliance with a child support order" is defined in RCW 74.20A.020(18) and in WAC 388-14-530(2).

(3) When DCS certifies the noncustodial parent, the department of licensing or other licensing entities take action to deny, suspend, or refuse to renew the noncustodial parent's license, according to the terms of RCW 74.20A.320 (8) and (12).

(4) This section and sections WAC 388-14-520 through 388-14-570 cover the DCS license suspension program.

(5) DCS may certify a noncustodial parent who is not in compliance with a child support order to the department of licensing or any appropriate licensing entity. In determining which licensing entity receives the certification, DCS shall consider:

(a) The number and kind of licenses held by the parent; and

(b) The effect that suspension of a particular license will have in motivating the parent to pay support or to contact DCS to make appropriate arrangements for other relief.

(6) DCS may certify a parent to any licensing agency through which it believes the parent has obtained a license. DCS may certify a parent to as many licensing agencies as DCS feels necessary to accomplish the goals of the license suspension program.

[Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-510, filed 8/11/98, effective 9/11/98.]

WAC 388-14-520 The notice of noncompliance and intent to suspend licenses. (1) Before certifying a noncustodial parent for noncompliance, the division of child support (DCS) must serve the noncustodial parent with a notice of noncompliance and intent to suspend licenses. This notice tells the noncustodial parent that DCS intends to submit the parent's name to the department of licensing and any other appropriate licensing entity as a licensee who is not in compliance with a child support order.

(2) The notice must be served by certified mail, return receipt requested. If DCS is unable to serve the notice by certified mail, DCS must serve the notice by personal service, as provided in RCW 4.28.080.

(3) The notice must include a copy of the noncustodial parent's child support order and must contain the address and phone number of the DCS office which issued the notice.

(4) The notice must contain the information required by RCW 74.20A.320(2), telling the noncustodial parent that:

(a) The noncustodial parent may request an administrative hearing, but that the hearing is limited in scope (see WAC 388-14-570);

(b) DCS will certify the noncustodial parent unless the parent makes a request for hearing within twenty days of the date of service of the notice;

(c) The noncustodial parent may avoid certification by agreeing to make timely payments of current support and agreeing to a reasonable payment schedule on the support debt;

(d) Certification by DCS will result in suspension or nonrenewal of the parent's license by the licensing entity until DCS issues a release stating that the parent is in compliance with the child support order;

(e) Suspension of a license may affect the noncustodial parent's insurance coverage, depending on the terms of any policy;

(f) Filing a petition to modify the support obligation may stay (or put a hold on) the certification process; and

(g) Even after certification, the parent may obtain a release from certification by complying with the support order.

[Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-520, filed 8/11/98, effective 9/11/98.]

WAC 388-14-530 Who is subject to the DCS license suspension program? (1) The division of child support (DCS) may certify a person as being in noncompliance with a child support order when:

(a) The person is required to pay child support under a court order or administrative order;

[Title 388 WAC—p. 154]

(b) The person is at least six months in arrears; and

(c) The person is not:

(i) In jail or prison, except if the person has other resources available;

(ii) A recipient of temporary assistance for needy families (TANF), Supplemental Security Income (SSI) or other exempt public assistance program; or

(iii) A WorkFirst participant who does not receive a cash grant.

(d) The person is not currently making payments to the Washington state support registry under a wage withholding action issued by DCS.

(2) "Noncompliance with a child support order" for the purposes of the license suspension program means a noncustodial parent has:

(a) Accumulated a support debt, also called an arrearage or arrears, totaling more than six months of child support payments;

(b) Failed to make payments pursuant to a written agreement with DCS towards a support debt in an amount that exceeds six months of payments; or

(c) Failed to make payments required by a superior court order or administrative order towards a support debt in an amount that exceeds six months of payments.

(3) There is no minimum dollar amount for the six months of arrears. The following are examples of when a parent is at least six months in arrears:

(a) The child support order requires monthly payments of five hundred dollars. The noncustodial parent has not made a single payment since the order was entered seven months ago. This noncustodial parent is at least six months in arrears;

(b) The child support order requires monthly payments of one hundred dollars. The noncustodial parent has paid for the last few months, but owes a back debt of over six hundred dollars. This noncustodial parent is at least six months in arrears;

(c) The noncustodial parent owes a support debt according to a superior court judgment, which requires payments of one hundred dollars per month. The noncustodial parent has not made payment for eight months. This noncustodial parent is at least six months in arrears; or

(d) The child support order required monthly payments of two hundred dollars, but the child is over eighteen so no current support is owed. However, the noncustodial parent has a debt of over twelve hundred dollars. This noncustodial parent is at least six months in arrears.

(4) For the purposes of the license suspension program, a noncustodial parent is in compliance with the child support order when the amount owed in arrears is less than six months' worth of support.

[Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-530, filed 8/11/98, effective 9/11/98.]

WAC 388-14-540 How do I avoid having my license suspended for failure to pay child support? (1) DCS will stay certification action if the noncustodial parent takes the following action within twenty days of service of the notice:

(a) Requests an administrative hearing under WAC 388-14-570; or

(1999 Ed.)

(b) Contacts DCS to negotiate a reasonable payment schedule on the arrears and agrees to make timely payments of current support.

(i) The stay for negotiation may last a maximum of thirty calendar days after the parent contacts DCS; and

(ii) If no payment schedule has been agreed to in writing after thirty calendar days have passed, DCS may proceed with certification of noncompliance;

(iii) A reasonable payment schedule is described in WAC 388-14-550, below; and

(iv) The noncustodial parent may request a conference board review under WAC 388-14-385 if the parent feels that DCS has not negotiated in good faith.

(2) If the noncustodial parent files a court or administrative action to modify the child support obligation, the certification action is stayed.

(3) The stay for modification action shall not exceed six months unless DCS finds good cause to extend the stay.

(4) The noncustodial parent must notify DCS that a modification proceeding is pending and must provide a copy of the motion or request for modification to DCS.

[Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-540, filed 8/11/98, effective 9/11/98.]

WAC 388-14-550 Signing a repayment agreement will avoid certification for noncompliance. (1) If a noncustodial parent signs a repayment agreement, the certification action must be stayed. The noncustodial parent must agree to pay current support in a timely manner and to make regular payments on the support debt.

(2) The repayment agreement must state that If a noncustodial parent fails to make payments under the terms of the agreement, DCS may resume certification action.

(3) In setting the repayment amount, DCS must take into account the financial situation of the noncustodial parent and the needs of all children who rely on the noncustodial parent for support. The noncustodial parent must supply sufficient financial information to allow DCS to analyze and document the parent's financial situation and requirements, including normal living expenses and emergencies.

(4) A reasonable monthly arrears payment is defined as a percentage of the noncustodial parent's "adjusted net income," which is the parent's net monthly income minus any current support obligation. The following table sets forth the suggested monthly payments on arrears:

Monthly Adjusted Net Income (ANI)	Monthly Arrears Payment= Percentage of ANI
\$1,000 or less	2%
\$1,001 to \$1,200	3%
\$1,201 to \$1,500	4%
\$1,501 to \$1,900	5%
\$1,901 to \$2,400	6%
\$2,401 to \$3,000	7%
\$3,001 or more	8%

(5) Examples of how to calculate the arrears payment are as follows:

(a) Monthly Net income	=	\$1,500
Current support	=	\$ 300
Adjusted Net Income	=	\$1,200

(1999 Ed.)

Arrears payment= 3% of ANI (\$1,200)	=	\$ 36
(b) Monthly Net income	=	\$3,100
Current support	=	\$ -0-
Adjusted Net income	=	\$3,100
Arrears payment= 8% of ANI (\$3,100)	=	\$ 248

(6) The noncustodial parent must document any factors which make the parent eligible for an arrears payment less than the amount shown in the table in subsection (4). Such factors include, but are not limited to:

- (a) Special needs children, or
- (b) Uninsured medical expenses.

(7) The custodial parent and/or DCS must document any factors which make the noncustodial parent eligible for an arrears payment higher than the amount shown in the table in subsection (4). Such factors include, but are not limited to the factors listed in RCW 26.19.075 for deviation from the standard calculation for child support obligations.

[Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-550, filed 8/11/98, effective 9/11/98.]

WAC 388-14-560 How to obtain a release of certification for noncompliance. (1) After DCS has certified a noncustodial parent to a licensing entity, the noncustodial parent may obtain a release from DCS by taking the following actions:

- (a) Paying the support debt in full; or
- (b) Signing a repayment agreement under 388-14-550 and paying the first installment due under the agreement.

(2) DCS must provide a copy of the release to any licensing entity to which DCS has certified the noncustodial parent.

(3) The noncustodial parent must comply with any requirements of the licensing entity to get the license reinstated or reissued.

[Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-560, filed 8/11/98, effective 9/11/98.]

WAC 388-14-570 Administrative hearings regarding license suspension are limited in scope. (1) An administrative hearing on a notice of noncompliance under WAC 388-14-520 is limited to the following issues:

- (a) Whether the person named in the child support order is the noncustodial parent;
- (b) Whether the noncustodial parent is required to pay child support under a child support order; and
- (c) Whether the noncustodial parent is at least six months in arrears.

(2) The administrative law judge (ALJ) is not required to calculate the outstanding support debt beyond determining whether the noncustodial parent is at least six months in arrears. Any debt calculation shall not be binding on the department or the noncustodial parent beyond the determination that there is at least six months' of arrearage.

(3) If the noncustodial parent requests a hearing on the notice, DCS stays the certification process until the hearing results in a finding that the parent is not in compliance with the order, or that DCS is authorized to certify the parent.

[Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-570, filed 8/11/98, effective 9/11/98.]

Chapter 388-15 WAC

SOCIAL SERVICES FOR FAMILIES, CHILDREN AND ADULTS

WAC

388-15-120	Adult protective services.
388-15-130	Child protective services—Authority.
388-15-131	Child protective services—Special requirements for Indian children.
388-15-132	Child protective services—Acceptance of reports—Eligibility for services and limits to authority.
388-15-134	Child protective services—Notification.
388-15-145	Residential care discharge allowance.
388-15-150	Child foster care.
388-15-160	Adoption services.
388-15-170	Definitions.
388-15-171	Subsidized child care for teen parents.
388-15-174	Subsidized child care for seasonal workers.
388-15-175	Child care for child protective services (CPS) and child welfare services (CWS).
388-15-176	In-home/relative child care.
388-15-194	Home and community services—Nursing services.
388-15-196	In-home providers.
388-15-19600	How do I apply to be an in-home provider of an adult client?
388-15-19610	What requirements must an adult client's in-home provider meet?
388-15-19620	How do I get paid as an individual provider?
388-15-19630	Under what conditions will the department deny payment to an in-home provider?
388-15-19640	Does the in-home provider have responsibilities in addition to the service plan?
388-15-19650	What are the educational requirements for an in-home provider?
388-15-19660	Do all in-home providers have to take the fundamentals of caregiving training?
388-15-19670	Are there special rules about training for parents who are the in-home providers of division of developmental disabilities (DDD) adult children?
388-15-19680	Are there special rules about training for parents who are the in-home providers of non-DDD adult children?
388-15-198	Home and community services—Client and provider responsibilities.
388-15-200	Health support services.
388-15-201	Long-term care functional eligibility.
388-15-202	Long-term care services—Definitions.
388-15-203	Long-term care services—Assessment of task self-performance and determination of required assistance.
388-15-204	Home and community services—Reassessment.
388-15-205	Long-term care services—Service plan development.
388-15-206	Volunteer chore services.
388-15-207	Chore personal care services for adults—Legal basis—Purpose—Goals.
388-15-209	Chore personal care services—Eligibility.
388-15-214	Chore personal care services—Budget control.
388-15-215	Chore personal care services—Program limitations.
388-15-219	Chore personal care service—Payment and client participation.
388-15-220	Homemaker services.
388-15-222	Chore personal care services—Employed disabled—Incentive income and resource exemption.
388-15-240	Family planning.
388-15-360	Refugee assistance.
388-15-400	Services to individuals released from mental hospitals or in danger of requiring commitment to such institutions.
388-15-548	Residential services.
388-15-551	Adult family home—Authority to purchase care—Standards.
388-15-552	Adult family home—Eligible persons.
388-15-553	Adult family home—Determination of need.
388-15-554	Adult family home—Placement in facility.
388-15-555	Adult family home—Payments—Standards—Procedures.
388-15-560	Congregate care—Definition—Authority to purchase care—Standards.
388-15-562	Congregate care—Eligible persons.

388-15-563	Congregate care—Residents of other states.
388-15-564	Congregate care—Determination of need.
388-15-566	Congregate care—Placement in facility.
388-15-568	Congregate care—Payment—Standards—Procedures.
388-15-570	Family reconciliation services.
388-15-600	Community options program entry system (COPES)—Purpose—Legal basis.
388-15-610	COPES—Eligibility.
388-15-620	COPES—Services.
388-15-630	COPES—Payment procedures.

RESPIRE CARE SERVICES

388-15-690	Respite care services—Definitions.
388-15-695	Respite care services—Caregiver eligibility.
388-15-700	Respite care services—Distribution of cost.
388-15-705	Respite care services—Rates of payment.
388-15-710	Respite care services—Service priorities.
388-15-715	Respite care services—Service priority categories.
388-15-810	Medicaid personal care services—Legal basis—Purpose.
388-15-830	Medicaid personal care services—Eligibility.
388-15-880	Medicaid personal care services—Payment procedures.
388-15-890	Medicaid personal care services—Program limitations.
388-15-895	Termination of services.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-15-010	Definition of service goals. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-15-020	Eligible persons. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-15-030	Rights of applicant for services. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5, 96-20-093, § 388-15-030, filed 10/1/96, effective 11/1/96. 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.] Repealed by 98-07-041, filed 3/12/98, effective 4/12/98. Statutory Authority: RCW 74.08.090 and 1997 c 409 § 209.
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.
388-15-110	Information and referral services. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
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.
- 388-15-190 Day care for the aged—Age 60 and over. [Order 1238, § 388-15-190, filed 8/31/77; Order 1088, § 388-15-190, filed 1/19/76.] Repealed by 97-18-052, filed 8/28/97, effective 9/28/97. Statutory Authority: RCW 74.08.090 and 1997 c 409 § 209.
- 388-15-192 Long-term care services—Estate recovery procedures. [Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-192, filed 9/28/95, effective 10/29/95.] Repealed by 97-18-052, filed 8/28/97, effective 9/28/97. Statutory Authority: RCW 74.08.090 and 1997 c 409 § 209.
- 388-15-208 Definitions. [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.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 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.
- 388-15-212 Service determination. [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 74.08.530 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. 90-15-029 (Order 3041), § 388-15-212, filed 7/13/90, effective 8/13/90; 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; 81-06-063 (Order 1618), § 388-15-212, filed 3/4/81; 79-01-042 (Order 1361), § 388-15-212, filed 12/21/78.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-213 Payment. [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.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-216 Chore personal care services—Grandfathered clients. [Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-216, filed 9/28/95, effective 10/29/95. 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.] Repealed by 98-14-052, filed 6/26/98, effective 7/27/98. Statutory Authority: RCW 74.08.090.
- 388-15-217 Chore personal care services for employed disabled adults. [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.] Repealed by 95-23-032 (Order 3919), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 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.
- 388-15-300 Developmental disabilities case services. [Order 1238, § 388-15-300, filed 8/31/77; Order 1088, § 388-15-300, filed 1/19/76.] Repealed by 98-02-058, filed 1/6/98, effective 2/6/98. Statutory Authority: RCW 74.09.290 and 74.08.090.
- 388-15-310 Developmental disabilities home (aid) services. [Order 1238, § 388-15-310, filed 8/31/77; Order 1088, § 388-15-310, filed 1/19/76.] Repealed by 98-02-058, filed 1/6/98, effective 2/6/98. Statutory Authority: RCW 74.09.290 and 74.08.090.
- 388-15-320 Developmental center services. [Order 1238, § 388-15-320, filed 8/31/77; Order 1088, § 388-15-320, filed 1/19/76.] Repealed by 98-02-058, filed 1/6/98, effective 2/6/98. Statutory Authority: RCW 74.09.290 and 74.08.090.
- 388-15-330 Sheltered workshops. [Order 1238, § 388-15-330, filed 8/31/77; Order 1088, § 388-15-330, filed 1/19/76.] Repealed by 98-02-058, filed 1/6/98, effective 2/6/98. Statutory Authority: RCW 74.09.290 and 74.08.090.
- 388-15-340 Alcoholism treatment. [Order 1238, § 388-15-340, filed 8/31/77; Order 1088, § 388-15-340, filed 1/19/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 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.
- 388-15-500 Redetermination of service eligibility. [Order 1238, § 388-15-500, filed 8/31/77; Order 1088, § 388-15-500, filed 1/19/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-15-550 Service delivery. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-15-580 Support services. [Order 1238, § 388-15-580, filed 8/31/77.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-15-615 COPEs—Program restrictions. [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.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-820 Medicaid personal care services—Definitions. [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.] Repealed by 95-23-032 (Order 3919), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-840 Medicaid personal care services—Assessment—Authorization. [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.] Repealed by 95-23-032 (Order 3919), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-850 Medicaid personal care services—Nurse oversight. [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.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-860 Medicaid personal care services—Personal care aide qualifications. [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.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-870 Medicaid personal care services—Service provision system. [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.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-900 Authority. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-900, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045 (Order 3979), filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.240 and 70.129.040.
- 388-15-905 Assisted living services. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-905, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.
- 388-15-910 Definitions. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-910, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.
- 388-15-915 Facility structural requirements. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-915, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.
- 388-15-920 Service requirements. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-920, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.
- 388-15-925 External or additional services coordinated by the contractor. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-925, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.
- 388-15-935 Contract application process. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-935, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.
- 388-15-940 Change of parties to the contract. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-940, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060,

- 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.
- 388-15-945 Client eligibility. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-945, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.
- 388-15-950 Relocation criteria. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-950, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.
- 388-15-955 Assisted living services contract payment procedures. [Statutory Authority: RCW 74.39A.010. 95-15-011 (Order 3864), § 388-15-955, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.

WAC 388-15-120 Adult protective services. (1)

Authority. The authority for adult protective services is:

- (a) 42 U.S.C. 1397 for adults in need of protection;
- (b) 42 U.S.C. 3058, for programs for prevention of elder abuse, neglect, and exploitation;
- (c) Chapter 74.34 RCW for frail elders and vulnerable adults;
- and
- (d) Chapter 26.44 RCW for adult dependent and developmentally disabled persons.

(2) **Goals.** The department shall:

- (a) Limit adult protective services goals to those specified under WAC 388-15-010 (1)(c), (d), and (e) and 388-15-010(2); and
- (b) Help prevent, correct, improve, or remedy situations of abuse, abandonment, exploitation, or neglect by providing adult protective services to eligible clients as defined under chapter 26.44 RCW and RCW 74.34.020.

(3) **Definitions.** The department shall use the following definitions when intervening to protect frail elderly and vulnerable adults:

(a) **"Abandonment"** means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care (RCW 74.34.020);

(b) **"Abuse"** means a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which harms a person through action or inaction by another individual (RCW 74.34.020);

(c) **"Adult protective services evaluation"** is the term used to describe the action taken to determine if further investigation is necessary when a report of self-neglect is received;

(d) **"Basic necessities of life"** means food, water, shelter, clothing, and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication;

(e) **"Consent"** means express written consent granted after the person has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary (RCW 74.34.020);

(f) **"Exploitation"** means the illegal or improper use of a frail elder or vulnerable adult or that person's income or resources, including trust funds, for another person's profit or advantage (RCW 74.34.020);

(g) **"Frail elder or vulnerable adult"** shall have the same meaning as the definition in RCW 74.34.020. Frail elder and vulnerable adults include a person:

(i) Sixty years of age and older who has the functional, mental, and physical inability to care for himself or herself;

(ii) Found incapacitated under chapter 11.88 RCW;

(iii) Who has a developmental disability under chapter 71.A.10 RCW;

(iv) Admitted to any long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW; or

(v) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 7.127 RCW;

(h) **"Neglect"** means a pattern of conduct or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that results in the deprivation of care necessary to maintain the vulnerable person's physical or mental health (RCW 74.34.020); this may include **"self-neglect"** which means the failure to provide for oneself the goods or services necessary to avoid physical harm, emotional harm, or medical harm. This definition excludes a person who is competent to make a voluntary decision to live his or her life in a manner which may threaten his or her safety or well-being;

(i) **"Mental mistreatment"** means any nonaccidental act of mental or emotional pain or distress or both through action or inaction by another individual. Examples include, but are not limited to intimidation, coercion, ridiculing, harassment, treating an adult like a child, isolating an adult from family, friends, or regular activity, use of silence to control behavior, and yelling and swearing which result in mental distress;

(j) **"Person or entity with a duty of care"** includes, but is not limited to, the following:

(i) A guardian appointed under chapter 11.88 RCW; or

(ii) A person or entity providing the basic necessities of life to frail elder or vulnerable adults where:

(A) The person or entity is employed by or on behalf of the frail elder or vulnerable adult; or

(B) The person or entity voluntarily agrees to provide, or has been providing, the basic necessities of life to the frail elder or vulnerable adult on a continuing basis;

(k) **"Physical abuse"** means any nonaccidental infliction of bodily injury or physical mistreatment. Examples include, but are not limited to striking (with or without an object), slapping, pinching, choking, kicking, shoving, or inappropriate use of drugs or physical restraints;

(l) **"Sexual mistreatment"** means any form of nonconsensual sexual contact. Sexual mistreatment includes, but is not limited to unwanted touching, rape, sodomy, coerced nudity, sexual explicit photographing.

(4) **Eligibility.** Prior to investigating or providing services:

(a) The department shall determine when an adult protective service situation exists.

(b) The department shall conduct investigations without regard to the income of the frail elder or vulnerable adult.

(c) The client shall be the frail elder or vulnerable adult as defined in subsection (3) of this section.

(d) The frail elder or vulnerable adult client shall:

(i) Exhibit evidence of abuse (physical abuse, mental mistreatment, or sexual mistreatment), abandonment, exploitation, or neglect as defined in subsection (3) of this section; and

(ii) Have no other adult available, willing, or able to competently assist.

(e) The department may refuse to investigate reports which do not fit the definition of abuse, neglect, exploitation, abandonment or the definition of frail elder or vulnerable adult found in this chapter.

(5) Investigation.

(a) The department shall respond to reports of abuse, neglect, exploitation, or abandonment of frail elder or vulnerable adults. Response to a report may include, but is not limited to, referral to another entity for action; another entity may include, but is not limited to, law enforcement agency, mental health center, department of health, domestic violence program, residential care services, drug or alcohol treatment.

(b) Pursuant to chapter 26.44 RCW the department shall report an incident of abuse or neglect involving an adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse to the proper law enforcement agency.

(i) In emergency cases where the person's welfare is endangered the department shall notify law enforcement within twenty-four hours after receiving the report.

(ii) In all other cases the department shall notify law enforcement within seventy-two hours after receiving the report.

(6) Support services.

(a) The department shall provide services only with the written consent of the client after the client has been fully informed about the services and the client's right to refuse services.

(b) The department shall provide frail elders and vulnerable adults with chore personal care services and placement into a licensed and contracted adult family home or adult residential care facility without regard to income only:

(i) When the services are essential to, and a subordinate part of, the adult protective services plan; and

(ii) For a period not to exceed ninety days during any twelve-month period of time which is specified in WAC 388-15-209(5), 388-15-552(2), or 388-15-562(3).

(c) The department may seek the appointment of a guardian after all other alternatives have been explored and when it is apparent that the client may meet the criteria of incapacity pursuant to chapter 11.88 RCW.

(d) The department may provide assistance to a frail elder or vulnerable adult by filing a protective order as per chapters 10.14, 26.50, and 74.34 RCW, or as otherwise provided by law.

(e) The department may provide other services to protect the vulnerable adult.

[Statutory Authority: RCW 74.08.090, chapters 74.34 and 26.44 RCW and 42 USC 1397 and 3058. 97-21-108, § 388-15-120, filed 10/20/97, effective 11/20/97. 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 3/2/78; 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:

[Title 388 WAC—p. 162]

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 of alleged perpetrator.** The department shall notify the alleged perpetrator of the allegations of child abuse and neglect at the earliest point in the investigation that will not jeopardize the safety and protection of the child or the investigation process.

(4) **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.

(5) **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.

(6) **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 referent 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.

(7) **Notification of CPS investigative findings.** Whenever the department completes an investigation of a child abuse or neglect report under chapter 26.44 RCW, the department shall notify the alleged perpetrator of the report and the department's investigative findings, whether founded, unfounded, or inconclusive. The notice shall also advise the person that:

(a) A written response to the report may be provided to the department and that such response will be filed in the record following receipt by the department;

(b) Information in the department's record may be considered in subsequent investigations or proceedings related to child protection or child custody;

(c) There is currently information in the department's record that may be considered in determining that the person is disqualified from being licensed to provide child care, employed by a licensed child care agency, or authorized by the department to care for children; and

(d) A person who has demonstrated a good faith desire to work in a licensed agency may request an informal meeting with the department to have an opportunity to discuss and contest the information currently in the record, pursuant to WAC 388-330-035(1).

(8) **Method of notification.** The notification required by this section shall be made by regular mail to the person's last known address, with a copy of the notice placed in the case file.

(9) **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, 97-13-002, § 388-15-134, filed 6/4/97, effective 7/5/97; 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 Residential care discharge allowance. (1) A one-time allowance may be issued to state and federally funded medical assistance program eligible persons meeting the requirements of subsection (3) of this section and residing in:

- (a) A Medicaid-certified nursing facility;
 - (b) A hospital;
 - (c) An adult residential care;
 - (d) Enhanced adult residential care;
 - (e) Assisted living; or
 - (f) Adult family home settings.
- (2) The allowance must be used to:
- (a) Start or resume residence in the person's own home;

or

(b) Purchase necessary equipment or make modifications to the person's home unless otherwise covered by state or federally funded medical programs.

(3) Persons eligible for the discharge allowance must be receiving aging and adult services administration funded services and have no existing independent residence or have a residence which cannot be reestablished without monetary assistance.

(4) The discharge allowance is based on the actual amount required to establish or reestablish an independent residence and shall not exceed eight hundred dollars.

[Statutory Authority: RCW 74.42.450 and 74.08.090, 96-09-035 (Order 3962), § 388-15-145, filed 4/10/96, effective 5/11/96. 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.]

(1999 Ed.)

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 Definitions. The following definitions apply to WAC 388-15-171, 388-15-174, 388-15-175 and 388-15-176.

"Child" means a person twelve years of age or younger or a person under nineteen years of age who is physically, mentally, or emotionally incapable of self care as verified by a licensed medical practitioner or masters level or above mental health professional.

"Co-payment" means the amount of money the family is responsible to pay the child care provider toward the cost of child care each month.

"Income" means the gross earned income minus the average payroll and income tax paid at that income level, plus any unearned income.

"In-home/relative child care provider" see definition for **"in-home/relative provider"** under WAC 388-290-020.

"Parent" see definition for **"parent"** under WAC 388-290-020.

"Teen parent" means a parent twenty-one years of age or younger.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. 98-22-008, § 388-15-170, filed 10/22/98, effective 11/22/98. 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 388-15-171 Subsidized child care for teen parents. (1) The department may authorize teen parent child care within available funds for parents who:

- (a) Are twenty-one years of age or younger;
- (b) Are enrolled in an approved secondary education or general equivalency diploma (GED) program;
- (c) Are not receiving a temporary assistance for needy families (TANF) grant; and
- (d) Have an income at or below one hundred seventy-five percent of the Federal Poverty Level (FPL).

(2) All teen parents contribute to the cost of child care by making a monthly co-payment to the child care provider which is:

- (a) Determined by the teen parent's income; and

[Title 388 WAC—p. 164]

(b) Calculated by using the rules under WAC 388-290-090 (2)(a), (b), and (c)(i) and (ii).

(3) The department funds child care only during the portion of the day when the child's parent(s) is unable to provide necessary care and supervision due to the parents participation in DSHS approved activities.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. 98-22-008, § 388-15-171, filed 10/22/98, effective 11/22/98.]

WAC 388-15-174 Subsidized child care for seasonal workers. (1) The department may purchase seasonal child care within available funds for children 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 is employed in agricultural work for eleven months or less with any given employer, in the twelve months previous to the time of application;

(d) In a one-parent household, the single parent is employed in agricultural work for eleven months or less with any given employer, in the twelve months previous to the time of application; and

(e) The family's monthly income, averaged for the twelve months prior to the time of application, is at or below one hundred and seventy-five percent of the FPL.

(2) Failure of the parent(s) to meet the requirements of (b) of this subsection due to receipt of TANF within the past twelve months shall not result in ineligibility for seasonal child care.

(3) The parent(s) participates in the cost of child care by making a monthly co-payment to the child care provider which is:

(a) Determined by the parent's income averaged for the twelve months prior to the time of application; and

(b) Calculated by using the rules under WAC 388-290-090 (2)(a), (b), and (c)(i) and (ii).

(4) The department will fund child care during the portion of the day described under WAC 388-15-171(3).

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. 98-22-008, § 388-15-174, filed 10/22/98, effective 11/22/98.]

WAC 388-15-175 Child care for child protective services (CPS) and child welfare services (CWS). The department may purchase CPS/CWS child care within available funds for children of families in need of support as part of a CPS/CWS case plan. This service is short-term and time-limited. Social workers must determine if other resources are available to meet this need before authorizing payment by the department.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. 98-22-008, § 388-15-175, filed 10/22/98, effective 11/22/98.]

WAC 388-15-176 In-home/relative child care. (1)

When the parent(s) chooses in-home/relative child care, the parent(s) will give the in-home/relative child care provider's name and address to the department and make the following assurances at the time child care is authorized:

(a) The in-home/relative provider is:

(i) Eighteen years of age or older;

(ii) Of sufficient physical, emotional, and mental health to meet the needs of the child in care. If requested by the department, the parent(s) must provide written evidence that the in-home child care provider of the parent's choice is of sufficient physical, emotional, and mental health to be a safe child care provider;

(iii) Able to work with the child without using corporal punishment or psychological abuse;

(iv) Able to accept and follow instructions;

(v) Able to maintain personal cleanliness; and

(vi) Prompt and regular in job attendance.

(b) 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;

(c) The home where care is provided is safe for the care of the child; and

(d) The in-home/relative child care provider is informed about basic health practices, prevention and control of infectious disease, immunizations, and home and physical premises safety relevant to the care of the child.

(2) The in-home/relative child care provider's primary function while on duty is to provide child care. The in-home/relative child care provider will have the following responsibilities:

(a) Provide constant care and supervision of the child for whom the provider is responsible throughout the arranged time of care in accordance with the needs of the child; and

(b) Provide developmentally appropriate activities for the child who is under the in-home/relative child care provider's care.

(3) The department provides the parent(s) with information about basic health practices, prevention and control of infectious diseases, immunizations, and building and physical premises safety relevant to the care of the child.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903, 98-22-008, § 388-15-176, filed 10/22/98, effective 11/22/98.]

WAC 388-15-194 Home and community services—Nursing services. (1) A registered nurse will review the plan of care for all Medicaid personal care clients.

(2) Upon department or designee referral, a registered nurse will consult about or visit a community options program entry system client or a Medicaid personal care client to perform a nursing service which may include the following activities:

(a) Nursing assessment/reassessment;

(b) Instruction to care providers and clients;

(c) Care coordination;

(d) Evaluation.

(3) The frequency and scope of the nursing service will be based on individual client need and will be provided as

(1999 Ed.)

outlined in a nursing service design developed in coordination with each area agency on aging. Each design will include critical indicators of the need for the nursing service and must be approved by the following divisions as appropriate: aging and adult services administration, developmental disabilities, children's administration and mental health.

(4) This nursing service will not be provided if activities duplicate services that the client is receiving from some other resource. Coordination and/or referrals to appropriate health care providers will occur as necessary.

(5) The registered nurse providing this service will not perform skilled treatment except in the event of an emergency. The need for any skilled medical or nursing treatments will be referred to a health care provider, a home health agency or a contracted delegating nurse.

(6) The registered nurse must document the result of the nursing service provided on a department-approved form. The registered nurse provides a copy to the staff who has case management responsibility.

[Statutory Authority: RCW 74.09.520 and 74.08.090, 98-20-022, § 388-15-194, filed 9/25/98, effective 10/26/98. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-194, filed 9/28/95, effective 10/29/95.]

WAC 388-15-196 In-home providers. The intent of WAC 388-15-196 through 388-15-19680 is to describe the:

(1) Qualifications of an individual provider (IP), defined in WAC 388-15-202 (25) and (26);

(2) Qualifications of an in-home provider employed by a home care agency, defined in WAC 388-15-202(2);

(3) Conditions under which the department will pay an in-home provider; and

(4) Conditions under which the department may deny a contract or terminate payment to an in-home provider.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51, 98-18-037, § 388-15-196, filed 8/27/98, effective 9/27/98. Statutory Authority: RCW 74.04.050, 74.08.090, 74.39A.005, 74.39A.007, 74.39A.050 and 74.39A.070, 97-16-106, § 388-15-196, filed 8/6/97, effective 9/6/97. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5, 96-20-093, § 388-15-196, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-196, filed 9/28/95, effective 10/29/95.]

WAC 388-15-19600 How do I apply to be an in-home provider of an adult client? A person who wants to be an in-home provider must:

(1) Contact the client's social worker or case manager; or

(2) Be employed by a home care agency.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51, 98-18-037, § 388-15-19600, filed 8/27/98, effective 9/27/98.]

WAC 388-15-19610 What requirements must an adult client's in-home provider meet? An in-home provider of an adult must:

(1) Meet the requirements of chapter 246-336 WAC, if employed by a home care agency;

(2) Meet the following requirements, if employed by the client as an individual provider:

(a) Be eighteen years of age or older;

[Title 388 WAC—p. 165]

(b) Not be the spouse of the client receiving services, unless the client is on the chore personal care program or the parent of a child age seventeen or younger;

(c) Have no conviction for a disqualifying crime, as listed in RCW 43.43.830 and 43.43.842;

(d) Have no findings of fact or conclusions of law or agreed orders related to abuse, neglect, financial exploitation or abandonment of a minor or vulnerable adult, as defined in RCW 74.39A.050(8);

(e) Have not had a license or a contract for the care of children or vulnerable adults denied, suspended, or revoked, or terminated; for noncompliance with state and federal regulations;

(f) Have read and understand the client's service plan, translated or interpreted, as necessary, for the client and/or IP; and

(g) Provide the services, as outlined in the client's service plan within the scope of practice in WAC 388-15-203.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19610, filed 8/27/98, effective 9/27/98.]

WAC 388-15-19620 How do I get paid as an individual provider? In order to be paid by the department, an individual provider must:

(1) Be hired by a client/legal guardian;

(2) Provide the social worker or case manager with a Social Security card and picture identification;

(3) Complete and submit to the social worker or case manager the department's criminal conviction background inquiry application;

(4) Sign a home and community-based service provider contract/agreement to provide services to a COPEs or Medicaid personal care client, or other department contract or agreement; and

(5) Meet the conditions in WAC 388-15-19610(2).

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19620, filed 8/27/98, effective 9/27/98.]

WAC 388-15-19630 Under what conditions will the department deny payment to an in-home provider? The department will deny payment when an in-home provider:

(1) Does not meet the conditions of the contract;

(2) Has been terminated by the department for cause;

(3) Does not successfully complete the training requirements within the time limits in WAC 388-15-19650 through 388-15-19680;

(4) Demonstrates an unwillingness or inability to provide care following mandatory training or other training provided by the client's social worker/case manager or through the nurse expertise service; or

(5) Does not meet the conditions as stated in WAC 388-15-19610 and 388-15-19620.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19630, filed 8/27/98, effective 9/27/98.]

WAC 388-15-19640 Does the in-home provider have responsibilities in addition to the service plan? In addition

[Title 388 WAC—p. 166]

to providing services as outlined on the client's service plan, the in-home provider must:

(1) Accommodate client's individual preferences and differences in providing care;

(2) Contact the client's representative and case manager when there are changes which affect the personal care and other tasks listed on the service plan;

(3) Observe the client for change(s) in health, and respond to emergencies;

(4) Notify the case manager immediately when the client enters a hospital, an adult family home, an adult residential care facility, an enhanced adult residential care facility, an assisted living facility, or a nursing facility; and

(5) Notify the case manager immediately if the client dies.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19640, filed 8/27/98, effective 9/27/98.]

WAC 388-15-19650 What are the educational requirements for an in-home provider? To meet the educational requirements, an in-home provider must:

(1) Possess a certificate of successfully completing department-designated fundamentals of caregiving training within one hundred and twenty days after beginning employment;

(2) Complete a minimum of ten hours of continuing education credits each calendar year following the year in which the fundamentals of caregiving training is taken. One hour of completed instruction equals one hour of credit on topics that pertain to services provided in an in-home setting including, but not limited to:

(a) Client's rights;

(b) Personal care (such as transfers or skin care);

(c) Dementia;

(d) Mental illness;

(e) Depression;

(f) Medication assistance;

(g) Communication skills;

(h) Alternatives to restraints;

(i) Activities for clients; and

(3) Provide the department with proof of completion of continuing education credits.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19650, filed 8/27/98, effective 9/27/98.]

WAC 388-15-19660 Do all in-home providers have to take the fundamentals of caregiving training? An IP can do the following instead of taking the fundamentals of caregiving:

(1) Pass the department's challenge test for the required class. This test can be taken once only. An IP contacts the AAA designated trainer to request the test; or

(2) Complete the department designated modified fundamentals of caregiving training and be a:

(a) Registered or licensed practical nurse;

(b) Physical or occupational therapist;

(c) Certified nursing assistant; or

(d) Medicare-certified home health aide; or

(3) Complete the division of developmental disabilities' (DDD) staff training required by chapter 275-26 WAC and continue to work for a DDD-contracted agency.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19660, filed 8/27/98, effective 9/27/98.]

WAC 388-15-19670 Are there special rules about training for parents who are the in-home providers of division of developmental disabilities (DDD) adult children? Natural, step, or adoptive parents of adult DDD children:

(1) Must possess a certificate of successfully completing a six-hour DDD-approved training or a specially designed department-approved training within one hundred eighty days after beginning employment;

(2) Are exempt from continuing education requirements; and

(3) Are exempt from the fundamentals of caregiving training if they provide care only for their own adult DDD child.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19670, filed 8/27/98, effective 9/27/98.]

WAC 388-15-19680 Are there special rules about training for parents who are the in-home providers of non-DDD adult children? Natural, step, or adoptive parents of adult non-DDD children must:

(1) Possess a certificate of successfully completing the fundamentals of caregiving training within one hundred eighty days after beginning employment; or

(2) Pass the department's challenge test; and

(3) Complete and provide proof of ten hours of continuing education credits as required under WAC 388-15-19650 (2) and (3).

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19680, filed 8/27/98, effective 9/27/98.]

WAC 388-15-198 Home and community services—Client and provider responsibilities. (1) A client receiving home and community services shall:

(a) Hire a qualified individual provider as described in WAC 388-15-196;

(b) Be present for all scheduled provider appointments or give twenty-four hour advance notification to the provider when the appointment cannot be kept; and

(c) Pay the provider department determined participation in the correct amount and on time each month as indicated on the client's award letter.

(2) Individual providers shall give to all parties listed in subsection (4) of this section written advance notice two weeks prior to terminating personal care services.

(3) Home care agencies shall have a written policy establishing procedures and timelines for providing reasonable notice when terminating services to clients.

(4) All providers shall give written notification of termination to the client or the client's legal representative, the department's designated case manager or social worker, and

(1999 Ed.)

other persons or organizations who have requested notification when:

(a) The provider chooses to terminate employment; or

(b) The client fails to keep two or more scheduled appointments with the provider unless the client has provided advance notification of at least eight hours to the provider; or

(c) The client failed to pay the participation amount to the provider according to the department's calculation and schedule.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-198, filed 10/1/96, effective 11/1/96.]

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 388-15-201 Long-term care functional eligibility. In order to receive Medicaid personal care or chore services, a client must be assessed by the department or designee as having an unmet need requiring assistance with one or more of the following critical self-care tasks as defined in WAC 388-15-202(38), and 388-15-203:

- (1) Eating;
- (2) Toileting;
- (3) Ambulation;
- (4) Transfer;
- (5) Positioning;
- (6) Bathing;
- (7) Self-medication;
- (8) Dressing;
- (9) Personal hygiene; or
- (10) Body care.

[Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3). 98-19-055, § 388-15-201, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-201, filed 1/28/98, effective 2/28/98.]

WAC 388-15-202 Long-term care services—Definitions. The department shall use the definition in subsections (1) through (50) of this section for long-term care services. "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

(1) "Aged person" means a person sixty-five years of age or older.

(2) "Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

(3) "Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant shall submit the request on a form prescribed by the department.

(4) "Assessment" means an inventory and evaluation of abilities and needs.

(5) "Attendant care" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

(a) Assistance with personal care; or

(b) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

(6) "Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

(7) "Available resources" is a term to describe a chore personal care client's assets accessible for use and conversion into money or its equivalent without significant depreciation in the property value.

(8) "Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(9) "Categorically needy" means the financial status of a person as defined under WAC 388-503-0310.

(10) "Client" means an applicant for service or a person currently receiving services.

(11) "Community residence" means:

(a) The client's "own home" as defined in this section;

(b) Licensed adult family home under department contract;

(c) Licensed boarding home under department contract;

(d) Licensed children's foster home;

(e) Licensed group care facility, as defined in WAC 388-73-014(8); or

(f) Shared living arrangement as defined in this section.

(12) "Community spouse" means a person as described under WAC 388-513-1365 (1)(b).

(13) "Companionship" means the activity of a person in a client's own home to prevent the client's loneliness or to

accompany the client outside the home for other than personal care services.

(14) "Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

(15) "COPEs" means community options program entry system.

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

(17) "Direct personal care services" means verbal or physical assistance with tasks involving direct client care which are directly related to the client's handicapping condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal hygiene, positioning, self-medication, toileting, transfer, as defined under WAC 388-15-202 (38)(a) through (e), (j) through (l), (n), and (o).

(18) "Disabled" means a person determined disabled as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(19) "Disabling condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.

(20) "Estate recovery" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-15-192.

(21) "Grandfathered client" means a chore personal care services client approved for either:

(a) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and

(b) Family care services provided under the chore personal care program when these services began before December 14, 1987; and

(c) The client was receiving the same services as of June 30, 1989.

(22) "Home health agency" means a licensed:

(a) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(b) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

(i) Private duty nursing; or

(ii) Skilled nursing services under an approved Medicaid waiver program.

(23) "Household assistance" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's 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. Household assistance tasks include

travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

(24) "Income" means "income" as defined under WAC 388-500-0005.

(25) "Individual provider" means a person employed by a community options program entry system (COPES) or Medicaid personal care client when the person:

(a) Meets or exceeds the qualifications as defined under WAC 388-15-196;

(b) Has signed an agreement to provide personal care services to a client; and

(c) Has been authorized payment for the services provided in accordance with the client's service plan.

(26) "Individual provider program (IPP)" means a method of chore personal care service delivery where the client employs and supervises the chore personal care service provider.

(27) "Institution" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "Institution" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

(28) "Institutional eligible client" means a person whose eligibility is determined under WAC 388-513-1315. "Institutionalized client" means the same as defined in WAC 388-513-1365(f).

(29) "Institutional spouse" means a person described under WAC 388-513-1365 (1)(e).

(30) "Medicaid" means the federal aid Title XIX program under which medical care is provided to:

(a) Categorically needy as defined under WAC 388-503-0310; and

(b) Medically needy as defined under WAC 388-503-0320.

(31) "Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-503-0310 and 388-503-1105.

(32) "Medical institution" means an institution defined under WAC 388-500-0005.

(33) "Medically necessary" and "medical necessity" mean the same as defined under WAC 388-500-0005.

(34) "Medically oriented tasks" means direct personal care services and household assistance provided as an integral but subordinate part of the personal care and supervision furnished directly to a client.

(35) "Mental health professional" means a person defined under WAC 275-57-020(25).

(36) "Own home" means the client's present or intended place of residence:

(a) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or

(b) In a building the client owns; or

(c) In a relative's established residence; or

(d) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

(37) "Personal care aide" means a person meeting the department's qualification and training requirements and providing direct Medicaid personal care services to a client. The personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the Medicaid personal care client.

(38) "Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks and household tasks, as listed in subdivisions (a) through (q) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks or who are incapable of performing the tasks without specific instructions. Personal care services do not include assistance with tasks performed 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 or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" means assisting a client to wash. Bathing includes supervising the client able to bathe when guided, assisting the 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 nonprescribed ointments or lotions, changing dry bandages or dressings when professional judgment is not required and pedicure to trim toenails and apply lotion to feet. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services, dressing changes using clean technique and topical ointments must be delegated by a registered nurse in accordance with chapter 246-840 WAC. "Body care" excludes:

(i) Foot care for clients who are diabetic or have poor circulation; or

(ii) Changing bandages or dressings when sterile procedures are required.

(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 specifically for the health, maintenance, and well-being of the client. Essential shopping includes assisting when the client can partici-

pate 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, and other basic personal hygiene and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(k) "Positioning" means assisting the client to assume a desired position, assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits or exercises to maintain the highest level of functioning which has already been attained and/or to prevent the decline in physical functional level. (Range of motion ordered as part of a physical therapy treatment is not included.)

(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, such as toileting, ambulation, transfer, positioning, some medication assistance; and

(ii) Provide protective supervision to a client who cannot be left alone because of impaired 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. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services colostomy care and catheterization using clean technique must be delegated by a registered nurse in accordance with chapter 246-840 WAC.

(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. The department shall not allow payment for a provider to use a chain saw or to fell trees.

(39) "Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

(40) "Plan of care" means a "service plan" as described under WAC 388-15-205.

(41) "Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

(42) "Provider" or "provider of service" means an institution, agency, or person:

(a) Having a signed department agreement to furnish long-term care client services; and

(b) Qualified and eligible to receive department payment.

(43) "Relative" means:

(a) For chore personal care service, a client's spouse, father, mother, son, or daughter;

(b) For Medicaid personal care service:

(i) "Legally responsible relative" means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.

(ii) "Nonresponsible relative" means a parent caring for an adult child and an adult child caring for a parent.

(44) "Service plan" means a plan for long-term care service delivery as described under WAC 388-15-205.

(45) "Shared living arrangement" for purposes of Medicaid personal care means an arrangement where:

(a) A nonresponsible relative as defined in (43)(b)(ii) above is the personal care provider and resides in the same residence with common facilities, such as living, cooking, and eating areas; or

(b) A minor child age seventeen or younger lives in the home of a legally responsible relative as defined in (43)(b)(i) above.

(46) "SSI-related" means a person who is aged, blind, or disabled.

(47) "Supervision" means a person available to a long-term care client as defined under WAC 388-15-202 (36)(m).

(48) "Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

(49) "Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance programs, e.g., nursing facility care, COPES, and Medicaid personal care home and community-based services.

(50) "Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

(51) "Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

[Statutory Authority: RCW 74.09.520, 97-20-066, § 388-15-202, filed 9/25/97, effective 10/1/97. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5, 96-20-093, § 388-15-202, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-202, filed 9/28/95, effective 10/29/95. 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 Long-term care services—Assessment of task self-performance and determination of required assistance. (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 person'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 or designee while assessing need for case management shall perform the assessment.

(b) Except for adult protective service, the assessors shall perform a separate assessment for each client.

(c) The assessors shall document the assessment on a prescribed form.

(d) The assessors shall perform the assessment based on an in-person interview with the client.

(e) When performing 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) The adult client's functional ability to self-perform each personal care task and household task shall be determined using the following definitions of the assistance required:

(a) Ambulation:

(i) Independent. The client is mobile, with or without an assistive device, both inside and outside the household without the assistance of another person.

(ii) Minimal. The client is mobile inside without assistance but needs the assistance of another person outside; or the client needs occasional assistance of another person inside, and usually needs assistance of another person outside.

(iii) Substantial. The client is only mobile with regular assistance of another person both inside and outside.

(iv) Total. The client is not mobile.

(b) Bathing:

(i) Independent. The client can bathe self.

(ii) Minimal. The client requires oversight help or reminding only. The client can bathe without assistance or supervision, but must be reminded some of the time; or the client cannot get into the tub alone and physical help is limited to stand-by assist only.

(iii) Substantial. The client requires physical help in a large part of the bathing activity, for example, to lather, wash, and/or rinse own body or hair.

(iv) Total. The client is dependent on others to provide a complete bath.

(c) Body care:

(i) Independent. The client can apply ointment, lotion, change bandages or dressings, and perform exercises without assistance.

(ii) Minimal. The client requires oversight help or reminding only, or requires occasional assistance.

(iii) Substantial. The client requires limited physical help to apply ointment, lotion, or to perform dry bandage or dressing change.

(iv) Total. The client is dependent on others to perform all required body care.

(d) Dressing:

(i) Independent. The client can dress and undress without assistance or supervision.

(ii) Minimal. The client can dress and undress, but may need to be reminded or supervised to do so on some days; the client can assist dressing and undressing, but frequently or most of the time needs some physical assistance.

(iii) Substantial. The client always needs assistance to do parts of dressing and undressing.

(iv) Total. The client is dependent on others to do all dressing and undressing.

(e) Eating:

(i) Independent. The client can feed self, chew and swallow solid foods without difficulty, or can feed self by stomach tube or catheter.

(ii) Minimal. The client:

(A) Can feed self, chew and swallow foods, but needs reminding to maintain adequate intake;

(B) May need food cut up;

(C) Can feed self only if food is brought to the client.

(iii) Substantial. The client:

(A) Can feed self but needs standby assistance for occasional gagging, choking, or swallowing difficulty; or

(B) Needs reminders/assistance with adaptive feeding equipment; or

(C) Must be fed some or all food by mouth by another person.

(iv) Total. The client must be totally fed by another person and/or frequently gags or chokes due to difficulty in swallowing; or the client must be fed by another person by stomach tube or by venous access.

(f) Essential shopping:

(i) Independent. The client can drive and is licensed or the client is capable of using public transportation.

(ii) Minimal. The client can use available transportation and does not need assistance with shopping, but needs

instructions or physical assistance to get to or from transportation vehicle.

(iii) Substantial. The client is dependent on being accompanied or helped by others to access community shops and needs assistance with shopping.

(iv) Total. The client is totally dependent on others to do essential shopping.

(g) Housework:

(i) Independent. The client can perform essential housework.

(ii) Minimal. The client needs assistance or needs cuing or supervision in self-performance of essential housework one or two times per month in client use areas.

(iii) Substantial. The client needs weekly assistance of another with essential housework in client use areas.

(iv) Total. The client is dependent on others to do all housework in client use areas.

(h) Laundry:

(i) Independent. The client is capable of using available laundry facilities.

(ii) Minimal. The client is physically capable of using laundry facilities, but requires cuing and/or supervision.

(iii) Substantial. The client is not able to use laundry facilities without physical assistance.

(iv) Total. The client is dependent upon others to do all laundry.

(i) Meal preparation:

(i) Independent. The client can prepare and cook required meals.

(ii) Minimal. The client requires some instruction or physical assistance to prepare meals.

(iii) Substantial. The client can participate but needs substantial assistance to prepare meals.

(iv) Total. The client cannot prepare or participate in preparation of meals.

(j) Personal hygiene:

(i) Independent. The client can manage personal hygiene and grooming tasks on a regular basis.

(ii) Minimal. The client can manage their personal hygiene and grooming but must be reminded or supervised at least some of the time; the client regularly requires some limited assistance with both personal hygiene and grooming.

(iii) Substantial. The client regularly requires assistance with personal hygiene and grooming and cooperates in the process.

(iv) Total. The client is dependent on others to provide all personal hygiene and grooming.

(k) Positioning:

(i) Independent. The client can move to and from a lying position, position their body in bed, and get into and out of bed and chairs.

(ii) Minimal. The client can move to and from a lying position, turn from side to side, and position their body while in bed and chairs but requires assistance some of the time.

(iii) Substantial. The client needs occasional assistance to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(iv) Total. The client needs assistance most or all of the time to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(l) Self-medication:

(i) Independent. The client can take own medications or does not take medication.

(ii) Minimal. The client is physically able to take medications but requires another person to:

(A) Remind, monitor, or observe the taking of medications less than daily; or

(B) Open a container, lay out, or organize medications less than daily.

(iii) Substantial. The client can physically take medications, but requires another person to either remind, monitor, or observe the taking of medications daily; or the client can physically take medications if another person daily opens containers, lays out, organizes medications.

(iv) Total. The client cannot physically take medications and requires another person to assist and administer all medications.

(m) Toileting:

(i) Independent. The client can use the toilet without physical assistance or supervision; or the client can manage own closed drainage system if the system has a catheter or sheath; or the client uses and manages protective aids. The client may need grab bars or raised toilet seat.

(ii) Minimal. The client needs stand-by assistance for safety or encouragement. The client may need minimal physical assistance with parts of the task, such as clothing adjustment, washing hands, wiping, and cleansing. The client may need a protective garment and may or may not be aware of this need.

(iii) Substantial. The client cannot get to the toilet without assistance; or the client needs substantial physical assistance with part of the task; or the client needs someone else to manage care of a closed drainage system if it has a catheter or sheath. The client may or may not be aware of own needs.

(iv) Total. The client is physically unable to use toilet. Requires continual observation and total cleansing. The client may require protective garments or padding or linen changes. The client may or may not be aware of own needs.

(n) Transfer:

(i) Independent. The client can transfer without physical assistance.

(ii) Minimal. The client transfers without assistance most of the time, but needs assistance on occasion.

(iii) Substantial. The client can assist with own transfers, but frequently or most of the time needs assistance.

(iv) Total. The client transfers must be done by someone else.

(o) Travel to medical services:

(i) Independent. The client can drive and is licensed; or is capable of using available public transportation.

(ii) Minimal. The client cannot drive or can drive but should not; or public transportation is not available.

(iii) Substantial. The client requires physical assistance or supervision to both get into and out of a vehicle, but can use the transportation without assistance during the trip.

(iv) Total. The client is totally dependent on being accompanied or helped by others during the trip.

(p) Wood supply:

(i) Independent. The client does not rely on wood as the sole fuel source or is capable of splitting, stacking, or carrying wood for heating or cooking.

(ii) Minimal. The client can carry wood but needs occasional assistance with splitting or stacking wood.

(iii) Substantial. The client is not able to carry, split, or stack wood, but is able to use the wood supply once it is inside the residence.

(iv) Total. The client is dependent on another person to establish and maintain heat for cooking or residential heating.

(4) Scoring of functional abilities and supports.

(a) For each direct personal care service and household assistance task listed on the assessment form, the assessor shall determine:

(i) The client's ability to perform each activity;

(ii) Assistance available to the client through alternative resources, including families, friends, neighbors, community programs, and unpaid caregivers; and

(iii) Assistance needed from department programs after alternative resources have been taken into account.

(b) The assessor 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	0	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	0	5	10	15
With client				
or				
For client	0	1	3	5
Meal preparation	0	4	7	10
Breakfast				
Light meal	0	4	7	10
Main meal	0	5	10	15
Laundry	0	1	2	3
Facilities in home				
or				
Facilities out of home	0	3	5	7
Housework	0	1	2	3
Wood supply	0	3	5	7

(c) The assessor shall add together the points awarded for each task to obtain the total score for the applicant or client.

(5) Hour computation. The assessor shall:

(a) Convert the total score into maximum hours per month which may be authorized using the scoring conversion chart.

Scoring Conversion Chart

MAXIMUM		MAXIMUM		MAXIMUM	
Score	Hours	Score	Hours	Score	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

(b) Recognize conversion hours show client need, and may not reflect department-paid hours as determined by program standards.

(6) The assessor shall determine the client's additional hours of supervision needed:

(a) Due to impaired judgment; and

(b) For standby assistance necessary for unscheduled tasks defined under WAC 388-15-202(51); and

(c) Recognize supervision hours show client need, and may not reflect department paid hours as determined by program standards.

(7) Department staff or the department's designee shall authorize services to correspond with the client's assessed need according to eligibility criteria for aging and adult services administration programs or the eligibility criteria for the division authorizing the service. The department or the department's designee shall notify the client of the right to contest a denial or reduction of services.

(8) Department staff or the department designee shall be responsible for representing the department at any hearing involving the assessment or decisions made relating to such assessment.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-203, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-203, filed 9/28/95, effective 10/29/95. 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 Home and community services—Reassessment. (1) The assessor shall perform a full reassessment based on an in-person interview 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 or the department's designee 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 a denial or reduction of services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-204, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-204, filed 9/28/95, effective 10/29/95. 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 Long-term care services—Service plan development. (1) The department or its designee 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 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-205, filed 9/28/95, effective 10/29/95. 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 388-15-206 Volunteer chore services. Referral shall be made to the volunteer chore service program when an applicant for Medicaid personal care, COPES or chore personal care services is:

- (1) Eighteen years of age or older; and
- (2) Living at home unless the person is moving from a residential facility to home and needs assistance moving; and
- (3) Unable to perform certain household or personal care tasks due to functional or cognitive impairment; and
- (4) Financially unable to purchase services from a private provider; and
- (5) Not receiving Medicaid personal care, COPES or chore personal care services because the person:
 - (a) Does not meet the eligibility requirements; or
 - (b) Is on the waiting list for chore personal care services; or
 - (c) Is eligible for five or less hours of chore personal care services per month; or
 - (d) Declines Medicaid personal care, COPES or chore personal care services because of income participation or estate recovery; or
 - (e) Needs assistance with tasks not available in the Medicaid personal care, COPES or chore personal care services program.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-206, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st

sp.s. c 18. 95-20-041 (Order 3904), § 388-15-206, filed 9/28/95, effective 10/29/95.]

WAC 388-15-207 Chore personal care services for adults—Legal basis—Purpose—Goals. (1) The department shall follow the legal basis for the chore personal care program as described under RCW 74.08.530 through 74.08.570.

(2) The department shall 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) The department may provide chore personal care services through the contracted program or the individual provider program.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-207, filed 9/28/95, effective 10/29/95. 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 388-15-209 Chore personal care services—Eligibility. A chore personal care eligible person shall:

- (1) Be eighteen years of age and over;
- (2) Meet the requirements listed in WAC 388-15-201;
- (3) Not be eligible for Medicaid personal care or community options program entry system (COPES) services, and the person's needs cannot be met through Medicare home health or another program for which the person is eligible;
- (4) Meet the following chore personal care service financial eligibility requirements:
 - (a) Have net household income as described in WAC 388-505-0590 (3) and (4) and WAC 388-511-1130 and 388-511-1140 not exceeding the sum of the cost of the client's chore personal care services and one hundred percent of the federal poverty level adjusted for family size; and
 - (b) Participate in the cost of chore personal care services as described under WAC 388-15-219; and
 - (c) Have financial resources as described under WAC 388-511-1150 and 388-511-1160 with a value not exceeding:
 - (i) Ten thousand dollars for a one-person family;
 - (ii) Fifteen thousand dollars for a two-person family;
 - (iii) A sum calculated by adding an additional one thousand dollars for each additional family member; and
 - (d) Be subject to transfer of assets penalties as described in WAC 388-513-1365 for assets transferred on or after November 1, 1995; and
 - (e) Not be within a period of ineligibility due to assets transferred on or after November 1, 1995 for less than fair market value as described under WAC 388-513-1365.
- (5) Be deemed to meet the financial eligibility requirements set forth in subsection (4) if the person is an adult protective service client at risk of placement in a long-term care facility; and the chore personal care services are:

- (a) An integral but subordinate part of the adult protective services plan; and

(b) Provided only until the situation necessitating the service has stabilized; and

(c) Limited to a maximum of ninety days during any twelve-month period; and

(d) Provided without regard to the client's income or resources.

(6) Be reassessed at least every eighteen months or more often as deemed necessary, per WAC 388-15-204.

[Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3). 98-19-055, § 388-15-209, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-209, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-209, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-209, filed 9/28/95, effective 10/29/95. 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 388-15-214 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 chore personal care services applicants on a waiting list in the order of applicant's risk of placement in a long-term care facility.

(3) The department shall give priority to people:

(a) Who were receiving chore personal care services as of June 30, 1995;

(b) For whom chore personal care services are necessary to return to the community from a nursing home;

(c) For whom chore personal care services are necessary to prevent unnecessary nursing home placement; and

(d) For whom chore personal care services are necessary as a protective measure based on referrals resulting from an adult protective services investigation.

(4) 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 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-214, filed 9/28/95, effective 10/29/95. 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.]

(1999 Ed.)

WAC 388-15-215 Chore personal care services—
Program limitations. (1) The department shall not authorize chore personal care services for:

(a) Teaching and companionship;

(b) Child care;

(c) Nursing care; or

(d) Developing social, behavioral, recreational, communication, or other types of skills.

(2) The department shall provide chore personal care services only in the client's own home 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 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-215, filed 9/28/95, effective 10/29/95. 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 388-15-219 Chore personal care service—Pay-
ment and client participation.** The department shall:

(1) Pay licensed and contracted home care agencies for in-home personal care services provided to eligible clients by the agencies' employees; or

(2) Pay an eligible client who shall pay the individual personal care provider, employed by the eligible client, for services provided in the client's own home; or

(3) Pay an eligible chore personal client's spouse for personal care services at a rate not to exceed the amount of a one-person standard for a continuing general assistance grant per WAC 388-250-135;

(4) Pay qualified providers at a rate not to exceed the amount in the most recently published rate schedule, contingent upon receipt of documentation that the authorized services were provided;

(5) Require a client to participate in the cost of chore personal care services as a necessary precondition to receiving chore personal care services paid for by the state.

(6) Calculate the participation in the cost of the client's services as follows:

(a) Allow the client and the client's at-home spouse to retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance.

(b) Exempt the following amounts from the client's and the client's at-home spouse's combined incomes:

(i) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational institution;

(ii) Earned income tax credit;

(iii) Other income exemptions as described under WAC 388-513-1340; and

(iv) Employment expenses:

(A) Personal work expenses in the form of self-employment taxes (FICA) and income taxes are deductible when paid;

(B) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;

(C) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(D) Expenses necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job.

(v) Employed disabled incentive exemption as defined under WAC 388-15-222;

(vi) Unearned income deductions required by law in the amounts actually withheld;

(vii) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPEs) services; and

(viii) Amounts paid for:

(A) Medical expenses not subject to third-party payment; and

(B) Health insurance premiums, coinsurance, or deductible charges.

(7) Consider the remaining income as the client participation amount for chore services except for those persons whose participation is established under WAC 388-15-222.

(8) Not require clients to participate in the cost of chore personal care services as a precondition to receiving the service for up to ninety days when the chore personal care services are essential to, and a subordinate part of, the adult protective services plan.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-219, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-219, filed 9/28/95, effective 10/29/95.]

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 388-15-222 Chore personal care services—Employed disabled—Incentive income and resource exemption. (1) The department shall exempt fifty percent of net earned income after work expenses above one hundred percent of the federal poverty level.

(2) The department shall only apply this exemption to:

(a) Clients determined disabled according to WAC 388-511-1105;

(b) The client, not the client's spouse or other household members.

[Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3). 98-19-055, § 388-15-222, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-222, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-222, filed 9/28/95, effective 10/29/95.]

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 388-15-360 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 chil-

(1999 Ed.)

dren'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 388-15-548 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 388-15-551 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

[Title 388 WAC—p. 177]

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.

[Title 388 WAC—p. 178]

[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.

(1999 Ed.)

(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 non-

exempt 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 388-15-600 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) The department shall provide COPEs services as an alternative to nursing facility care and 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 441.310, and approved by the secretary, department of health and human services.

(3) The department shall have 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.

(4) The department shall have the authority to purchase personal and special care as required under RCW 74.08.043 and 74.08.045. The department shall conduct demonstration programs and waive specific statutory requirements as required under RCW 74.08.390.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-600, filed 9/28/95, effective 10/29/95. 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—Eligibility. A COPEs-eligible person shall:

(1) Be assessed by the department or designee as meeting the requirements in 42 CFR 441.302(c) (as published in the Code of Federal Regulations and in effect in April, 1998); and

(2) Be an aged, blind, or disabled client, as defined under WAC 388-511-1105 (1)(a), (b), and (c)(i) and (ii);

(3) Be eighteen years of age or older;

(4) Be assessed as defined under WAC 388-15-202 through 388-15-205; and

(5) Have medical problems or cognitive impairment and be unable to maintain or coordinate the treatment plan; and

(6) Be likely to need the level of care provided in a nursing facility as defined under WAC 388-97-235 within the next thirty days, but for the provision of COPEs payments for home or community-based waiver services as defined under WAC 388-15-620;

(7) Require services that must be provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis; or

(8) Have an unmet need requiring substantial or total assistance with two or more of the following critical self-care tasks as defined under WAC 388-15-202(38) and 388-15-203(3):

(a) Eating;

(b) Toileting;

(c) Ambulation;

(d) Transfer;

(e) Positioning;

(f) Bathing;

(g) Self-medication; or

(9)(a) Have cognitive supervision needs due to one or more of the following:

(i) Disorientation;

(ii) Memory impairment;

(iii) Impaired judgment; or

(iv) Wandering; and

(b) Have an unmet need requiring substantial or total assistance with one or more of the critical self-care tasks in subsection (8)(a) through (g) of this section; or

(10) Have an unmet need requiring minimal, substantial or total assistance in three or more of the critical self-care tasks in subsection (8)(a) through (g) of this section; or

(11) Currently reside in a nursing facility, as defined under WAC 388-97-005(20), and be unable to return to and remain in the community without assistance with one or more of the services provided by the COPEs program as defined under WAC 388-15-620; or

(12) Meet the definition of a person functionally or clinically eligible for nursing facility care as defined under WAC 388-97-235;

(13) Have a feasible written plan of care. The department shall ensure the plan is less than ninety percent of the average state-wide nursing facility rate; and

(14)(a) Not be financially eligible for Medicaid personal care services; or

(b) Be financially eligible for Medicaid personal care services; however, the department determines the Medicaid

personal care services are not sufficient in amount, duration, or scope to meet the person's needs.

(15) Have gross monthly income not exceeding three hundred percent of the Supplemental Security Income (SSI) program, Title XVI federal grant excluding the supplementary state money payment (SSP) as described under WAC 388-500-0005;

(16) Have resources at or below the Medicaid standard as defined under WAC 388-513-1315 (1)(b) and (c) and 388-513-1350; and

(17) Be reassessed at least every twelve months or more often as deemed necessary, per WAC 388-15-204.

[Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3). 98-19-055, § 388-15-610, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-610, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-610, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-610, filed 9/28/95, effective 10/29/95. 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 388-15-620 COPES—Services. The department may authorize:

(1) One of the home and community-based services listed in subsection (2) through (4) of this section, and one or more of the home and community-based services listed in subsection (5) through (13) of this section when the department:

(a) Determines the service is necessary to prevent the client's institutionalization or enable an institutionalized client to return to the community; and

(b) Includes the service in the client's service plan.

(2) Adult residential care, enhanced adult residential care and assisted living services as defined under WAC 388-110-005 through 388-110-280.

(3) Adult family home care as defined under WAC 388-15-551.

(4) Personal care service tasks as defined under WAC 388-15-202(38), which are performed in the client's own home.

(5) Environmental modifications when the minor physical adaptations to the client's own home:

(a) Are necessary to ensure the client's health, welfare, and safety; or

(b) Enable the client to function with greater independence in the home; and

(c) Are of direct medical or remedial benefit to the client; and

(d) Are in accord with applicable state or local building codes.

(6) Skilled nursing when the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration, or scope of Medicaid-reimbursed home health services as provided under WAC 388-86-045.

(7) Transportation service when the service:

(a) Provides the client access to community services and resources provided in accordance with a therapeutic goal in the client's plan of care; and

(b) Is not merely diversional in nature. The department shall ensure this service:

(i) Is in addition to the Medicaid brokered transportation to medical services; and

(ii) Does not replace the Medicaid brokered transportation in the client's plan of care.

(8) Personal emergency response system (PERS) when the service is necessary to enable a client to secure help in the event of an emergency and when the client:

(a) Lives alone, or is alone for significant parts of the day and has no regular care provider for extended periods of time; and

(b) Would otherwise require extensive department-paid routine supervision.

(9) Home health aide service tasks beyond the amount, duration, or scope of the Medicaid-reimbursed home health service provided under WAC 388-86-045. The department shall authorize this service in addition to those available under WAC 388-86-045. The aide may perform some incidental services, for example, meal preparation in conjunction with providing a health-related service. However, the client's need for an incidental service shall not be the sole purpose of the aide's visit. Health-related service tasks include assistance with ambulation and exercise, self-administered medications, and hands-on personal care.

(10) Adult day care or day health service provided in an adult day care or day health center when the client:

(a) Is ineligible for or is not receiving Medicaid state plan covered adult day health services sufficient in amount, duration or scope; and

(b) Is chronically ill or disabled, socially isolated and/or confused, or has mild to moderate dementia; and

(c) Requires adult day care or day health service including:

(i) Provision of personal care as defined under WAC 388-15-202(35);

(ii) Basic health monitoring with consultation from a registered nurse;

(iii) Therapeutic activities;

(iv) Supervision or protection for at least four hours a day but less than twenty-four hours a day in a group setting on a continuing, regularly scheduled basis;

(v) Provision of a meal, not replacing or substituting for a full day's nutritional regimen; and

(vi) Programming and activities designed to meet clients' physical, social, and emotional needs.

(11) Client training when the training need is identified in the comprehensive assessment as defined under WAC 388-15-203 (1) and (2); and, provided in accordance with a therapeutic goal in the client's service plan such as adjust-

ment to a serious impairment, management of personal care needs, or development of skills to deal with care providers.

(12) Night support service when overnight assistance, supervision, and monitoring is required for a client:

(a) Unable to be alone at night due to the client's substantial care needs; or

(b) Whose physical or cognitive impairments result in sleep care needs that do not allow the primary care provider to sleep eight hours and receive at least five undisturbed hours of sleep during the eight-hour period; and

(c) Who has no family or other household members who can provide this service.

(13) Home delivered meals when:

(a) The client:

(i) Is homebound;

(ii) Is unable to prepare the meal; and

(iii) Has no other paid or unpaid person available to prepare the meal.

(b) Provision of one meal per day is more cost effective than having a department-paid personal care provider prepare the meal in the client's own home.

(14) 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.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-620, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-620, filed 9/28/95, effective 10/29/95. 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 eligible for and receiving COPES services as described under WAC 388-515-1505;

(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.

(3) Pay adult residential care and adult residential care/assisted living facilities licensed under chapter 18.20 RCW, and chapters 212-36 and 246-316 WAC for nonmedical residential care.

(4) Pay contracted adult family homes licensed under chapters 70.128 RCW and 388-76 WAC for nonmedical residential care.

(5) Pay an unrelated person providing board, room, and care to a COPES-eligible client in the unrelated person's own home only:

(a) When the person is licensed and contacted as an adult family home provider as described under subsection (4) of this section; and

(b) At the adult family home rate.

(6) Pay for personal care services provided in the client's own home by home-care agencies licensed under chapters 70.127 RCW and 248-36 WAC or by home-health agencies licensed under chapters 70.126 RCW and 246-327 WAC.

(7) Pay an individual personal care provider employed by the client in the client's own home when the individual provider:

(a) Meets or surpasses the department's minimum qualifications of knowledge and experience, skills, and abilities for individual personal care providers as defined under WAC 388-15-196. Family members who provide personal care services shall meet the same standards as providers who are unrelated to the client;

(b) Has a department-approved individual personal care provider agreement and service payment authorization; and

(c) Has been interviewed, hired, and retained by a COPES-eligible client or the client's representative and has provided the authorized services defined under WAC 388-15-202 in accordance with the client's service plan in the client's own home.

(8) Not pay a COPES-eligible client's spouse for providing care to the client.

(9) Pay for a one-time minor physical adaptation to the client's own home as authorized and approved by the department when the work is done by:

(a) A contractor registered with the department of labor and industries under chapter 18.27 RCW; or

(b) A contracted "handy-man" or an unpaid volunteer who have demonstrated skills and abilities to perform minor "do-it-yourself" jobs satisfactorily.

(10) Pay for skilled nursing provided by:

(a) A registered nurse licensed under chapters 18.88 RCW and 308-12 WAC; or

(b) A practical nurse licensed under chapters 18.78 RCW and 248-36 WAC who is under the supervision of a registered nurse; or

(c) A home health agency meeting the qualifications in subsection (6) of this section.

(11) Pay for transportation services when:

(a) The appropriate service mode has been pre-approved; and

(b) The service is provided by a vendor meeting the same standards required for the state plan covered medical transportation service program.

(12) Pay a contracted electronic communication equipment vendor and monitoring agency a one-time installation amount and a monthly service rate for personal emergency response system (PERS) service.

(13) Pay for home health aide service tasks performed by a nursing assistant certified and registered under chapter 18.88A RCW and provided to a client in the client's one home. The department shall authorize payment under COPES for home health aide service tasks only when state plan covered home health services are not sufficient in amount, duration, and scope to meet the client's unmet needs.

(14) Pay for adult day services provided in an adult day center certified as a Title XIX provider which provides services for a client who has mild or moderate dementia or is:

(a) Chronically ill or disabled;

- (b) Socially isolated and confused;
- (c) Unable/unsafe to be left alone during the day; and
- (d) Needs assistance with personal care.

(15) Pay for client training provider by licensed and certified provider types with expertise in the area of the client's training need, for example, dietitians and nutritionists registered under chapter 18.138 RCW for nutrition evaluation and counseling.

(16) Pay an individual provider who meets the qualifications in subsection (7) of this section to provide night support services, including personal care and direct supervision, for a client in the client's own home for a period not to exceed ten hours per night. When possible, the client shall utilize family or other household members who can provide this service without charge. The department shall not pay members of the client's household for provision of night support services.

(17) Pay for one home-delivered meal per day per client. The department shall pay a Title III provider or pay a restaurant, cafeteria, or caterer when the client's needs cannot be met by a Title III provider due to the client's geographic inaccessibility or special dietary needs, the time of day or week the meal is needed, or the Title III provider's waiting lists. The department shall ensure the provider complies with Washington state department of health and local board of health regulations for food service establishments and the meal:

(a) Is nutritionally balanced and delivered to the client's home;

(b) Does not replace nor be a substitute for a full day's nutritional regimen but will provide at least one-third of the current recommended dietary allowance (RDA) as established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council;

(c) As a unit of service equals one meal.

(18) 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 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-630, filed 9/28/95, effective 10/29/95. 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 Respite care services—Definitions.

Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section.

(1) "Adult" means a person eighteen 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

(1999 Ed.)

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 twenty-four-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 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-690, filed 10/1/96, effective 11/1/96. 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 Respite care services—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 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-695, filed 10/1/96, effective 11/1/96. 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 Respite care services—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 forty 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 forty percent and ninety-nine percent of the state median income.

(c) The department shall charge the full cost of respite care services if the participant's income is one hundred 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 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-700, filed 10/1/96, effective 11/1/96. 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 Respite care services—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 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-705, filed 10/1/96, effective 11/1/96. 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 Respite care services—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 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-710, filed 10/1/96, effective 11/1/96. 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 Respite care services—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 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-715, filed 10/1/96, effective 11/1/96. 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 388-15-830 Medicaid personal care services—Eligibility. (1) An eligible Medicaid personal care person shall:

(a) Meet the requirements in WAC 388-15-201; and

(b) Be certified as a Title XIX categorically needy medical assistance client; and

(c) Reside in the client's 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 begins upon the date of the department's service authorization.

(3) For an applicant through seventeen years of age or until the applicant transfers out of DCFS foster care or group care, the DCFS or DDD assessor shall only assess the need for personal care services exceeding the level of age appropriate personal care and not already being provided for through the child's natural/unpaid support systems. The assessor shall use a comprehensive assessment form specific to children for children from birth through seventeen years of age or until the age of transfer out of DCFS foster care or group care.

(4) The client shall be reassessed at least annually or more often as deemed necessary as defined under WAC 388-15-204.

(1999 Ed.)

[Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3). 98-19-055, § 388-15-830, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-830, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-830, filed 9/28/95, effective 10/29/95. 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 388-15-880 Medicaid personal care services—Payment procedures. The department shall:

(1) Pay for Medicaid personal care services provided in accordance with a client's approved plan of care, a sum not to exceed the Medicaid personal care rates as set forth in the most recent schedule of department-established and published rates.

(2) Pay adult residential care facilities licensed under chapter 18.20 RCW and chapters 246-316 and 212-36 WAC for authorized personal care services.

(3) Pay contracted adult family homes licensed under chapters 70.128 RCW and 388-76 WAC for authorized personal care services.

(4) Pay for personal care services provided to an adult by home care agencies licensed under chapters 70.127 RCW and 248-36 WAC or by home health agencies licensed under chapters 70.126 RCW and 246-327 WAC. The department:

(a) Shall make agency payments directly to the agency or through a factor.

(b) May authorize agency services when the adult client's service plan requires one hundred twelve or fewer hours personal care service per month.

(5) Pay an individual personal care provider providing personal care when the provider:

(a) Meets or surpasses the department's minimum qualifications of knowledge and experience, skills, and abilities for individual personal care providers as defined under WAC 388-15-196. Family members who provide personal care services must meet the same standards as providers who are unrelated to the client;

(b) Has a department-approved individual personal care provider agreement and service payment authorization;

(c) Has been interviewed, hired, supervised, and retained by a client eligible for Medicaid personal care or the client's representative; and

(d) Has provided the authorized services defined under WAC 388-15-202 in accordance with the client's service plan.

(6) Pay for personal care services when authorized for a child and provided by:

(a) A foster parent or group care facility defined under WAC 388-73-014(8);

(b) An agency which meets the qualifications in subsection (4) of this section and is contracted by the division of children and family services or the division of developmental disabilities for services provided in:

(i) A foster or group home; or

(ii) The child's own home; or

(iii) The home of a child's relative under a relative placement.

(c) An individual provider who meets the qualifications in subsection (5) of this section without regard to the number of hours of service.

(7) Not pay a Medicaid personal care client's spouse nor pay a Medicaid personal care eligible child's parent or step-parent, when the child is seventeen years of age or younger, for providing care to the client.

(8) Not make payment for services provided exceeding the department's authorization.

[Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-880, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-880, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-880, filed 9/28/95, effective 10/29/95. 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) Because Medicaid services are specific to the eligible client and based on medical necessity, 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;

(c) Services provided at a site other than the client's residence, unless authorized by the department in the written service plan;

(d) Developing social, behavioral, recreational, communication, or other types of skills;

(e) Companionship;

(f) Travel to medical services, essential shopping, meal preparation, housework, laundry, wood supply, or supervision as defined under WAC 388-15-202, unless the client is assessed as needing assistance with one or more direct personal care tasks as described in WAC 388-15-202(17), i.e., personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, body care, or self-medication; or

(g) Assisting or supporting other household members not eligible for Medicaid personal care.

(2) The department shall adjust payment for services according to department-established rates which take into account the provision of household tasks done at the same time for all of the household clients by a personal care provider, e.g., essential shopping, meal preparation, laundry, housework, wood supply, travel to medical services and supervision when:

(a) More than one client lives in the same household; or

(b) The client is in a shared living arrangement.

(3) The department shall not authorize the following as Medicaid personal care tasks to clients who live in an adult family home, licensed boarding home, or children's foster/group home:

(a) Meal preparation;

(b) Wood supply;

(c) Laundry;

(d) Housework; or

(e) Supervision, unless the supervision is directly related to an unscheduled task as defined in WAC 388-15-202(51).

(4) Personal care tasks do not include assistance requiring a licensed health professional.

[Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3). 98-19-055, § 388-15-890, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-890, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-890, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-890, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-890, filed 4/28/93, effective 5/29/93.]

WAC 388-15-895 Termination of services. Clients who do not meet the functional eligibility requirements in WAC 388-15-201 or 388-15-610, as evidenced by the department's or designee's assessment performed in the last twelve months for clients receiving Medicaid personal care or COPES and in the last eighteen months for clients receiving chore personal care, shall be ineligible for continued service.

[Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3). 98-19-055, § 388-15-895, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-895, filed 1/28/98, effective 2/28/98.]

Chapter 388-17 WAC

SENIOR CITIZENS SERVICES PROGRAM

WAC

388-17-010	Legal basis for senior citizens services program.
388-17-020	Definitions.
388-17-100	Rights and responsibilities of applicants and recipients.
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

388-17-240

1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
 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 cit-

(1999 Ed.)

izens 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:

[Title 388 WAC—p. 187]

(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:

[Title 388 WAC—p. 190]

(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.

(1999 Ed.)

(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 disclo-

(1999 Ed.)

sure 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 388-22 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.	388-24-045	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.
388-24-010	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.	388-24-050	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. Later promulgation, see WAC 388-215-1600, 388-215-1610 and 388-215-1620 part.
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.	388-24-052	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. Later promulgation, see WAC 388-215-1500.
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.	388-24-055	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. Later promulgation, see WAC 388-215-1000 part, 388-215-1060 part, 388-215-1300 part, 388-215-1320 part and 388-215-1390 part.
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.	388-24-060	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. Later promulgation, see WAC 388-215-1300 (parts).
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.	388-24-065	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. Later promulgation, see WAC 388-215-1340, 388-215-1345, 388-215-1350, 388-215-1355 and 388-215-1360.
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. Later promulgation, see parts of WAC 388-215-1025 and 388-215-1100.		
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. Later promulgation, see WAC 388-215-1540.		
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. Later promulgation, see WAC 388-		

- 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. Later promulgation, see WAC 388-215-1320 part, 388-215-1325, 388-215-1330 and 388-215-1335.
- 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. Later promulgation, see WAC 388-215-1365, 388-215-1370, 388-215-1375, 388-215-1380 and 388-215-1385.
- 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 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 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. Later promulgation, see WAC 388-215-1520.
- 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. Later promulgation, see WAC 388-215-1400 (parts).
- 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. Later promulgation, see WAC 388-215-1400 (parts).
- 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. Later promulgation, see WAC 388-215-1410, 388-215-1420, 388-215-1430, 388-215-1440, 388-215-1450, 388-215-1460, 388-215-1470, 388-215-1480 and 388-215-1490.
- 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. Later promulgation, see WAC 388-215-100 part, 388-215-1050, 388-215-1060 part, 388-215-1070, 388-215-1080, 388-215-1100 part, 388-215-1110 and 388-215-1120.
- 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 9/25/81; 81-10-011 (Order 1643), § 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)(e). 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. Later promulgation, see WAC 388-215-1650.

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' nonexempt 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.]

[Title 388 WAC—p. 200]

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 per cent 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

(1999 Ed.)

(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.
388-43-110	Telecommunications relay service.
388-43-130	Uses for returned equipment.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-43-100 TRS advisory committee appointment. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-43-120 Policies for transition. [Statutory Authority: RCW 43.20A.725. 94-04-037 (Order 3700), § 388-43-120, filed 1/26/94, effective 2/26/94.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

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 or 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 a resident of Washington state; and

(c) Be at least school age as defined under WAC 388-43-005(15); or

(d) Be the parent/guardian applying on behalf of a child four years of age or younger who has been certified in writing, as specified under subsection (2)(a) through (f) of this section; and

(e) 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 an 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.725 and 43.20A.730. 95-03-049 (Order 3825), § 388-43-010, filed 1/11/95, effective 2/11/95. 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:

- (a) An application form; and
- (b) A 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:

(a) The department shall determine client participation by a sliding scale based on zero percent to two hundred percent of the most recent federal poverty level; and

(b) The department shall ensure the sliding scale is adjusted yearly following the new federal poverty level publication.

(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 the equipment application as an original application 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) "DEC" means a deductible employee contribution;

(b) "Dependent" means a relative who depends on the family income for at least half of the relative's support;

(c) "Family size" means a person or a person and the person's spouse, if not legally separated, and the person's dependents;

(d) "S corporation" means a domestic corporation with one class of stock having thirty-five or less shareholders who are United States citizens;

(e) "SEP" means a simplified employee pension.

(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, 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 and DECs;

(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.

[Statutory Authority: RCW 43.20A.725 and 43.20A.730. 95-03-049 (Order 3825), § 388-43-020, filed 1/11/95, effective 2/11/95. 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.

(1999 Ed.)

(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 388-43-110 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 388-43-130 Uses for returned equipment. (1)

TAS shall issue, as available, the clean and working equipment, which has little or no warranty time left and has been returned to TAS by clients, free of charge to:

(a) Organizations serving hearing/speech disabled, deaf, and/or deaf-blind persons statewide; and

(b) Lending libraries of hospitals and/or hospice facilities.

(2) Organizations receiving used TAS equipment free of charge shall be thereafter responsible for equipment maintenance.

[Statutory Authority: RCW 43.20A.725 and 43.20A.730, 95-03-049 (Order 3825), § 388-43-130, filed 1/11/95, effective 2/11/95.]

Chapter 388-45 WAC
THE STATE-FUNDED FOOD ASSISTANCE
PROGRAM FOR LEGAL IMMIGRANTS

WAC

388-45-010 The state-funded food assistance program for legal immigrants.

WAC 388-45-010 The state-funded food assistance program for legal immigrants. (1) Legal immigrants are eligible for the state-funded federal food stamp program for legal immigrants if they:

(a) Meet the alien status requirements of the Food Stamp Act in effect prior to August 22, 1996; and

(b) Are ineligible for federal food stamps due to the immigrant provisions of P.L. 104-193, as amended.

(2) The state program provides the same amount of benefits as the federal food stamp program. Some households may receive both state and federal food stamp. The total benefits for any household cannot exceed the federal food stamp amount for that household size.

[Statutory Authority: RCW 74.04.050, 74.04.057 and 74.08.090, 97-20-124, § 388-45-010, filed 10/1/97, effective 11/1/97.]

Chapter 388-46 WAC
RECIPIENT FRAUD

WAC

388-46-010 Fraud—Criminal prosecution.
388-46-100 Fraud—Federal food coupons and commodities.
388-46-110 Disqualification period for recipients convicted of unlawfully obtaining assistance.
388-46-120 Disqualification period for temporary assistance to needy families (TANF) applicants or recipients convicted of misrepresenting residence to obtain assistance in two or more states.

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.]

WAC 388-46-110 Disqualification period for recipients convicted of unlawfully obtaining assistance. (1) An applicant or recipient who has been convicted of unlawful practices in obtaining temporary assistance to needy families (TANF) or general assistance will be disqualified from receiving further TANF or general assistance benefits.

(2) For general assistance, the disqualification will apply only to convictions based on actions which occurred on or after July 23, 1995. For TANF, the disqualification will apply only to convictions based on actions which occurred on or after May 1, 1997.

(3) The length of the disqualification shall be for a period to be determined by the court, but in no event less than six months upon the first conviction and no less than twelve months for a second or subsequent violation.

(4) The disqualification applies only to the person convicted of unlawful practices.

(5) The disqualification period begins on the date the individual is convicted of unlawful practices related to obtaining assistance.

(6) The department shall terminate benefits to a recipient disqualified under this section following notice requirements specified under chapter 388-245 WAC. The department shall deny benefits to an applicant according to chapter 388-215 WAC for the duration of the disqualification period.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.290 and Public Law 104-193, Section 103 (a)(1)(1996), 97-10-038, § 388-46-110, filed 4/30/97, effective 5/1/97. Statutory Authority: RCW 74.08.331, 74.08.290 and 1995 c 379, 95-19-003 (Order 3892), § 388-46-110, filed 9/6/95, effective 10/7/95.]

WAC 388-46-120 Disqualification period for temporary assistance to needy families (TANF) applicants or recipients convicted of misrepresenting residence to obtain assistance in two or more states. (1) An applicant or recipient of TANF will be disqualified from receiving further benefits under TANF if the individual is convicted in federal or state court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states.

(2) For the purposes of determining the disqualification of an applicant or recipient under subsection (1) of this section, assistance is defined as receipt of benefits funded by the following:

(a) TANF and any other benefit authorized by Title IV-A of the Social Security Act;

(b) Any benefit authorized by The Food Stamp Act of 1997;

(c) Any benefit authorized by Title XIX, Medicaid; and

(d) Supplemental Security Income benefits authorized by Title XVI.

(3) The disqualification will apply only to convictions based on actions which occur on or after May 1, 1997.

(4) The length of the disqualification is ten years or the period determined by the court under WAC 388-46-110, whichever is longer.

(5) The disqualification applies only to the person convicted of fraud in a federal or state court.

(6) The disqualification period begins on the date the individual is convicted of having made fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two states.

(7) The provisions of subsections (1) through (6) of this section do not apply to the conviction of an individual when the President of the United States has granted a pardon with respect to the conduct which was the subject of the conviction. The disregard of the provisions because of a pardon is effective the date the pardon is granted and continues for each month thereafter.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.290 and Public Law 104-193, Section 103 (a)(1)(1996). 97-10-038, § 388-46-120, filed 4/30/97, effective 5/1/97.]

Chapter 388-55 WAC

REFUGEE ASSISTANCE

WAC

388-55-024	Noncompliance with work and training requirements.
388-55-027	Good cause determination.
388-55-050	Refugee social service eligibility.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-55-006	Summary of eligibility conditions. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-006, filed 2/9/96, effective 3/11/96.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-55-008	Eligibility conditions—Refugee status. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-008, filed 2/9/96, effective 3/11/96.] Repealed by 98-16-044,

filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-55-010 Common eligibility conditions. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-010, filed 2/9/96, effective 3/11/96. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-55-020 Work and training eligibility conditions. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-020, filed 2/9/96, effective 3/11/96. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-55-030 Treatment of income and resources. [Statutory Authority: RCW 74.04.050 and 74.08.090. 97-20-128, § 388-55-030, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-030, filed 2/9/96, effective 3/11/96. Statutory Authority: RCW 43.20A.550. 83-13-069 (Order 1969), § 388-55-030, filed 6/16/83.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-55-040 Refugee medical assistance. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-040, filed 2/9/96, effective 3/11/96. 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.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-55-060 Refugee notification and referral. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-060, filed 2/9/96, effective 3/11/96.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

WAC 388-55-024 Noncompliance with work and training requirements. 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:

(1) 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;

(2) 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;

(3) The sanction for persons identified in subsection (1) and (2) of this section is applied in the following manner:

(a) 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;

(b) 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;

(c) The department shall notify the recipient's voluntary agency (VOLAG) if action is taken according to subsection (2)(a) or (b) of this section, provided the provisions for safeguarding information in chapter 388-320 WAC are met; and

(d) 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 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-024, filed 2/9/96, effective 3/11/96.]

WAC 388-55-027 Good cause determination. The department shall determine whether good cause exists when a nonexempt refugee recipient fails to comply with the department-approved employment and training plan, or when the recipient quits or refuses employment as provided in WAC 388-55-024, Noncompliance with work and training requirements. Good cause is determined by the refugee social service worker assigned in each community services office (CSO). Good cause exists if:

(a) A licensed physician or psychologist has determined there is a physical, mental, or emotional inability of the refugee to satisfactorily perform the work required or to participate in the training being offered; or

(b) The work or training is so remote from the residence of the refugee that they cannot effectively participate. The department considers a work site remote if a round trip is more than two hours by any reasonably available mode of travel, exclusive of travel time to take children to and from a child care facility. If the normal commuting time for an area exceeds two hours round trip, then the round trip commuting time cannot exceed the generally accepted community standards; or

(c) The nature of the work or training violates applicable federal, state, or local health and safety standard; or

(d) The wages do not meet applicable minimum wage requirements and are not customary for such work in the community; or

(e) The work hours exceed those customary to the occupation; or

(f) The job is available because of a labor dispute; or

(g) The refugee is currently participating in on-the-job training or a program of professional recertification as part of his/her employability plan; or

(h) Adequate child care, necessary to the training or employment, is not available to single-parent household.

(1999 Ed.)

[Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-027, filed 2/9/96, effective 3/11/96.]

WAC 388-55-050 Refugee social service eligibility.

(1) The department shall consider refugees who meet the criteria in WAC 388-55-010 to be eligible for refugee social services without regard to the length of time in which the refugees have resided in the United States.

(2) The department shall consider refugees receiving RCA/RMA to be priority clients for refugee employment and training services.

(3) The department shall consider refugees who have resided in the United States for twelve months or less to be priority clients for refugee social services.

(4) The department shall provide refugees with services as allowed under Title XX of the Social Security Act.

[Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-050, filed 2/9/96, effective 3/11/96.]

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.
388-60-190	Program certification process.
388-60-200	Certification maintenance.
388-60-210	Advisory committee.
388-60-220	Complaint.
388-60-230	Investigation.
388-60-240	Results of investigation.
388-60-250	Notification of results.
388-60-260	Appeal.

WAC 388-60-005 Scope. This chapter establishes domestic violence perpetrator treatment 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 treatment 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: RCW 26.50.150. 97-02-035, § 388-60-005, filed 12/24/96, effective 1/24/97. 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 domestic violence perpetrator treatment 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: RCW 26.50.150. 97-02-035, § 388-60-120, filed 12/24/96, effective 1/24/97. 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 treatment program shall require participants to participate in single gender weekly group treatment sessions unless there is a documented, clinical reason for another intervention. Such clinical reasons include psychosis or other conditions which make the individual not amenable to treatment. Other therapies may be concomitant with the weekly group treatment sessions described under this chapter, but the program shall ensure other therapies do 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 program shall ensure the foremost goal of a perpetrator's treatment is to increase the victim's safety by changing the perpetrator's abusive behavior.

(a) Concomitant marital or family therapy may not be consistent with the goal of victim safety; and

(b) In such cases, the program shall not pursue these therapies concomitantly with domestic violence perpetrator treatment.

[Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-130, filed 12/24/96, effective 1/24/97. 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 a domestic violence perpetrator program 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;

(iii) Inform victims of the availability of outreach, advocacy, emergency services, and safety planning offered by a domestic violence victim program;

(iv) Give victim brief description of treatment program;

(v) Inform victim of the limitations of treatment; and

(vi) Under no circumstances invite or require victims of group participants to attend perpetrator program counseling and education groups.

(2) Nondiscrimination. The program 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, a domestic violence perpetrator treatment program shall provide culturally sensitive services. The program 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 domestic violence perpetrator treatment program 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 have authority to impose any conditions on participation in treatment services that the program deems appropriate.

(4) Rights of a participant.

(a) The domestic violence perpetrator treatment program shall acknowledge the:

(i) Obligation to provide a participant the highest level of quality service; and

(ii) Rights of a participant 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 an employee, a student intern, a program participant, or a battered victim of participant; and

(ii) Establish a climate in which all relationships with colleagues and participants are based on respect for one another.

(5) Confidentiality.

(a) Right to confidentiality. A domestic violence perpetrator treatment program shall adhere to the standards of confidentiality promulgated in chapter 18.19 RCW for registered counselors. The program shall ensure communications between the participant and the program are confidential unless specifically exempted from confidentiality by:

(i) The participant's release of information; or

(ii) 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 the 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 advocates and legal advocates.

(ii) A release to prior and current treatment agencies to provide perpetrator information to the program; and

(iii) A release for the program to provide perpetrator information to relevant legal entities, including:

- (A) Lawyers;
- (B) Courts;
- (C) Parole;
- (D) Probation;
- (E) Child protective services;
- (F) Child welfare services; and
- (G) Court-appointed guardians ad litem.

(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. A domestic violence perpetrator treatment program may require a participant to sign a release permitting the program to provide the victim with periodic reports regarding the participant's participation. A program may obtain this release or may provide this information to a victim.

(d) Victim confidentiality. The program shall treat information the victim provides to the program as confidential unless the victim provides explicit written permission for the disclosure of the information. If a new offense has occurred, the program shall request the victim to contact the:

- (i) Appropriate law enforcement agency; and
- (ii) 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 volunteer group leaders, and others specifically invited by the group leaders. Others specifically invited by group leaders 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 domestic violence perpetrator treatment program shall obtain a written agreement for confidentiality with all participants and invited guests. The program shall ensure the confidentiality agreement prohibits disclosure of identities of participants or participant-specific information, except when a specific participant provides a written permission for disclosure.

(g) The program shall only audio or video tape group sessions when all participants grant a written consent. The program shall ensure the consent form details the specific uses for the tape to which the participant consents. The program shall obtain an additional consent statement from each participant to permit use of the tape for other than the purposes specified in the original consent.

(6) Intake and assessment. The domestic violence perpetrator treatment program shall conduct an individual, complete, clinical intake and 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;
- (iii) Make appropriate referrals outside the agency. If treatment by other providers is contra-indicated, the program shall determine prioritization of treatment; and
- (iv) Determine the sequence of adjunct services if concurrent treatment is not clinically appropriate.

(c) The domestic violence perpetrator treatment program shall consider issues relating to a participant's prior victimization when designing the participant's treatment plan.

(i) The program shall consider the appropriateness of domestic violence victim services for a participant who presents an extensive history of prior victimization.

(ii) In light of consistent research findings that a victim of domestic violence is female in ninety-five percent of domestic violence incidents, the program shall give special consideration to a female participant with regard to prior domestic violence victimization.

(8) Contract with a program participant. The program shall require a participant to enter into a formal contract for services. The program shall ensure the contract includes, 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, possession of weapons as described under chapters 275-55 and 275-59 WAC, 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 a participant safeguards 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 and 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 and methods of treatment provider payment; and

(l) Drug and alcohol policy, including the requirement that the client attend sessions free of drugs and alcohol.

(9) Program educational curriculum requirements. The domestic violence perpetrator treatment program shall identify and utilize an educational curriculum for each program participant. The program shall address at a minimum:

(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 a batterer for the batterer's 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, as described under chapters 10.31, 10.99, and 26.50 RCW;

(f) Opportunities for each participant to identify all of the participant's 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 a batterer;

(j) Impact of abuse and battering on children and incompatibility of domestic 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 domestic violence perpetrator treatment 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 single gender 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 a participant's 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 chemical dependency 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) Re-offense and noncompliance. The program shall establish and implement written policies regarding consequences for re-offense 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:

(i) The program participant contract;

(ii) A court order;

(iii) A probation agreement; or

(iv) 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 chemical dependency, failure to continue involvement with mental health treatment; and

(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: RCW 26.50.150, 97-02-035, § 388-60-140, filed 12/24/96, effective 1/24/97. 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 a person 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 an:

(A) Established domestic violence perpetrator treatment services program complying with these program standards; or

(B) Out-of-state domestic violence perpetrator treatment program which meets department standards of this chapter and chapter 26.50 RCW.

(c) Each paid or volunteer staff person providing direct treatment to a participant 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.

(d) Each paid or volunteer staff person providing direct treatment to a participant 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: RCW 26.50.150. 97-02-035, § 388-60-150, filed 12/24/96, effective 1/24/97. 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/or from a state-certified perpetrator treatment program.

(3) A paid or volunteer staff:

(a) Having direct treatment contact with participants shall complete a minimum of twenty hours of continuing professional education for each year following certification with no more than one half (ten) of those hours being satisfied "in-house";

(b) 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) 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;

(d) May obtain continuing professional education through classes, seminars, workshops, video or audio tapes, or other self-study programs when approved, in writing, by the staff supervisor. The staff shall devote not more than five hours to video, audio tapes, or self-study program as part of an overall twenty hours continuing education requirement; and

(e) The staff shall document all continuing education hours on approved forms accompanied with completion certificates, course/workshop outline, and supervisor signature and submit upon application for recertification.

[Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-160, filed 12/24/96, effective 1/24/97. 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 HB 1884. 93-10-024 (Order 3539), § 388-60-170, filed 4/28/93, effective 5/29/93.]

[Title 388 WAC—p. 214]

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.]

WAC 388-60-190 Program certification process. (1) The domestic violence perpetrator program providing treatment to a perpetrator of domestic violence shall request certification by completing an application available by mail from the Domestic Violence Perpetrator Treatment Program Certification, Department of Social and Health Services (DSHS), Children's Administration, P.O. Box 45710, Olympia, Washington 98504-5710.

(2) The person or entity responsible for the program operation shall submit to this department a completed application and the application fee prior to certification.

(3) The department shall publish a current application fee for a domestic violence perpetrator treatment program and shall update the fee annually in July. The application fee will be stated in the application packet.

(4) The department shall ensure the application includes a written certification by the domestic violence perpetrator program director that the program complies with the program standards contained in this chapter.

(5) The program shall complete criminal history background checks on all perpetrator treatment program staff and include the background check results with the certification application. The program shall also include with the application, a statement indicating for each paid and volunteer staff person, whether they have been a party to any civil proceedings involving domestic violence.

(6) The department shall review certification applications within thirty days after receipt of the application to determine whether the domestic violence perpetrator program complies with the program standards contained in this chapter and shall:

(a) Notify the applicant whether the program complies with the program standards. If a program meets compliance standards the department shall issue the program a certificate of compliance;

(b) Provide programs that have not met compliance standards with a copy of the program standards and a written notice containing:

(i) The reasons for the determination of noncompliance; and

(ii) The program standards relied upon for making the determination.

(1999 Ed.)

(7) An applicant denied certification by the department shall have a right to a fair hearing as provided under chapter 388-08 WAC.

(8) The department shall maintain an updated record of all certified domestic violence perpetrator programs and programs that:

- (a) Are certified;
- (b) Are in the process of applying for certification;
- (c) Have been denied certification;
- (d) Have been notified that the department is revoking or suspending certification;
- (e) Have had certification revoked; and
- (f) Are being investigated.

[Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-190, filed 12/24/96, effective 1/24/97.]

WAC 388-60-200 Certification maintenance. (1)

Each program certified under this chapter shall apply for continued certification every two years. A treatment provider's continued certification and renewal shall be contingent upon:

(a) A completed application form submitted to DSHS/DCFS at least forty-five days before the expiration date of the previous certification period which shall include:

(i) An update of all program and staff changes including criminal history background check results, and a statement regarding civil proceedings as described in WAC 388-60-190(5);

(ii) An update of continuing staff professional education hours;

(iii) Payment of the application fee; and

(iv) Completed information request forms from the local multidisciplinary domestic violence intervention committee (DVIC) or task force and an established local domestic violence victim service provider as defined in chapter 70.123 RCW.

(b) A determination by the department, based on the completed application, that the program continues to meet the standards and qualifications as outlined in this chapter;

(c) A determination by the department that any complaint investigations if any, from the previous certification period have been satisfactorily resolved.

(2) The department shall provide applicants for certification renewal that do not comply with the program standards with a written notice containing:

(a) The reasons for the determination of noncompliance; and

(b) The program standards relied upon for making the determination.

(3) A program applicant denied recertification by the department shall have a right to an administrative hearing as provided under chapter 388-08 WAC.

[Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-200, filed 12/24/96, effective 1/24/97.]

WAC 388-60-210 Advisory committee. The department shall establish and appoint a volunteer group to serve as the Washington domestic violence perpetrator treatment program standards advisory committee.

(1) The advisory committee shall include the following members:

(a) Four persons representing the perspective of victims of domestic violence to be chosen with input from the Washington state coalition against domestic violence;

(b) Four persons representing the perspective of state-certified domestic violence perpetrator treatment program providers to be chosen with input from a statewide coalition of domestic violence perpetrator treatment programs;

(c) Four persons representing the perspective of adult misdemeanor probation and Washington state courts of limited jurisdiction to be chosen with input from the misdemeanor corrections association and municipal court judges association;

(d) One person representing the department of corrections; and

(e) One person representing the office of the administrator for the courts.

(2) Advisory committee members shall be appointed for two-year terms. Committee members may be replaced if they have missed two consecutive meetings.

(3) If funds are available, the department shall reimburse advisory committee members for travel and meal expenses related to service on the committee. Advisory committee members shall not receive any other compensation for services on the committee.

(4) The role of the advisory committee shall be to:

(a) Advise the department about any recommended changes to the program standards;

(b) Provide technical assistance to DSHS on program standards, implementation, certification and recertification criteria.

[Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-210, filed 12/24/96, effective 1/24/97.]

WAC 388-60-220 Complaint. (1) Pursuant to RCW 26.50.150, complaints about domestic violence perpetrator treatment programs certified under this chapter shall be made to the department;

(2) Any person may submit a written complaint to the department regarding the following concerns about a certified program:

(a) Conduct which places victims at risk; or

(b) Failure to comply with program and/or treatment standards as specified in chapter 388-60 WAC.

(3) The department shall notify the program in writing within fourteen days after receipt, that a valid complaint has been received and investigation has been initiated.

[Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-220, filed 12/24/96, effective 1/24/97.]

WAC 388-60-230 Investigation. (1) The department will initiate an investigation within fourteen days if:

(a) A complaint subject to the criteria in WAC 388-60-220(2) has been received by the department; or

(b) The department has reason to believe, without a written complaint, that a program has engaged in conduct specified in WAC 388-60-220(2).

(2) The investigation may include contact with the complainant, other persons involved in the complaint and the program.

(3) The department will begin an investigation within fourteen days of the receipt of an eligible complaint.

(4) The department shall complete its investigation within forty-five days of initiating an investigation unless circumstances warrant a longer period of time.

[Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-230, filed 12/24/96, effective 1/24/97.]

WAC 388-60-240 Results of investigation. (1) The department shall prepare written results of the complaint investigation.

(2) If the department determines that the program engaged in conduct specified in WAC 388-60-220(2), the written results shall include a determination as to the status of the program's certification:

(a) Revocation of certification. Specific grounds for revocation shall be set forth in the written results, including the provisions of this chapter upon which revocation is based. Where program certification is revoked, the results shall state the effective date of revocation.

(b) Suspension of certification. Specific grounds for suspension of certification shall be set forth within the written results, including the provisions of this chapter upon which suspension is based. Where program certification is suspended, the results shall state the effective date of suspension and shall include specific remedial steps which must be satisfied prior to the department lifting the suspension and reinstating certification.

(c) Written warning. Specific grounds for a program warning shall be set forth within the written results, including the provision of this chapter upon which the warning is based. Where a program is given a written warning, the results shall include specific remedial steps which must be taken to the satisfaction of the department and the date by which the specific steps must be remedied. Where a program refuses or fails to remedy the problems specified in the written warning, the department may revoke or suspend program certification as specified above.

(3) Where the department revokes or suspends program certification, or issues a written warning to a program pursuant to WAC 388-60-240, the program shall be notified in writing of its right to request an administrative hearing as provided under chapter 388-08 WAC.

[Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-240, filed 12/24/96, effective 1/24/97.]

WAC 388-60-250 Notification of results. (1) Written results shall be prepared by the department and sent to the program by certified mail, return receipt requested, within twenty (20) days after completion of the investigation. A copy of the written results shall also be mailed to the complainant.

(2) Where a program's certification is revoked or suspended, the program shall be directed to take immediate steps to notify and refer current clients to other certified domestic violence perpetrator treatment programs, prior to the effective date of revocation or suspension.

(3) Where a program's certification is revoked or suspended, the program shall be directed to:

[Title 388 WAC—p. 216]

(a) Cease accepting perpetrators of domestic violence into its treatment program;

(b) Notify victims, partners, and any relevant agencies of the client referral; and

(c) Notify in writing the presiding judge and chief probation officer of each judicial district from which the program receives court referrals, of the certification revocation or suspension.

(4) Where a program holds a license or certification from the state of Washington for the provision of other treatment modalities, the department may notify the appropriate licensing or certifying authority that the domestic violence perpetrator treatment program certification is revoked or suspended.

[Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-250, filed 12/24/96, effective 1/24/97.]

WAC 388-60-260 Appeal. A domestic violence perpetrator treatment program aggrieved by a decision of the department regarding certification has a right to an adjudicative proceeding. The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC.

[Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-260, filed 12/24/96, effective 1/24/97.]

Chapter 388-61 WAC FAMILY VIOLENCE

WAC

388-61-001

What does the Family Violence Amendment mean for TANF recipients?

WAC 388-61-001 What does the Family Violence Amendment mean for TANF recipients? The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, gave every state the option to have a program to address issues of family violence for temporary assistance for needy families (TANF) recipients.

(1) For TANF, it is family violence when a recipient, or family member or household member has been subjected by another family member or household member as defined in RCW 26.50.010 (2) to one of the following:

(a) Physical acts that resulted in, or threatened to result in, physical injury;

(b) Sexual abuse;

(c) Sexual activity involving a dependent child;

(d) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

(e) Threats of or attempts at, physical sexual abuse;

(f) Mental abuse;

(g) Neglect or deprivation of medical care; or

(h) Stalking.

(2) DSHS shall:

(a) Screen and identify TANF recipients for a history of family violence;

(b) Notify TANF recipients about the Family Violence Amendment both verbally and in writing;

(c) Maintain confidentiality as stated in RCW 74.04.060;

(1999 Ed.)

(d) Refer individuals needing counseling to supportive services;

(e) Waive WorkFirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence or place victims at further risk of family violence. Requirements to be waived may include:

(i) Time limits for TANF recipients, for as long as necessary (after fifty-two months of receiving TANF);

(ii) Cooperation with the division of child support.

(f) Develop specialized work activities for clients meeting the definition of family violence in instances where participation in work activities would place the recipients at further risk of family violence.

[Statutory Authority: Public Law 104-193, Section 103, Subsection 408 (a)(7)(c)(iii), HB 3901, section 103(4), RCW 74.08A.010, 74.04.050 and 74.08.090, 98-07-040, § 388-61-001, filed 3/12/98, effective 4/12/98. Statutory Authority: RCW 74.04.050, 74.08.090 and 74.04.057, 97-20-124, § 388-61-001, filed 10/1/97, effective 11/1/97.]

Chapter 388-70 WAC

CHILD WELFARE SERVICES—FOSTER CARE—ADOPTION SERVICES—SERVICES TO UNMARRIED PARENTS

WAC

- 388-70-010 Foster care—Legal basis.
- 388-70-012 Foster care—Definitions.
- 388-70-013 Authorization for foster care placement.
- 388-70-022 Payment of foster care.
- 388-70-024 Payment of foster care—Effective date.
- 388-70-031 Foster parent liability fund.
- 388-70-032 Period of coverage.
- 388-70-033 Persons eligible for coverage.
- 388-70-034 Limits of coverage.
- 388-70-035 Exclusions.
- 388-70-036 Subrogation.
- 388-70-037 Investigation of claims.
- 388-70-041 Payment standards—Foster family care.
- 388-70-042 Payment standards—Regular foster family care.
- 388-70-044 Payment standards—Receiving home care—Standards for using.
- 388-70-048 Payment standards—Specialized rate foster family care—Child with special needs.
- 388-70-051 Education related foster care.
- 388-70-054 Temporary absence of child from foster care.
- 388-70-058 Reimbursement for damage or loss caused by child in foster family care.
- 388-70-062 Payment for foster care to family receiving public assistance.
- 388-70-066 Foster care out-of-state—Authorization—Payment.
- 388-70-068 Earnings of foster child.
- 388-70-069 Resources and unearned income of foster child.
- 388-70-075 Parents' obligation to support child in foster care.
- 388-70-078 Standards for parental participation in cost of foster care—Minimum scale recommended to court.
- 388-70-080 Referral of child in foster care to department's office of support enforcement.
- 388-70-082 Parents' foster care payments to be remitted to department.
- 388-70-084 Assignment of child support judgment and limited power of attorney.
- 388-70-091 Foster care planning for Indian children—Definitions.
- 388-70-092 Foster care for Indian children—Tribal sovereignty.
- 388-70-093 Foster care for Indian children—Services.
- 388-70-095 Foster care for Indian children—Serious injury, death, abandonment, child abuse, neglect, incarceration.
- 388-70-170 Veterans' benefits.
- 388-70-410 Adoption services for children—Legal basis—Purpose.
- 388-70-420 Definitions.
- 388-70-430 Eligibility for adoption service.
- 388-70-440 Adoption services for children.
- 388-70-450 Adoptive planning for Indian children by department staff.
- 388-70-460 Adoption services for families.

- 388-70-470 Interstate procedures.
- 388-70-480 Record confidentiality.
- 388-70-510 Adoption support for children—Legal basis—Purpose.
- 388-70-520 Adoption support for children—Definitions.
- 388-70-530 Adoption support for children—Eligible child.
- 388-70-540 Adoption support for children—Application.
- 388-70-550 Adoption support for children—Types and amounts of payments.
- 388-70-560 Adoption support for children—Criteria governing amount of payment.
- 388-70-570 Adoption support for children—Agreement for adoption support.
- 388-70-580 Adoption support for children—Review of support payment.
- 388-70-590 Adoption support for children—Appeal from secretary's decision—Hearing.
- 388-70-595 Reimbursement for nonrecurring adoption finalization costs.
- 388-70-600 Local Indian child welfare advisory committee—Purpose.
- 388-70-610 Local Indian child welfare advisory committee—Membership.
- 388-70-615 Local Indian child welfare advisory committee—Subcommittees.
- 388-70-620 Local Indian child welfare advisory committee—Functions.
- 388-70-630 Local Indian child welfare advisory committee—Meetings.
- 388-70-640 Local Indian child welfare advisory committee—Confidentiality.
- 388-70-700 Juvenile records.

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.
- 388-70-064 Payment for foster care to relative. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 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.
- 388-70-160 Guardianship of estate of child. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 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,

(1999 Ed.)

(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.

[Title 388 WAC—p. 219]

(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.

(1999 Ed.)

[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.

[Title 388 WAC—p. 222]

(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 388-70-066 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.

[Title 388 WAC—p. 224]

[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

(1999 Ed.)

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 case-work 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.

[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.

[Title 388 WAC—p. 225]

[Order 1255, § 388-70-095, filed 12/1/77; Order 1167, § 388-70-095, filed 10/27/76.]

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;

[Title 388 WAC—p. 226]

(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 con-

(1999 Ed.)

tinue 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.

[Title 388 WAC—p. 227]

(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 (NWAE) 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.

[Title 388 WAC—p. 228]

(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.

(1999 Ed.)

(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 non-recurring 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 confi-

(1999 Ed.)

dentiality, 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 388-73 WAC

CHILD CARE AGENCIES—MINIMUM
LICENSING/CERTIFICATION REQUIREMENTS

WAC

388-73-010	Authority.	388-73-208	Medical care.
388-73-012	Definitions.	388-73-210	Foster care licensees.
388-73-014	Persons and organizations subject to licensing.	388-73-212	Foster care placements.
388-73-016	Exceptions to rules.	388-73-213	Certification to provide adoption services.
388-73-018	Persons and organizations not subject to licensing.	388-73-214	Adoption procedures.
388-73-019	Effect of local ordinances.	388-73-216	Adoptive placements.
388-73-01950	Fire standards.	388-73-300	Foster family homes.
388-73-020	Certification of juvenile detention facility and exempt agency.	388-73-302	Orientation and training.
388-73-022	Application or reapplication for license or certification—Investigation.	388-73-304	Capacity.
388-73-024	Licenses for homes supervised by licensed agency.	388-73-306	Foster parents—Employment.
388-73-026	Licensing of employees.	388-73-308	Absence from home.
388-73-028	Limitations on licenses and dual licensure.	388-73-310	Fire safety.
388-73-030	General qualifications of licensee, adoptive applicant, and persons on the premises.	388-73-312	Family foster homes—Services to person under care.
388-73-032	Age of licensee.	388-73-351	Staffed residential homes for children or expectant mothers.
388-73-034	Posting of license.	388-73-353	Agency affiliation.
388-73-036	Licensure—Denial, suspension, or revocation.	388-73-355	Function of staffed residential home for children or expectant mothers.
388-73-038	Licensed capacity.	388-73-357	Capacity.
388-73-040	Discrimination prohibited.	388-73-361	Required positions.
388-73-042	Religious activities.	388-73-363	Nursing services.
388-73-044	Special requirements regarding American Indians.	388-73-365	Required rooms, areas, and equipment.
388-73-046	Discipline.	388-73-367	Staffed residential homes for children or expectant mothers—Services to person under care.
388-73-048	Corporal punishment.	388-73-369	Fire safety—Staffed residential child care home for children or expectant mothers.
388-73-050	Abuse, neglect, exploitation.	388-73-371	Location of care.
388-73-052	Interstate placement of children.	388-73-373	Occupancy separations.
388-73-054	Client records and information—All agencies.	388-73-375	Exits.
388-73-056	Reporting of illness, death, injury, epidemic, child abuse, or unauthorized absence—All facilities.	388-73-377	Windows.
388-73-057	Reporting of circumstantial changes.	388-73-379	Sprinklers.
388-73-058	Earnings, allowances, personal belongings.	388-73-381	Accessibility of exits.
388-73-060	Work assignments.	388-73-383	Single station smoke detectors.
388-73-062	Transportation.	388-73-385	Fire extinguishers.
388-73-064	Clothing.	388-73-387	Fire prevention.
388-73-066	Personal hygiene.	388-73-389	Sprinkler system maintenance.
388-73-068	Personnel policies.	388-73-391	Fire evacuation plan.
388-73-069	Consumption of alcoholic beverages.	388-73-393	Fire evacuation drill.
388-73-070	Training.	388-73-395	Staff fire safety training.
388-73-072	Education and vocational instruction.	388-73-500	Day treatment center.
388-73-074	Social service staff.	388-73-502	Function of day treatment program.
388-73-076	Social study—Treatment plans.	388-73-504	Personnel.
388-73-077	Multidisciplinary care plan for severely and multiply-handicapped children.	388-73-506	Ratio of counselor and teaching staff to children.
388-73-078	Clerical, accounting and administrative services.	388-73-508	Program.
388-73-080	Support and maintenance staff.	388-73-510	Ill children.
388-73-100	Site and telephone.	388-73-512	Play areas.
388-73-101	Wheeled baby walkers.	388-73-600	Group care facilities.
388-73-102	Equipment, safety, and maintenance.	388-73-602	Function of group care facility.
388-73-103	Water safety.	388-73-604	Daily activity program.
388-73-104	Firearms.	388-73-606	Required positions.
388-73-106	Storage.	388-73-610	Required rooms, areas, and equipment—Group care facilities.
388-73-108	Bedrooms.	388-73-700	Maternity services.
388-73-110	Special care room.	388-73-702	Types of maternity services.
388-73-112	Kitchen facilities.	388-73-704	Daily activities program.
388-73-114	Housekeeping sink.	388-73-706	Eligibility for service—Required services.
388-73-116	Laundry.	388-73-708	Required personnel.
388-73-118	Toilets, handwashing sinks, and bathing facilities.	388-73-710	Services provided.
388-73-120	Lighting.	388-73-712	Health education.
388-73-122	Pest control.	388-73-714	Family life education.
388-73-124	Sewage and liquid wastes.	388-73-718	Child care.
388-73-126	Water supply.	388-73-720	Medical service.
388-73-128	Temperature.	388-73-722	Required rooms, areas, equipment.
388-73-130	Ventilation.	388-73-800	Crisis residential centers.
388-73-132	Health care plan.	388-73-802	Limitations on number of facilities.
388-73-134	First aid.	388-73-803	Crisis residential center—Admission.
388-73-136	Medications controlled by licensee.	388-73-804	Hours of operation.
388-73-138	Self-administration of medications.	388-73-805	Crisis residential center administrator requirements—Multidisciplinary teams.
388-73-140	Health history, physical examinations, immunizations.	388-73-810	Group crisis residential centers.
388-73-142	Infection control, communicable disease.	388-73-815	Group crisis residential centers—Staffing.
388-73-143	HIV/AIDS education and training.	388-73-820	Family crisis residential centers.
388-73-144	Nutrition.	388-73-821	Behavior management—Secure crisis residential centers.
388-73-146	Care of younger or severely and multiply-handicapped children.	388-73-822	Secure crisis residential centers—Staff training.
388-73-200	Child-placing agency.	388-73-823	Secure crisis residential centers—Program requirements.
388-73-202	Required personnel.	388-73-825	Secure crisis residential center—Physical facility.
388-73-204	Office space.	388-73-900	Facilities for severely and multiply-handicapped children.
388-73-206	Out-of-country, out-of-state agencies.	388-73-901	Multidisciplinary care plan for severely and multiply-handicapped children.
		388-73-902	Services provided.
		388-73-904	Therapy room.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

388-73-400 Day care providers. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-402 Maximum hours—Rest periods. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-403 Operating hours—Staff on premises. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-403, filed 12/2/86.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-404 Ill children. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-404, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-406 Nap and sleep equipment. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-408 Evening and nighttime care. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-409 Off-grounds trips. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-410 Information to parents—Day care facilities. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-412 Toddlers and preschool children. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-412, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-414 Attendance—Mini-day care centers. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

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.

388-73-430 Capacity—Limitations on ages and numbers—Mini-day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-430, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-432 Staffing—Mini-day care program. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-432, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-434 Qualifications of licensee—Mini-day care. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-434, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-436 Qualifications of child care staff—Mini-day care. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-436, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-438 Program and equipment—Mini-day care. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-438, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-73-440 Play areas—Mini-day care. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

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 9/8/78.] Repealed by 92-08-056, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.15.030.

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.]

WAC 388-73-012 Definitions. Terms defined under chapter 74.15 RCW shall have the same meanings when used in this chapter except as otherwise provided herein.

"At-risk youth" means a juvenile:

- (1) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;
- (2) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or
- (3) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

"Capacity" means the maximum number of persons under care at a given moment in time.

"Child," "youth," and "juvenile" means any unemancipated individual under the chronological age of eighteen years of age.

"Child in need of services" means a juvenile:

- (1) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;
- (2) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours from the parent's home, a crisis residential center, an out-of-home placement, or a court-ordered placement on two or more separate occasions; and
 - (a) Has exhibited a serious substance abuse problem; or
 - (b) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or
- (3)(a) Who is in need of necessary services, including food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family;
- (b) Who lacks access, or has declined, to utilize these services; and
- (c) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

"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.

"Firearm" means a gun, weapon or device from which a projectile or projectiles may be fired. Firearms include, but are not limited to, BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, pistols, rifles, and shotguns.

"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.

"Infant" means a child under one year of age.

"Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent.

"Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

"Premises" means the buildings wherein the facility is located and the adjoining grounds over which the operator of the facility has direct control.

"School-age child" means a child five years of age through twelve years of age enrolled in a kindergarten or elementary school.

"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.

"Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

"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.

"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.

"Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

[Statutory Authority: RCW 74.15.030 and 74.08.090. 99-01-059, § 388-73-012, filed 12/11/98, effective 1/11/99. Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-012, filed 4/24/96, effective 5/25/96. 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 or secure 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;

(d) "Secure crisis residential center" means a facility operating under department contract to provide temporary, protective care to children in a secure residential facility designed and operated to control ingress and egress.

(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;

(9) "Staffed residential home for children or expectant mothers" means a home providing twenty-four-hour care for less than seven children or expectant mothers. The home

(1999 Ed.)

employs staff to care for children and may or may not be a family residence.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-014, filed 4/24/96, effective 5/25/96. Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-014, filed 11/8/95, effective 12/9/95. 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 contained in the current state building code.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032, 96-10-032 (Order 3969), § 388-73-01950, filed 4/24/96, effective 5/25/96. 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.

(3) A secure crisis residential center operating within a juvenile detention facility shall be subject to secure crisis residential center requirements, unless otherwise indicated, under chapter 388-73 WAC.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032, 96-10-032 (Order 3969), § 388-73-020, filed 4/24/96, effective 5/25/96. 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;

[Title 388 WAC—p. 236]

- (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

(1999 Ed.)

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) A person shall be disqualified from providing care if the department determines that the person is ineligible to provide care under chapter 388-330 WAC or that person has abused, neglected, or sexually exploited a child as those acts or omissions are defined in RCW 26.44.020 and WAC 388-15-130.

(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, 96-10-043 (Order 3974), § 388-73-030, filed 4/26/96, effective 5/27/96; 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

(1999 Ed.)

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 abused, neglected, or sexually exploited a child as those acts or omissions are defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such person on the premises;

(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. 96-10-043 (Order 3974), § 388-73-036, filed 4/26/96, effective 5/27/96; 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 non-enrolled 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 rec-

(1999 Ed.)

ognized 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.

(7) Secure crisis residential centers are excepted from this section and shall be subject to WAC 388-73-821.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-048, filed 4/24/96, effective 5/25/96. 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 licensor 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.

(3) Secure crisis residential centers shall maintain, at a minimum, hourly logs of client physical location. The facility shall:

(a) Have a policy on use and retention of client physical location logs which include, but are not limited to, staff briefings between shifts to verify client physical locations at each

shift change and weekly inspections of any security devices; and

(b) Retain the logs for seven years.

(4) Secure crisis residential centers shall:

(a) Maintain a department-approved log of all incidents requiring physical restraint of a child; and

(b) Maintain a written report of each incident as specified in WAC 388-73-821.

(5) Secure crisis residential centers shall prepare a written summary upon discharge which includes, but is not limited to:

(a) Identification of community based referrals;

(b) Any assessment information on the family and child;

(c) Family reconciliation attempts;

(d) Contacts with families and professionals;

(e) Recommendations for all family members;

(f) Medical and health related issues; and

(g) Any other concerns such as legal issues and school problems.

(6) Secure crisis residential centers shall send the written summary to the department within seven days of the child's discharge and retain a written summary copy in the child's case record at the secure crisis residential center.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032, 96-10-032 (Order 3969), § 388-73-054, filed 4/24/96, effective 5/25/96. 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 reclassifi-

(1999 Ed.)

cation 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. (1) Except for crisis residential centers, juvenile detention facilities staffed residential home for children, and foster family homes, full-time child care providers shall give each child a regular allowance based on age, needs, and ability to handle money.

(2) 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.

(3) When a person is discharged, the licensee shall permit the person to take personal belongings and all of the person's money, or be fully informed about the transfer of the person's money to another facility.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-058, filed 11/8/95, effective 12/9/95. 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 con-

dition 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.]

[Title 388 WAC—p. 242]

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 staffed residential home for children, 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 licensee shall provide the following minimum ratios of full-time social service staff providing direct services to persons under care:

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: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-074, filed 11/8/95, effective 12/9/95. 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 staffed residential home for children, 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 indi-

vidual 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, 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, 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) Ensure agency records 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: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-076, filed 11/8/95, effective 12/9/95. 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 388-73-101 Wheeled baby walkers. The use of wheeled baby walkers in foster family homes is prohibited.

[Statutory Authority: RCW 74.15.030 and 74.08.090, 99-01-059, § 388-73-101, filed 12/11/98, effective 1/11/99.]

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, bath-

[Title 388 WAC—p. 244]

room, 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 semipublic 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) The licensee must not permit firearms, ammunition, and other weapons on the premises of child care agencies, except as allowed in family homes.

(2) In family homes, firearms, ammunition, and other weapons must be kept in secure, locked storage, at all times when not in use. They must be accessible only to authorized persons. Secure locked storage means a locked storage container, gun cabinet, gun safe, or other storage area made of strong, unbreakable material. If the cabinet has a glass or other breakable front, then the guns need to be secured with a cable or chain placed through the trigger guards securing the guns in the storage unit.

(3) The licensee must only allow firearm use under competent adult supervision and only if the youth has completed a gun safety or hunter safety course.

[Statutory Authority: RCW 74.15.030 and 74.08.090, 99-01-059, § 388-73-104, filed 12/11/98, effective 1/11/99. 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

(1999 Ed.)

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.

(1999 Ed.)

[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	2 minimum and 1:8 or major fraction	2 minimum and 1:8 or major fraction	1 minimum and 1:8 or major fraction
Maternity Homes	1 minimum	1 minimum	1 minimum
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 non-skid 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.]

(1999 Ed.)

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.]

[Title 388 WAC—p. 247]

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 avail-

able 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 midmorning 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 hand-washing 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) The licensee shall prohibit smoking in a foster home caring for infants and/or medically fragile children and in a motor vehicle when the licensee transports such children. The licensee may permit smoking outdoors on the premises away from the building, where the child is not present.

(10) 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: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-146, filed 11/8/95, effective 12/9/95. 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.

(1999 Ed.)

(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 psycholog-

[Title 388 WAC—p. 251]

ical 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 non-traditional 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.

[Title 388 WAC—p. 252]

(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

(1999 Ed.)

(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 388-73-351 Staffed residential homes for children or expectant mothers. The rules in WAC 388-73-351 through 388-73-399 apply only to licensing staffed residential homes.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-351, filed 11/8/95, effective 12/9/95.]

(1999 Ed.)

WAC 388-73-353 Agency affiliation. A staffed residential home for children or expectant mothers shall only operate under the auspices of and/or contract with a licensed child placing agency or the department. The agency shall provide social services as required under WAC 388-73-074 and 388-73-076.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-353, filed 11/8/95, effective 12/9/95.]

WAC 388-73-355 Function of staffed residential home for children or expectant mothers. A staffed residential child care home shall normally serve children who:

(1) Need foster care but may not ordinarily adjust to the close, personal relationships normally found in a foster family home; or

(2) Are emotionally disturbed or physically or mentally handicapped, or medically fragile, or whose behavior is inappropriate for foster family care.

(3) The home, through its own program or by arrangement with appropriate community resources, shall provide the necessary specialized services required by the group which the facility services.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-355, filed 11/8/95, effective 12/9/95.]

WAC 388-73-357 Capacity. (1) A staffed residential home for children or expectant mothers shall be licensed for the care of not more than six children.

(2) A staffed residential home for children or expectant mothers having only one staff on duty shall not care for more than four children. An additional staff person shall be required to care for more than four children.

(3) A staffed residential home for children or expectant mothers shall not be licensed for more than three expectant or parenting mothers.

(4) A staffed residential home for children or expectant mothers shall not be licensed for more than two children under two years of age, except for a home caring for expectant or parenting mothers.

(5) A staffed residential home for children or expectant mothers shall not be licensed for the care of more than three persons experiencing mental or physical handicaps of such severity as to require nursing care, and then only if the:

(a) Licensee provides staff who are qualified by training related to the administration of the required medical procedures and relevant experience to provide proper care; and

(b) The person's treatment is under the supervision of a physician.

(6) A staffed residential home for children or expectant mothers may be licensed for the care of more than two non-ambulatory persons whether that condition is due to age or physical or mental impairment if it is in compliance with WAC 388-73-371 through 388-73-395.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-357, filed 11/8/95, effective 12/9/95.]

WAC 388-73-361 Required positions. A staffed residential home for children or expectant mothers shall provide staff in accordance with the following requirements:

[Title 388 WAC—p. 255]

(1) A director responsible for the general management and administration of the agency's program. This person shall:

- (a) Be twenty-five years of age or older;
- (b) Possess an ability to understand the role of the agency in meeting the needs of children;
- (c) Work with representatives of appropriate agencies;
- (d) Have:
 - (i) A bachelor's degree in a social science or closely allied field and two years successful, full-time experience working in a group care facility for children; or
 - (ii) A minimum of five years' successful, full-time experience:

(A) Working in a group care facility for children in an administrative or child care capacity; or

(B) As a foster parent with a letter of recommendation from the licensing agency and/or supervising agency.

(e) Have a year's successful experience working with children in the age group and with same problems as the population in care or have training (e.g., a college course or multiple workshops) on working with children with the specific problems, unless another staff member has the experience or training;

(f) The director, or a person meeting the same qualifications, shall be on the premises during daytime hours when children are in care; and

(g) Be responsible for the administration of the agency including supervision of the staff, program planning, and overseeing the implementation of the plan of care or treatment for each child in care.

(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.

(a) During the nighttime hours there shall be at least one awake child care staff member on duty. (The requirement for an awake staff may be waived when there are fewer than three children in care and these children do not require intensive supervision due to behavioral or medical problems.)

The director and support and maintenance staff may serve as child care staff, if qualified, when not involved in other duties, provided the required number of child care staff is maintained.

(b) When only one child care staff is on duty, a second person shall be on call and available to respond within one half-hour.

(3) The agency shall have relief staff to enable all staff to have the equivalent of two days a week off.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-361, filed 11/8/95, effective 12/9/95.]

WAC 388-73-363 Nursing services. (1) A staffed residential home for children or expectant mothers home having as its major purpose the care of chronically ill or severely handicapped children shall make arrangements for regular nursing consultation, including regular visits (not less frequent than monthly) or as prescribed in the contract and the individual child's treatment plan, by a registered nurse currently licensed in the state of Washington.

[Title 388 WAC—p. 256]

(2) The nurse's name, address, and telephone number shall be readily available. The nurse shall assist the agency in implementing a program which provides 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.

(3) The nurse shall advise and assist nonmedical personnel in maintaining child health records, meeting daily health needs and caring for children with minor illnesses and injuries.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-363, filed 11/8/95, effective 12/9/95.]

WAC 388-73-365 Required rooms, areas, and equipment. The facility shall provide rooms of sufficient size and properly equipped to accommodate the number of children served and their special needs. The facility shall provide the following rooms or areas:

(1) Bedrooms (per WAC 388-73-106), except that bedrooms housing children requiring medical equipment shall have additional space for that equipment.

(2) Living room. There shall be at least one comfortable furnished living room.

(3) Dining area. A dining room area shall be provided with sufficient capacity to accommodate the group comfortably and furnished appropriate.

(4) Staff quarters. Room for staff on night supervision shall be separate from but in proximity to the sleeping rooms of the children.

(5) Recreation area. The agency shall provide at least one separate indoor area, sufficient in size and location, for recreational and informal education activities. This may be a dual purpose room.

(6) Office. The agency shall provide a room or area that can be used as an administrative office.

(7) Visiting area. The agency shall provide space where privacy can be achieved for the use of visitors.

(8) Some area/rooms may have multiple uses (e.g., dining room and recreation area, visiting area, and living room).

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-365, filed 11/8/95, effective 12/9/95.]

WAC 388-73-367 Staffed residential homes for children or expectant mothers—Services to person under care. (1)(a) A staffed residential child care home shall provide or arrange for such care and supervision as the age and physical condition of the persons under care require and shall include transportation and the teaching of social and living skills.

(b) The facility shall provide opportunities for play and recreation. Staff shall encourage persons in care to participate in community and culturally relevant activities in accord with the person's capacity for such experience.

(2) The agency shall submit a:

(a) Written program description for departmental approval including a list of services to be provided to the residents and their families and how and by whom these services will be provided; and

(b) Schedule of typical daily activities for persons in care.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-367, filed 11/8/95, effective 12/9/95.]

WAC 388-73-369 Fire safety—Staffed residential child care home for children or expectant mothers. (1) A staffed residential home for children or expectant mothers shall comply with the fire safety requirements in WAC 388-73-310.

(2) A staffed residential home for children or expectant mothers caring for more than two nonambulatory children shall comply with the fire safety requirements in WAC 388-73-371 through 388-73-395.

(3) A home caring for six children shall comply with the applicable sections of the Uniform Building Code.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-369, filed 11/8/95, effective 12/9/95.]

WAC 388-73-371 Location of care. (1) The licensee shall ensure that care in a staffed residential home for children or expectant mothers caring for more than two nonambulatory children shall be provided on one floor which is at ground level.

(2) Floors located more than four feet above or below grade level shall not be used for child care.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-371, filed 11/8/95, effective 12/9/95.]

WAC 388-73-373 Occupancy separations. (1) Hazardous area shall be separated from the staffed residential home for children or expectant mothers facility by at least a one-hour fire-resistive occupancy separation.

(2) Hazardous areas include rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible material, or painting operation.

(3) A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-373, filed 11/8/95, effective 12/9/95.]

WAC 388-73-375 Exits. (1) At least one exit door shall be of the pivoted or side-hinged swinging type. Other exit doors may be sliding doors.

(2) Each facility used for child care purposes shall be provided with two exits, located at opposite ends of the building or floor.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-375, filed 11/8/95, effective 12/9/95.]

WAC 388-73-377 Windows. (1) Every sleeping or napping room shall have at least one operable window for emergency rescue with the exception of sleeping or napping rooms having doors leading to two separate exit ways, or a door leading directly to the exterior of the building.

(2) All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be twenty-four inches. The minimum net clear openable width dimension shall be

(1999 Ed.)

twenty inches. When windows are provided as a means of escape or rescue they shall have a finished sill height not more than forty-four inches above the floor. A stationary platform may be used to attain the forty-four inch sill height.

(3) Bars, grilles, grates, or similar devices may be installed on emergency escape or rescue window or doors, provided the devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-377, filed 11/8/95, effective 12/9/95.]

WAC 388-73-379 Sprinklers. The requirement for one of the two exits may be deleted if a residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d and the remaining exit is a door.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-379, filed 11/8/95, effective 12/9/95.]

WAC 388-73-381 Accessibility of exits. (1) Exit doors and rescue windows shall be easily openable to the full open position.

(2) Exit doors and rescue windows shall be openable from the inside without having to use a key. Night latches, dead bolts, security chains, manually operated edge or surface mounted flush bolts and surface bolts shall not be used. The locking arrangement on outside exit doors should be such that they will automatically unlock when the doorknob is turned from the inside.

(3) Obstructions shall not be placed in corridors, aisles, doorways, exit doors, stairways, ramps, or rescue windows.

(4) No space which is accessible only by ladder, folding stairs, or trap doors shall be used for staffed residential homes for children or expectant mothers.

(5) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency. The opening device shall be readily accessible to the staff.

(6) Every closet door latch shall be such that children can open the door from the inside of the closet.

(7) Barriers to exiting shall be restricted to gates or other approved devices that are easily openable and do not delay exiting.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-381, filed 11/8/95, effective 12/9/95.]

WAC 388-73-383 Single station smoke detectors. (1) Smoke detectors shall be located in all sleeping and napping rooms in and at a point centrally located in the corridor or area giving access to each separate sleeping or napping area.

(2) Where the ceiling height of a room open to the hallway serving the sleeping or napping rooms exceeds that of the hallway by twenty-four inches or more, smoke detectors shall be installed in the hallway and in the adjacent room.

(3) Detectors shall sound an alarm audible in all sleeping and napping areas of the facility in which they are located. The minimum acceptable audibility level is sixty decibels.

(4) In new construction, required smoke detectors shall receive their primary power from the building wiring when

such wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

(5) Smoke detectors may be solely battery operated when installed in existing buildings or buildings without commercial power.

(6) Single station smoke detectors shall be tested at monthly intervals or in a manner specified by the manufacturer. Records of such testing shall be maintained upon the premises.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-383, filed 11/8/95, effective 12/9/95.]

WAC 388-73-385 Fire extinguishers. (1) The licensee shall provide: At least one approved two A, ten B:C rated fire extinguisher. Such extinguisher(s) shall be located in the area of the normal path of egress. The maximum travel distance to an extinguisher shall not exceed seventy-five feet. Where the travel distance exceeds seventy-five feet, an additional extinguisher(s) shall be required.

Approved two A, ten B:C rated means a fire extinguisher with an Underwriters Laboratory label on the nameplate classifying the extinguisher as two A, ten B:C rated. These extinguishers are usually multi-purpose five-pound dry chemical units.

(2) Fire extinguishers shall be operationally ready for use at all times.

(3) Fire extinguishers shall be kept on a shelf or mounted in a bracket provided for this purpose so that the top of the extinguisher is not more than five feet above the floor.

(4) Fire extinguishers shall receive yearly maintenance certification by a firm specializing in such work and licensed to do business in the state of Washington. Maintenance means a thorough check of the extinguisher to include examination of:

- (a) Mechanical parts;
- (b) Extinguishing agent; and
- (c) Expelling means.

(5) New fire extinguishers need not receive an additional certification test during the first year.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-385, filed 11/8/95, effective 12/9/95.]

WAC 388-73-387 Fire prevention. (1) The licensee shall request the local fire department to visit the child care home to assist care givers in meeting all necessary fire safety requirements and become familiar with the home.

(2) The licensee shall assure that furnace rooms are maintained free of lint, grease, and rubbish accumulations and are suitably isolated, enclosed, or protected.

(3) Flammable or combustible materials shall be stored away from exits and in areas which are not accessible to children. Combustible rubbish should not be allowed to accumulate and should be removed from the building or stored in closed, metal containers.

(4) All waste generated shall be removed daily from the building and disposed of in a safe manner outside the building. All containers used for the disposal of waste material be

of noncombustible materials with tops. Electrical motors shall be kept dust-free.

(5) Open-flame devices capable of igniting clothing shall not be left on, unattended or used in a manner which could result in an accidental ignition of children's clothing. Candles shall not be used.

(6) All electrical circuits, devices and appliances shall be properly maintained. Circuits shall not be overloaded. Extension cords and multi-plug adapters shall not be used in lieu of permanent wiring and proper receptacles.

(7) House numbers shall be clearly visible from the street or road fronting the property and contrast with their background. Where the home is not clearly visible from the road, the address shall be posted at the head of the driveway.

(8) Fireplaces, woodstoves, and all other similar devices must be installed and approved according to the rules that were in effect at the time of installation as evidenced by a local building permit. Such devices shall be properly maintained and shall be cleaned and certified at least once a year or as recommended by the manufacturer.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-387, filed 11/8/95, effective 12/9/95.]

WAC 388-73-389 Sprinkler system maintenance. Sprinkler systems, if installed, shall be tested and certified yearly by a Washington state licensed fire sprinkler contractor.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-389, filed 11/8/95, effective 12/9/95.]

WAC 388-73-391 Fire evacuation plan. The licensee shall develop a written fire evacuation plan. The evacuation plan shall include an evacuation floor plan, identifying exit doors and windows, that should be posted at each exit door. The licensee shall ensure the plan includes the:

- (1) Action to take by the person discovering a fire;
- (2) Methods for sounding an alarm on the premises;
- (3) Action to take for evacuation of the building, assuring accountability of the children; and
- (4) Action to take pending arrival of the fire department.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-391, filed 11/8/95, effective 12/9/95.]

WAC 388-73-393 Fire evacuation drill. The licensee shall:

- (1) Conduct a fire evacuation drill at least once each month; and
- (2) Maintain a written record on the premises indicating the date, time, and other required entries on the form.

[Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-393, filed 11/8/95, effective 12/9/95.]

WAC 388-73-395 Staff fire safety training. (1) The licensee and each employee or assistant shall be familiar with all elements of the fire evacuation plan and shall be capable of:

- (a) Operating fire extinguishers installed on the premises;
- (b) Testing smoke detectors (single station types); and

(c) Conducting frequent inspections of the home to identify fire hazards and take action to correct any hazards noted during the inspection.

(2) The licensee shall conduct such inspections on at least a monthly basis and keep records on the premises.

[Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-395, filed 11/8/95, effective 12/9/95.]

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.

(1999 Ed.)

(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, except secure crisis residential centers, 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.

[Title 388 WAC—p. 260]

(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: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-606, filed 4/24/96, effective 5/25/96. 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

(1999 Ed.)

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 388-73-825 apply exclusively to crisis residential centers and, unless otherwise indicated, apply to secure crisis residential centers operating within a juvenile detention facility. 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: Chapter 74.15 RCW and RCW 74.13.032, 96-10-032 (Order 3969), § 388-73-800, filed 4/24/96, effective 5/25/96. 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 388-73-803 Crisis residential center—Admission. (1) For secure crisis residential centers the administrator shall immediately attempt to notify the parent of a child's admission. Within the first twenty-four hours after admission of a child to a secure crisis residential center, the facility administrator shall assess whether the child should remain in a secure crisis residential center or be transferred to a semi-secure crisis residential center. The administrator shall ensure the determination and decision making process is documented in writing in the child's file, and is based on the following criteria:

- (a) Need for continued assessment, protection, and intervention of the child in a secure facility;
- (b) The likelihood the child will remain at a semi-secure facility until the child's parents can take the child home or a child in need of services or at-risk youth petition can be filed; and
- (c) In making the determination for subsection (1)(a) and (b) of this section, the administrator shall take into account the:
 - (i) Child's age and maturity;
 - (ii) The child's physical, mental, and emotional condition upon arrival at the center;
 - (iii) The circumstances that led to the child's placement at the facility;
 - (iv) Whether the child's behavior endangers the health, safety, or welfare of the child or any other person;
 - (v) The child's history of running away; and
 - (vi) The child's willingness to cooperate in conducting the assessment.

(2) For semi-secure crisis residential centers the administrator shall immediately attempt to notify the parent of a child's admission. Within the first twenty-four hours after admission of a child to a semi-secure crisis residential center, the facility administrator shall assess whether the child is

(1999 Ed.)

likely to leave the semi-secure crisis residential center. The administrator shall ensure the determination and decision making process is documented in writing in the child's case record, and is based on the following criteria:

- (a) Need for continued assessment, protection, and intervention of the child in a secure facility;
- (b) The likelihood the child will remain at a semi-secure facility until:
 - (i) The child's parents can take the child home; or
 - (ii) A child in need of services or at-risk youth petition can be filed; and
- (c) In making the determination for subsection (2)(a) and (b) of this section, the administrator shall take into account the:
 - (i) Child's age and maturity;
 - (ii) The child's physical, mental, and emotional condition upon arrival at the center;
 - (iii) The circumstances that led to the child's placement at the facility;
 - (iv) Whether the child's behavior endangers the health, safety, or welfare of the child or any other person;
 - (v) The child's history of running away; and
 - (vi) The child's willingness to cooperate in conducting the assessment.

(3) If the crisis residential center administrator determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility for a minimum of twenty-four hours, unless released to the parent, or no more than five full days. If the child is in a semi-secure facility, has been determined likely to run away, and space is available in a secure facility within a reasonable distance, the child shall be transferred to the secure facility.

(4) If space is not available in the secure crisis residential center, the administrator of the secure facility may transfer another child to a semi-secure facility who:

- (a) Has been in the secure facility for at least seventy-two hours; and
 - (b) Is determined likely to remain at a semi-secure facility.
- (5) A child shall not be subject to the provisions in subsections (1), (2), (3) and (4) of this section if the child is:
- (a) Returned to the home of the parent; or
 - (b) Placed in a semi-secure crisis residential center because of a temporary out-of-home placement order; or
 - (c) Placed by court order in an out-of-home placement; or
 - (d) Subject to an at-risk youth petition.
- (6) As part of admission to a secure crisis residential center, staff shall:

- (a) Give an orientation to a child which includes, but is not limited to:
 - (i) the physical facility;
 - (ii) A department-approved policy for the control of contraband, to include but not be limited to, guns and other weapons, alcohol, tobacco, and drugs within the facility; and
 - (iii) A department-approved policy on client visitation which includes access by the child's attorney.

(b) Include written documentation of this orientation in each child's file.

(7) The secure crisis residential center, by the next school day, shall:

(a) Attempt to notify the child's school district of the child's placement; and

(b) Assess the child for any educational needs as a part of the treatment plan referenced in WAC 388-73-823(1).

(8) The administrator shall coordinate and document all placement change activity by:

(a) Notifying the department of a child's proposed transfer from a semi-secure to a secure crisis residential center, or proposed transfer from a secure to a semi-secure crisis residential center, to:

(i) Obtain the department's concurrence with the transfer decision; and

(ii) Communicate to the department, the child's placement location.

(b) Communicating with the semi-secure crisis residential center prior to accepting a child from a semi-secure placement, and before transferring a child to a semi-secure placement, to:

(i) Assure mutual agreement with the transfer decision; and

(ii) Ascertain if space for the child is available to support the transfer.

(c) Documenting in writing in the child's file all communication episodes pertaining to the transfer of a child under care.

(9) On admission, a secure crisis residential center administrator or their designee shall ensure a child is assessed to identify any emergent or chronic health needs that require immediate attention during the child's stay in the crisis residential center.

(10) The secure crisis residential center administrator shall establish and maintain written:

(a) Transfer procedures for the transfer of children to semi-secure crisis residential centers; and

(b) Protocols/agreements with the semi-secure crisis residential center administrator to structure child transfers.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-803, filed 4/24/96, effective 5/25/96.]

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 388-73-805 Crisis residential center administrator requirements—Multidisciplinary teams. (1) At the time of admission, the crisis residential center administrator shall advise the parent and the child of the right to request a multidisciplinary team be convened.

(2) The administrator may convene a multidisciplinary team if the parent or child makes the request.

(3) The administrator shall convene a multidisciplinary team:

(a) If the administrator has reasonable cause to believe that:

(i) A child is a "child in need of services" under RCW 13.32A.030; and

(ii) The parent is unavailable or unwilling to continue efforts to maintain the family structure.

(b) To assist the administrator in contacting the child's parents. If the administrator is unable to contact the child's parents within five days, the administrator shall:

(i) Contact the department and request the case be reviewed for a dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(ii) Document this contact in the child's case record.

(4) The administrator shall contact the designated department employee in the administrator's region who shall provide a list of the agencies that have agreed to participate in the multidisciplinary team.

(5) The administrator shall seek participation from local mental health and chemical dependency treatment providers, as appropriate.

(6) The administrator shall:

(a) Advise the child's parent(s) of the formation of a multidisciplinary team if the parent(s) did not make the initial request to form a team;

(b) Advise the parent of the parent's right to select additional members or disband the team twenty-four hours after receiving notice of a multidisciplinary team formation; and

(c) Assist in obtaining the prompt participation of additional persons the parent or child requests for the multidisciplinary team.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-805, filed 4/24/96, effective 5/25/96.]

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, except secure 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.

(5) For secure crisis residential centers, the licensee shall:

(a) At a minimum, have one child care staff on duty for every three children during the waking and sleeping hours of the children. The licensee shall maintain a maximum average of three child care staff on duty for every eight children during the waking and sleeping hours of the children; and

(b) During sleeping hours, provide a minimum of at least one awake staff on duty.

(6) A secure crisis residential center shall provide the following required staff:

(a) A director responsible for the general management and administration of the agency's program. This person shall:

(i) Be at least twenty-one years of age or older;

(ii) Possess the ability to understand the agency role in meeting the children's needs;

(iii) Work cooperatively and effectively with representatives of appropriate agencies; and

(iv) Have one of the following:

(A) A master's degree from an accredited college or university in a social science or closely allied field and have a minimum of two years' experience, without disciplinary action, in the supervision and management of a residential care program for adolescents; or

(B) A bachelor's degree from an accredited college or university in a social science or closely allied field and have a minimum of five years' experience, without disciplinary action, in a residential care program for adolescents. A minimum of two of the five years' experience shall be in the supervision and management of a residential care program for adolescents.

(b) Counselor/child care staff whose primary duties are the care, supervision, and guidance of children. This person shall:

(i) Be at least twenty-one years of age or older; and

(ii) Have a bachelor's degree from an accredited college or university in a social science or closely allied field; or

(iii) Have an associate's degree from an accredited school, college or university or two full years of college and one year of experience, without disciplinary action, in a residential care program for adolescents.

(c) The agency shall provide relief staff to enable all staff to have the equivalent of two days off during each week.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-815, filed 4/24/96, effective 5/25/96. 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 388-73-821 Behavior management—Secure crisis residential centers. (1) The secure crisis residential center shall maintain in writing and implement behavior management policies and procedures. Licensee behavior management practices shall:

(a) Support the child's appropriate social behavior, self-control, and the rights of others;

(b) Foster dignity and self-respect for the child; and

(c) Reflect the ages and developmental levels of children in care.

(2) The secure crisis residential center shall use proactive, positive behavior support techniques to manage potential child behavior problems. The licensee's behavior management techniques shall include, but not be limited to:

(a) Organization of the physical environment and staffing patterns to reduce factors leading to behavior incidents;

(b) Intervention before behavior becomes disruptive, in the least invasive and least restrictive manner available;

(c) Emphasis on verbal de-escalation to calm the upset child; and

(d) Redirection strategies to present the child with alternative resolution choices.

(3) When an immediate crisis exists that requires the use of physical force, and with the authorization of the center administrator or designee, the licensee may permit trained staff to use limited physical restraint, as a last resort behavior management technique, for the following emergency purposes to:

(a) Stabilize or secure a child who is an immediate danger of physical, bodily harm to oneself, or to another person;

(b) Protect a person from physical injury;

(c) Obtain possession of a weapon or other dangerous object; or

(d) Protect property from serious damage when the potential for damage may create a serious safety hazard to the occupants or jeopardize operation of the facility.

(4) The licensee shall:

(a) Ensure the child's physical restraint uses the least force necessary to stop the child's behavior;

(b) Stop the child's physical restraint when the immediate threat of physical bodily harm is resolved;

(c) Develop written physical restraint policies and procedures when the behavior management practices include use of physical restraint;

(d) Ensure the written physical restraint policies and procedures shall include, but are not limited to:

(i) Who can authorize the use of physical restraint; and
 (ii) Under what circumstances the policies and procedures are used, including time limitations, re-evaluation procedures, and supervisory monitoring.

(e) Submit the physical restraint policies and procedures in writing to the department for prior approval before the policies and procedures are implemented.

(5) The licensee's physical restraint practices shall not include a technique with intent to inflict pain or that causes bodily harm, including, but not limited to:

(a) Restricting body movement by placing pressure on joints, chest, heart, or vital organs;

(b) Using a sleeper or hair hold;

(c) Twisting a limb or the head;

(d) Throwing a child against a wall, furniture, or another large, immobile object;

(e) Chemical restraints, except prescribed medication, including but not limited to, pepper spray;

(f) Mechanical restraints, including, but not limited to, handcuffs, a belt, cord, rope, cloth, or leather restraints; and

(g) A locked time-out room.

(6) The licensee shall prevent and prohibit the use of corporal punishment, including, but not limited to biting, hitting, jerking, kicking, shaking, slapping, spanking, or striking the child, and other means of inflicting pain or causing bodily harm.

(7) After use of physical restraint, the licensee shall:

(a) Comfort the child and reassure the child of one's well-being;

(b) Explain to the child why physical restraint was used and discuss the incident with the child to help the child learn from the experience; and

(c) Review the incident with the staff who used physical restraint to ensure the decision to use physical restraint and its application were appropriate.

(8) The licensee shall keep and maintain written documentation of each incident involving the use of physical restraint in a department-approved log and incident report. The licensee shall ensure this documentation includes, but is not limited to:

(a) What the behavior and immediate crisis was that required a child's physical restraint;

(b) What method of physical restraint was used;

(c) What less restrictive means were taken first to avoid physical restraint of a child;

(d) Rationale for the response chosen;

(e) A description of the situation, documentation of each injury of both staff and clients, in writing and with a photograph, and documentation of a medical examination of each injury as a result of the child's physical restraint; and

(f) A copy of the incident report, detailing the incident and including information listed in (a) through (e) above, is sent to the department of social and health services within twenty-four hours of the incident.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-821, filed 4/24/96, effective 5/25/96.]

WAC 388-73-822 Secure crisis residential centers—Staff training. (1) A secure crisis residential center shall ensure all staff, prior to working in a secure crisis residential

center, complete a minimum of sixteen hours of pre-service job orientation to include, but is not limited to:

(a) Presentation of the agency's standard operation procedures manual, describing all policies and procedures specific to the secure crisis residential center;

(b) Client management techniques;

(c) Crisis intervention techniques; and

(d) Family intervention techniques.

(2) A secure crisis residential center shall ensure all staff complete a minimum of twenty-four hours of on-going education and in-service training annually, which shall include, but is not limited to:

(a) Verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;

(b) Client behavior management;

(c) Substance abuse;

(d) Suicide assessment and intervention;

(e) Crisis intervention techniques;

(f) Family intervention techniques;

(g) Cultural diversity;

(h) Mental health issues and interventions;

(i) Mediation skills;

(j) Conflict management/problem solving skills;

(k) Physical and sexual abuse; and

(l) Emergency procedures.

(3) A secure crisis residential center shall ensure all staff complete the following training once every two years and the licensee shall conform to WAC 388-73-134 and WAC 388-73-143:

(a) First aid;

(b) CPR;

(c) HIV/blood borne pathogens.

(4) A secure crisis residential center shall provide to staff and volunteers individual supervision and training.

(5) The administrator shall ensure completion of training is documented in writing in each staff's personnel file.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-822, filed 4/24/96, effective 5/25/96.]

WAC 388-73-823 Secure crisis residential centers—Program requirements. Secure crisis residential centers shall provide, at a minimum, intervention services which include the following and are documented, in writing, in the child's case record:

(1) Assessment of the family unit sufficient to develop a treatment plan;

(2) Family counseling focused on communication skills development and problem solving;

(3) Individual and/or group counseling; and

(4) Referral identification and assistance in transitioning the family to community-based services.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-823, filed 4/24/96, effective 5/25/96.]

WAC 388-73-825 Secure crisis residential center—Physical facility. (1) A level-one facility shall:

(a) Be a free-standing facility, separate unit, or separate building within a campus with windows and exterior doors which prevent egress;

(b) Ensure no child is maintained in a locked room which isolates the youth from the general population and/or staff;

(c) When locking doors and windows prevent egress, meet or exceed the 1995 state building code as amended for group I, division three facilities; and

(d) Maintain a recreation area, within the secured facility or secured on the property of the facility, which can accommodate children's vigorous physical activity and utilization of large muscle groups. A fence used to secure the recreation area shall meet or exceed the specifications of the nonscalable fence referenced in the level two facility below.

(2) A level-two facility shall:

(a) Prevent unauthorized ingress and egress with a nonscalable fence around the perimeter of the facility property;

(b) Not prevent egress by locking facility doors or windows; and

(c) Design the nonscalable fence to not cause injury such as, but not limited to:

(i) Electrification,

(ii) Razor wire, or

(iii) Concertina wire.

(d) Design the nonscalable fence to allow all occupants to maintain a minimum distance of fifty feet from all portions of the physical facility in case of fire. This area of refuge shall provide at least three square feet per occupant;

(e) Ensure no child is maintained in a locked room which isolates the youth from the general population and/or staff; and

(f) Maintain a recreation area, within the perimeter of the nonscalable fence, which can accommodate children's vigorous physical activity and utilization of large muscle groups.

(3) A level-three facility shall:

(a) Be a free-standing facility, separate unit, or separate building within a campus with exterior doors which have special egress-control devices as cited in the 1995 state building code, as amended, section 1004.5;

(b) Meet or exceed the 1995 state building code for group I, division two facilities with section 1004.5 special-egress control devices; and

(c) Maintain a recreation area, within the secured facility or secured on the property of the facility, which can accommodate children's vigorous physical activity and utilization of large muscle groups. A fence used to secure the recreation area shall meet or exceed the specifications of the nonscalable fence referenced in the level two facility above.

(4) The licensee shall not allow children placed in a semi-secure facility to enter a secure area of the facility.

(5) The department shall prohibit a jail or juvenile detention center from operating as a secure crisis residential facility except when:

(a) The secretary of the department of social and health services, in consultation with applicable local legislative bodies, may make a written finding that location of a secure crisis residential center on the same grounds as another secure juvenile structure is the only practical location available; and

(b) The physical facility is modified, if necessary, and operated so that sight and sound contact cannot be made between a resident of the secure crisis residential center and a person held in the detention facility. Staff assigned to the secure crisis residential center children shall not be simulta-

neously assigned to the juvenile detention center residents on the same shift.

(6) A facility, licensed by the department of health, shall meet the construction and fire life safety standards for psychiatric hospital security rooms when establishing secure residential treatment or secure crisis residential centers within a physical structure licensed or certified by the department of health.

[Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-825, filed 4/24/96, effective 5/25/96.]

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.

[Title 388 WAC—p. 268]

(1) A client, foster parent, or other person shall have the right to question or aggrive 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:

(1999 Ed.)

(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 statutory 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

PART I

AUTHORITY AND DEFINITIONS

388-76-535
388-76-540

Authority.
Definitions.

PART II

ADULT FAMILY HOME LICENSE

388-76-545
388-76-550
388-76-555
388-76-560
388-76-565
388-76-570

License required.
License application.
License fees.
License eligibility.
Resident manager and live-in requirements.
Additional license requirements—Multiple facility providers.

388-76-575
388-76-580
388-76-585

Licensing of state employees.
License capacity.
Change of provider or provider address.

SPECIALTY ADULT FAMILY HOMES

388-76-590
388-76-59000
388-76-59010
388-76-59020
388-76-59050
388-76-59060

Specialty adult family homes.
What authority does the department have to adopt rules related to specialty homes?
What types of specialty adult family home designations are there?
What definitions apply to specialty adult family home designations?
What is required in order to obtain the specialty designation?
Are adult family home providers required to obtain more than one specialty designation if an individual resident has more than one specialty need?

388-76-59070
388-76-59080
388-76-59090

Are adult family home providers required to obtain more than one specialty designation if they serve two or more residents with different specialty needs?
When will providers be required to become specialty adult family homes in order to serve persons with mental illness or dementia?
When will providers be required to become specialty adult family homes in order to serve persons with developmental disabilities?

388-76-59100
388-76-59110
388-76-59120
388-76-595

Does completion of this training substitute for any other required trainings?
For the dementia and mental health specialties can providers take a test instead of attending the training?
Are there any different training requirements for adult family homes providing services to persons with developmental disabilities?
Inspections and ombudsman visits.

**PART III
RIGHTS AND SERVICES**

GENERAL RESIDENT RIGHTS

388-76-600
388-76-60000
388-76-60010

General resident rights.
What are resident rights?
Why do providers need to know resident rights?

388-76-60020
388-76-60030
388-76-60040
388-76-60050
388-76-60060
388-76-60070
388-76-605

Is the provider required to supply information to potential residents and current residents, or the resident's representative?
When must this information be supplied?
Must the information be updated and supplied again in advance of changes?
What information is the provider required to supply to potential residents and current residents?
Do residents have rights that are not listed here?
What are some of the other resident rights that must be considered?
Restraints.

RESIDENT ASSESSMENT

388-76-610
388-76-61000
388-76-61010
388-76-61020
388-76-61030
388-76-61040
388-76-61050
388-76-61060
388-76-61070
388-76-61080

Resident assessment.
Is an assessment needed before a person can be admitted to an adult family home?
Under what circumstances can a provider admit or continue services for a person?
What must be included in the resident assessment?
How does the preliminary service plan fit within the resident assessment?
Is the use of an approved form required for the assessment?
Who can do the assessment?
In emergency situations, can a provider admit a resident without an assessment?
Does the assessment have to be updated?
Who is qualified to update the assessment?

NEGOTIATED CARE PLAN

388-76-615
388-76-61500
388-76-61510
388-76-61520
388-76-61530
388-76-61540
388-76-61550
388-76-61560
388-76-61570

Negotiated care plan.
What is a negotiated care plan?
When must the negotiated care plan be developed?
How does the negotiated care plan fit in with the assessment and preliminary service plan?
Who must be involved in the development of the negotiated care plan?
Who must sign the negotiated care plan?
How often must the negotiated care plan be reviewed and revised?
When does the department's case manager get a copy of the negotiated care plan?
How are payment rate changes authorized for residents receiving services paid for fully or partially by the department?

388-76-620
388-76-625
388-76-630
388-76-635
388-76-640
388-76-645
388-76-650

Provision of services and care.
Nurse delegation—Training and registration.
Performance of delegated nursing care tasks.
Nurse delegation—Penalties.
Resident medications.
Resident activities.
Food services.

**PART IV
ADMINISTRATION**

388-76-655
388-76-660
388-76-665
388-76-670
388-76-675
388-76-680
388-76-685
388-76-690
388-76-695
388-76-700

General management and administration.
Training.
Resident records.
Disaster and emergency preparedness.
Reporting requirements.
Infection control and communicable disease.
Criminal history disclosure and background inquiries.
Advance directives, guardianship, and decision making.
Protection of resident funds—Liquidation or transfer.
Resident relocation due to closure.

**PART V
REMEDIES AND DISPUTE RESOLUTION**

388-76-705
388-76-710
388-76-715

Remedies.
Notice, hearing rights, and effective dates relating to imposition of remedies.
Dispute resolution.

**PART VI
PHYSICAL PLANT REQUIREMENTS**

388-76-720
388-76-725
388-76-730
388-76-735
388-76-740
388-76-745
388-76-750

Common use areas.
Bedrooms.
Toilets and bathing facilities.
Kitchen facilities.
Telephones.
Storage.
Laundry.

388-76-755	Local ordinances.		70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-760	Site.		
388-76-765	Fire safety.	388-76-070	General qualifications of provider, staff persons, and other persons on the premises. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-770	Safety and maintenance.		
388-76-775	Pets.		
388-76-780	Lighting.		
388-76-785	Temperature and ventilation.		
388-76-790	Water supply.		
388-76-795	Sewage and liquid wastes.		
388-76-9970	Purpose.		
388-76-9972	Definitions.		
388-76-9974	Effective date of the moratorium.		
388-76-9976	Process for requesting an individual accommodation.	388-76-080	Multiple facility ownership. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-9978	Applications that will be processed during the moratorium.		
388-76-9980	Notification of the end of the moratorium.		
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
388-76-010	Authority. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-085	General standards. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-020	Adult family homes. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-087	Inspections. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-030	Definitions. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-090	Licensure—Denial, suspension, or revocation. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-040	Application or renewal for license. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-095	License action notice—Adjudicative proceeding. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-045	Unlicensed facilities. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-100	License fees. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-050	Licensing of state employees. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-110	Discrimination prohibited. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-060	Limitations on licenses. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW	388-76-130	Persons subject to licensing. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-140 Persons not subject to licensing. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-155 Exceptions. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-160 Capacity. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-170 Providers' or resident managers' outside employment. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-180 Provider or resident manager absence from home. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-185 Placement of residents outside home. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-190 Effect of local ordinances. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-200 Fire safety. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-220 Corporal punishment and physical and chemical restraints. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-240 Resident's records and information. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-250 Reporting of illness, death, injury, epidemic, or adult abuse. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-260 Reporting change in circumstances. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-280 Provider or resident manager-provided transportation for residents. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-290 Clothing. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-300 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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-310 Training. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW

- 388-76-467 Advance directives. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-467, filed 10/1/92, effective 11/1/92.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-470 Health care plan. [Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-470, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-475 Service plan. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-480 First aid. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-490 Medication services. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-500 Self-administration of medications. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-520 Infection control, communicable disease. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-530 Food services. [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.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

PART I AUTHORITY AND DEFINITIONS

WAC 388-76-535 Authority. The following rules are adopted under RCWs 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210, and 18.88A.230.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-535, filed 6/19/96, effective 7/20/96.]

(1999 Ed.)

WAC 388-76-540 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which harms a person through action or inaction by another individual.

"Adult family home" means the same as the definition in RCW 70.128.010.

"Applicant" means an individual, partnership, corporation, or other entity seeking a license to operate an adult family home.

"Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home who receive special care.

"Caregiver" means any person eighteen years of age or older responsible for providing direct personal care to a resident and may include but is not limited to the provider, resident manager, employee, relief caregiver, volunteer, student, entity representative, or household member.

"Case manager" means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

"Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

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

"Entity provider" means any corporation, partnership, association, or limited liability company that is licensed under this chapter to operate an adult family home.

"Entity representative" means the individual designated by an entity provider who is responsible for the daily operation of the adult family home.

"Exploitation" means the illegal or improper use of a frail elder or vulnerable adult or that person's income or resources, including trust funds, for another person's profit or advantage.

"Frail elder or vulnerable adult" means the same as the definition in RCW 74.34.020 or RCW 43.43.830.

"Individual provider" means an individual person or a legally married couple who is licensed to operate an adult family home.

"Inspection" means an on-site visit by department personnel to determine the adult family home's compliance with this chapter and chapter 70.128 RCW, Adult family homes.

"Multiple facility provider" means an individual or entity provider who is licensed to operate more than one adult family home.

"Neglect" means a pattern of conduct or inaction resulting in deprivation of care necessary to maintain a resident's physical or mental health.

"Nursing assistant" means the same as the definition in chapter 18.88A RCW.

"Personal care services" means both physical assistance and/or prompting and supervising the performance of

direct personal care tasks as determined by the resident's needs as defined in WAC 388-15-202, Long-term care services—Definitions. Personal care services do not include assistance with tasks performed by a licensed health professional.

"Physical restraint" means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

"Provider" means any person or entity that is licensed under this chapter to operate an adult family home.

"Resident" means any adult unrelated to the provider who lives in the adult family home and who is in need of care. **"Resident"** includes former residents when examining complaints about admissions, readmissions, transfers or discharges. For decision-making purposes, the term "resident" includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

"Resident manager" means a person employed or designated by the provider to manage the adult family home.

"Special care" means care beyond personal care services as defined by **"personal care services"** in this section.

"Unsupervised" means the same as the definition in RCW 43.43.830(8).

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW 98-11-095, § 388-76-540, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-540, filed 6/19/96, effective 7/20/96.]

PART II ADULT FAMILY HOME LICENSE

WAC 388-76-545 License required. No person or entity shall operate an adult family home without a license under this chapter. An adult family home license is required to provide care to more than one but not more than six adults unrelated to the person(s) providing care in the home.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-545, filed 6/19/96, effective 7/20/96.]

WAC 388-76-550 License application. (1) All applications for adult family home licensure are subject to review under this chapter.

(2) Persons who have not held an adult family home license within the last twelve months must attend department orientation to receive an initial adult family home application.

(3)(a) To apply for an initial adult family home license, an applicant shall complete and submit the department application form.

(b) The applicant must provide all information requested, including information regarding any facilities and homes for the care or provision of services to children or vulnerable adults that the applicant is or has been affiliated with in the last ten years. This information is needed so the department can determine whether the applicant meets all applicable qualifications and requirements.

(c) An entity shall provide the information in (b) of this subsection with regard to any partner, officer, director, managerial employee, or owner of five percent or more of the entity.

(4)(a) An adult family home license is a nonexpiring license which means it does not need to be renewed every year.

(b) The adult family license remains valid unless:

(i) The department takes enforcement action to suspend or revoke the license in accordance with state law;

(ii) The provider voluntarily surrenders the license or closes the home; or

(iii) The provider fails to pay the annual licensing fee.

(5) All entity providers shall include their Unified Business Identifier (UBI) and Federal Employer Identification (FEI) numbers on the application.

(6) Married couples may not apply for separate adult family home licenses for each spouse.

(7)(a) Couples considered legally married under Washington state law are the only individuals who may apply jointly for an individual provider adult family home license.

(b) After the effective date of these rules two (or more) unmarried individuals applying for an initial adult family home license to be held jointly, must become an entity provider by forming a corporation, partnership, association, or limited liability company.

(8) The license applicant/provider shall be the person or entity ultimately responsible for the operation of the adult family home. The license applicant or the applicant's authorized representative shall sign the adult family home license application.

(9)(a) All entity providers shall designate an individual on their adult family home application who is responsible for the daily operation of the adult family home. This person is called the entity representative and is considered the department's primary contact person within the entity organization.

(b) For some entity providers one person may act as both the entity representative and the resident manager.

(c) Entity providers shall immediately notify their licensor when there is a change in the entity representative.

(10) An applicant who enters into a lease or contractual agreement with a landlord who takes an active interest in the operation of the adult family home, shall include the landlord's name and address on the license application. Active interest includes but is not limited to:

(a) The charging of rent as a percentage of the business;

(b) Assistance with start up and operational expenses;

(c) Collection of resident fees;

(d) Recruitment of residents;

(e) Management oversight;

(f) Assessment and negotiated care plan development for residents; or

(g) The provision of personal or special care to residents.

(11) The department shall not commence review of an incomplete license application, and incomplete applications shall become void sixty days following the department's written request for additional documentation or information to complete the application.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW 98-11-095, § 388-76-550, filed 5/20/98, effective 7/1/98. Statutory Authority:

ity: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-550, filed 6/19/96, effective 7/20/96.]

WAC 388-76-555 License fees. (1) The adult family home license fee is fifty dollars per home per year.

(2) The provider shall submit the annual license fee to the department at the time of the application for license renewal. The annual license fee shall be refundable if the department denies the license renewal application.

(3) For the initial licensure of a new adult family home, the license applicant shall submit the annual license fee with the license application. The annual license fee shall be refundable if the department denies the license application.

(4) Applicants completing an initial license application shall submit a fifty dollar processing fee with the application in addition to the required annual license fee payment. The processing fee is nonrefundable.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-555, filed 6/19/96, effective 7/20/96.]

WAC 388-76-560 License eligibility. (1) The department shall consider separately and jointly as applicants each person and entity named in an application for an adult family 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 an adult family home license, the department shall review:

(a) The information in the application; and

(b) Other documents and information the department deems relevant, including inspection and complaint investigation findings in each facility or home for the care or provision of services to children or vulnerable adults with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant is or has been affiliated.

(3) The applicant and the home for which the license is sought shall comply with all requirements established by chapter 70.128 RCW and this chapter. The department may deny a license for noncompliance with any such requirements.

(4) An individual provider shall be twenty-one years of age or older.

(5) All providers shall be registered with the department of health as required by RCW 70.128.120, prior to applying for an adult family home license. This registration must be renewed annually.

(6) Each resident manager shall register with the department of health as required by RCW 70.128.120. This registration must be renewed annually.

(7) A provider shall have the understanding, ability, emotional stability and physical health suited to meet the emotional and physical care needs of vulnerable adults.

(8) An adult family home shall not simultaneously be licensed as a boarding home.

(9) The department shall deny, suspend or revoke a license if any of the following people have a history of significant noncompliance with federal or state regulations in providing care or services to vulnerable adults or children:

* An applicant/provider,

- * A resident manager,
- * A partner of the entity,
- * An officer of the entity,
- * A director of the entity,
- * A managerial employee of the entity,
- * An entity representative, or
- * An owner of five percent or more of the entity.

The department shall consider, at a minimum, the following as a history of significant noncompliance requiring denial of a license:

(a) Revocation or suspension of a license for the care of children or vulnerable adults;

(b) Enjoined from operating a facility for the care of children or adults;

(c) Revocation, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement by the contracting agency; or

(d) Revocation, cancellation, suspension, or nonrenewal of any agreement with a public agency for the care or treatment of children or vulnerable adults, when the action is taken by the public agency.

(10) The department may deny, suspend or revoke a license if any of the following people meet any of the criteria under subsection (9) of this section:

* Any person who is a caregiver;

* Any person who has unsupervised access to residents in the adult family home; or

* Any person who lives in the home but who is not a resident.

(11) The department shall deny, suspend or revoke a license if:

* An applicant/provider,

* Any person who is a caregiver,

* Any person who has unsupervised access to residents in the adult family home,

* Any person who lives in the home but who is not a resident,

* A resident manager,

* A partner of the entity,

* An officer of the entity,

* A director of the entity,

* A managerial employee of the entity,

* An entity representative,

* An owner of fifty percent or more of the entity, or

* An owner who exercises control over daily operations, has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830 or RCW 43.43.842;

(b) Convicted of a crime relating to financial exploitation as defined under RCW 43.43.830 or RCW 43.43.842;

(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 abused 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.

(12) The department may deny, suspend or revoke a license, if:

- * An applicant/provider,
 - * Any person who is a caregiver,
 - * Any person who has unsupervised access to residents in the adult family home,
 - * Any person who lives in the home but who is not a resident,
 - * A resident manager,
 - * A partner of the entity,
 - * An officer of the entity,
 - * A director of the entity,
 - * A managerial employee of the entity,
 - * A entity representative,
 - * An owner of fifty percent or more of the entity, or
 - * An owner who exercises control over daily operations
- 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 adult family home premises;

(c) 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 an adult family home;

(d) Had sanction, corrective, or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children or vulnerable adults;

(e) Engaged in or been convicted of the illegal use of drugs or the excessive use of alcohol within the past five years without evidence of rehabilitation;

(f) Been convicted of the illegal selling or distribution of drugs;

(g) Been convicted of any crime involving a firearm used in the commission of a felony or in an act of violence against a person;

(h) Operated a facility for the care of children or adults without a license;

(i) Misappropriated property of residents;

(j) Been denied a license or license renewal to operate a facility that was licensed for the care of children or vulnerable adults;

(k) Relinquished or returned a license in connection with the operation of any facility for the care of children or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license;

(l) Had resident trust funds or assets of an entity providing care to children or vulnerable adults seized by the IRS or a state entity for failure to pay income or payroll taxes;

(m) Refused to permit authorized department representatives to interview residents or have access to resident records;

(n) Interfered with a long term care ombudsman in the performance of his or her official duties;

(o) Exceeded licensed capacity in the operation of an adult family home; or

(p) Been found by the court in a proceeding under Title 26 RCW to have committed an act of domestic violence toward a family or household member.

(13) The department may deny, suspend or revoke a license if:

- * An applicant,
 - * A provider,
 - * A resident manager,
 - * A partner of the entity,
 - * An officer of the entity,
 - * A director of the entity,
 - * A managerial employee of the entity,
 - * An entity representative,
 - * An owner of fifty percent or more of the entity, or
 - * An owner who exercises control over daily operations,
- Failed to meet financial obligations as the obligations fell due in the normal course of business, thereby impeding his/her ability to care for residents.

(14) The department shall deny an adult family home license to an applicant who is licensed to care for children in the same home unless:

(a) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns eighteen to remain in the home;

(b) The applicant provides satisfactory evidence to the department of the home's capability to meet the needs of children and adults residing in the home; and

(c) The total number of persons receiving care in the home does not exceed the number permitted by the licensed capacity of the adult family home.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-560, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-560, filed 6/19/96, effective 7/20/96.]

WAC 388-76-565 Resident manager and live-in requirements. (1) The adult family home provider shall either:

(a) Reside at the adult family home; or

(b) Employ or otherwise contract with a qualified resident manager who resides at the adult family home and who is responsible for the care of residents at all times.

(2) An entity provider must designate a qualified resident manager.

(3) The provider or resident manager shall be exempt from the requirement to live at the adult family home if:

(a) The adult family home has twenty-four hour staffing coverage; and

(b) A qualified staff person or caregiver who can make needed decisions is always present.

(4) Multiple facility providers shall have a qualified resident manager for each adult family home who is responsible for the care of residents at all times. Resident managers may not manage more than one adult family home.

(5) A resident manager shall be twenty-one years of age or older.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-565, filed 6/19/96, effective 7/20/96.]

WAC 388-76-570 Additional license requirements—Multiple facility providers. (1) The department shall not issue a license to a provider to operate more than one adult family home unless:

(a) The applicant has operated an adult family home for at least one year in this state without any significant violation of the rules of this chapter; or

(b) The applicant has submitted evidence demonstrating that it has the capability to operate multiple adult family homes.

(2) An applicant that is applying to be licensed for more than one adult family home shall submit to the department for each adult family home:

(a) A twenty-four hour per day, seven days per week, staffing plan; and

(b) A plan for covering administrative responsibilities.

(3) Multiple facility providers shall have on-site at each adult family home a plan that addresses visitor parking, deliveries, and staff parking.

(4) The department may consider the applicant's credit history in determining whether to license the applicant for more than two adult family homes, when the department determines the credit history relates to an applicant's ability to provide care and services to vulnerable adults.

(5) Prior to operating two or more adult family homes, the individual provider or entity representative shall successfully complete forty-eight hours of residential care administrator's training, including training in at least the following areas:

(a) Business planning and marketing;

(b) Fiscal planning and management;

(c) Human resource planning;

(d) Resident health services;

(e) Nutrition and food service;

(f) Working with people who are elderly, chronically mentally ill, or developmentally disabled;

(g) The licensing process;

(h) Social and recreational activities;

(i) Resident rights;

(j) Legal issues;

(k) Physical maintenance and fire safety; and

(l) Housekeeping.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-570, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-570, filed 6/19/96, effective 7/20/96.]

WAC 388-76-575 Licensing of state employees. (1) Aging and adult services administration employees and any member of an employee's household shall be prohibited from obtaining an adult family home license.

(2) Department employees and any member of the employee's household shall be prohibited from obtaining an adult family home license when the employee's duties include:

(a) Placement of persons in a licensed adult family home; or

(b) Authorizing payment for such persons.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-575, filed 6/19/96, effective 7/20/96.]

WAC 388-76-580 License capacity. (1) The department shall license an adult family home for no more than six residents. The license capacity includes:

(a) All unrelated adults who need personal or special care; and

(b) Other household members, including relatives, who receive special care.

(2) The department shall license an adult family home for the care of two to six residents. In determining the appropriate capacity, the department shall consider:

(a) The structural design of the house;

(b) The number and qualifications of staff;

(c) The total household composition, including children and other household members who require personal or special care;

(d) The number of persons for whom the home provides adult day care;

(e) The needs of all persons residing in the home; and

(f) Safe evacuation of all people living in the adult family home.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-580, filed 6/19/96, effective 7/20/96.]

WAC 388-76-585 Change of provider or provider address. (1) A change of provider occurs when there is a substitution of:

(a) The provider ultimately responsible for the daily operational decisions of the adult family home; or

(b) Control of an entity provider.

(2) Events which constitute a change of provider include but are not limited to the following:

(a) The form of legal organization of the provider is changed (e.g., an individual provider forms a partnership, corporation, or association);

(b) Operational responsibilities are transferred by the initial provider to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the adult family home is also transferred;

(c) Two individuals are both licensed as a married couple to operate the adult family home and an event, such as divorce, occurs which results in only one of the individuals operating the home;

(d) If the provider is a partnership, any event occurs which dissolves the partnership;

(e) If the provider is a corporation, and the corporation:

(i) Is dissolved;

(ii) Merges with another corporation which is the survivor; or

(iii) Consolidates with one or more corporations to form a new corporation;

(f) If the provider 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:

- (i) New or former stockholders; or
- (ii) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(g) Any other event or combination of events which results in a substitution or substitution of control of the provider.

(3) An adult family home license is not transferable and is only valid for the location and provider listed on the license. A change in either the provider or the location requires a new license.

(4) The operation or ownership of an adult family home shall not be transferred until the new provider has been issued a license to operate the home. The new provider shall comply with license application requirements.

(5) The provider shall not commence operation of an adult family home at a new location until the department has approved a license for that location.

(6) The provider shall notify the adult family home's residents, in writing, at least thirty days prior to the effective date of a change of provider or location.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-585, filed 6/19/96, effective 7/20/96.]

SPECIALTY ADULT FAMILY HOMES

WAC 388-76-590 Specialty adult family homes.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-590, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-590, filed 6/19/96, effective 7/20/96.]

WAC 388-76-59000 What authority does the department have to adopt rules related to specialty homes? (1) The legislature under RCW 70.128.005 and 70.128.040 authorizes the department to adopt rules to cover the needs of different populations living in adult family homes. This includes, but is not limited to, the developmentally disabled and the elderly.

(2) The department is authorized to adopt rules to cover special care training necessary for adult family home providers or resident managers. The legislature established that, as a minimum qualification, each of the adult family home providers and resident managers must complete special care training before providing special care services. (See RCW 70.128.120.)

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59000, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59010 What types of specialty adult family home designations are there? Adult family homes may be designated as a specialty home in one or more of the following three categories:

- (1) Developmental disability,
- (2) Mental illness, and/or
- (3) Dementia.

[Title 388 WAC—p. 278]

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59010, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59020 What definitions apply to specialty adult family home designations? For purposes of specialty adult family home designations, the following definitions apply:

Dementia is defined as a condition documented through the assessment process required by WAC 388-76-61020.

Developmental disability means:

(1) A person who meets the eligibility criteria defined in Washington Administrative Code by the division of developmental disabilities under chapter 275-27 WAC; or

(2) A person with a severe, chronic disability which is attributable to cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation which results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and requires treatment or services similar to those required for these persons (i.e., autism); and

(a) The condition was manifested before the person reached age twenty-two; and

(b) The condition is likely to continue indefinitely; and

(c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:

(i) Self-care;

(ii) Understanding and use of language;

(iii) Learning;

(iv) Mobility;

(v) Self-direction; and

(vi) Capacity for independent living.

Mental illness is defined as an Axis I or II diagnosed mental illness as outlined in volume IV of the Diagnostic and Statistical Manual of Mental Disorders (a copy is available for review through the aging and adult services administration).

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59020, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59050 What is required in order to obtain the specialty designation? The department will grant an adult family home a specialty designation for one or more of the three areas of specialty when:

(1) The individual provider or entity representative, and the resident manager, if there is a resident manager, have successfully completed one or more of the specialty care trainings; and

(2) The provider supplies the department with certification of successful completion of the required specialty care training or the challenge test; and

(3) The provider ensures that the specialty needs of the resident are identified and met, and that all caregivers in the home receive training regarding the specialty needs of the individual residents in the home. This training must cover the routine and changing care needs of the resident. The provider or a person knowledgeable about the specialty area may give this training.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59050, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59060 Are adult family home providers required to obtain more than one specialty designation if an individual resident has more than one specialty need? If an individual resident has needs that meet more than one of the definitions for developmental disability, mental illness, and dementia, described in WAC 388-76-59020, the provider must determine which one of the specialty trainings will most appropriately address the overall needs of the resident. The provider must then obtain the specialty training and designation that corresponds with this determination. The provider must ensure additional training of caregivers is obtained if needed to meet all of the resident's needs. This additional training may be the specialty designation training or another training chosen by the provider.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59060, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59070 Are adult family home providers required to obtain more than one specialty designation if they serve two or more residents with different specialty needs? When adult family home providers serve two or more residents with different specialty needs they must obtain a separate specialty designation for each of the specialty needs. For example, if one resident has needs meeting the definition for dementia, and a second resident has needs meeting the definition for mental illness, the provider must obtain a specialty designation for both dementia and mental illness. In a home where one resident has needs meeting the definition for a developmental disability, a second resident has needs meeting the definition for mental illness, and a third resident has needs meeting the definition for dementia, the provider must obtain a specialty designation for developmental disabilities, mental illness, and dementia.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59070, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59080 When will providers be required to become specialty adult family homes in order to serve persons with mental illness or dementia? Beginning October 1, 1999:

(1) An adult family home is required to become a specialty adult family home in order to admit and serve residents who have been determined to meet the definitions in this section for a mental illness or dementia; and

(2) Individual providers, entity representatives, and resident managers will have one hundred twenty days to complete specialty care training after a resident already living in the home develops mental illness or dementia as defined in this section.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59080, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59090 When will providers be required to become specialty adult family homes in order to serve

(1999 Ed.)

persons with developmental disabilities? (1) For providers serving persons with developmental disabilities prior to July 1, 1998, the deadline for successfully completing specialty training is July 1, 1999.

(2) All other adult family home providers must obtain a specialty designation before admitting and serving a person with a developmental disability.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59090, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59100 Does completion of this training substitute for any other required trainings? Successful completion of specialty training in any of the three areas of specialty will substitute for the fulfillment of two years of continuing education requirements. The substitutions count toward different years, depending on the following:

(1) When the specialty training is completed in the same year as the required fundamentals in caregiving training or the modified fundamentals of caregiving training, the specialty training will substitute for the following two calendar years training.

(2) When the specialty training is successfully completed in separate years from the required fundamentals in caregiving training or the modified fundamentals of caregiving training, the specialty training will substitute for the year in which the specialty training is successfully completed and the following calendar year.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59100, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59110 For the dementia and mental health specialties can providers take a test instead of attending the training? For the dementia and mental health specialties, individuals have one opportunity to take a "challenge" test. If they successfully pass the department's test, this substitutes for the specialty training. There is only one opportunity to successfully pass the challenge test. After failing a challenge test, the individual must attend the specialty training if he or she chooses to apply for an adult family home specialty.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59110, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59120 Are there any different training requirements for adult family homes providing services to persons with developmental disabilities? (1) Providers and resident managers serving persons with developmental disabilities may not take a challenge test for the specialty of developmental disabilities.

(2) Providers are exempt from the developmental disabilities specialty training if they are both licensed as an adult family home and hold a current contract and certification by the division of developmental disabilities as a group home.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59120, filed 5/29/98, effective 7/1/98.]

WAC 388-76-595 Inspections and ombudsman visits.

(1) The department shall conduct unannounced inspections and complaint investigations to determine the provider's compliance with this chapter and chapter 70.128 RCW.

(2) The provider shall ensure that department staff have access to the home, residents, and all resident records therein and shall not willfully interfere or fail to cooperate with department staff in the performance of official duties. Examples of willful interference or failure to cooperate include but are not limited to, not allowing department staff to talk to residents in private, not allowing department staff entrance into the home, or not allowing department staff access to resident records.

(3) Department staff shall have access to relevant staff records which must be kept in the adult family home. Relevant staff records include: Criminal history background inquiries; tuberculosis test documentation; CPR-First aid cards; department of health registration; fundamentals of caregiving, modified fundamentals of caregiving, nurse delegation and continuing education certificates; and any other special certificates.

(4) Within ten calendar days of the inspection of the adult family home, the department's inspection report will be mailed or hand delivered to the provider.

(5) Within ten calendar days of the completion of complaint investigation data collection, any department inspection report related to a complaint investigation will be mailed or hand delivered to the provider.

(6) A provider shall submit to the department the planned corrective measures for violations and/or deficiencies within ten calendar days of receipt of a statement of deficiencies or an inspection report.

(7) Upon request, the department will supply to the public copies of inspection reports and complaint investigation reports, as soon as they are completed.

(8) The department will include a copy of the provider's planned corrective measures with the inspection and complaint investigation reports, if a copy is available at the time of the request.

(9) Any written decision by the department to take an enforcement action will be immediately available to the public.

(10) Subsections (7) through (9) above are subject to applicable public disclosure and confidentiality requirements.

(11) The adult family home shall not willfully interfere with a representative of the Washington protection and advocacy system as defined under RCW 71A.10.080 or the long term care ombudsman in the performance of official duties, as defined under chapter 43.190 RCW, Long-term care ombudsman program, the state regulations for the long-term care ombudsman program, and under federal law. The department shall impose a penalty of not more than one thousand dollars for any such willful interference with a representative from the long-term care ombudsman program.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW, 98-11-095, § 388-76-595, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-595, filed 6/19/96, effective 7/20/96.]

PART III RIGHTS AND SERVICES

GENERAL RESIDENT RIGHTS

WAC 388-76-600 General resident rights.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-600, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-600, filed 6/19/96, effective 7/20/96.]

WAC 388-76-60000 What are resident rights? (1) Under RCW 70.129.005 long-term care facility residents should have the opportunity to exercise reasonable control over life decisions.

(2) Long-term care residents should have privacy and choices to engage in religious, political, civic, recreational, and other social activities to foster a sense of self-worth and enhance the quality of life. (See chapter 70.129 RCW.)

(3) Long-term care residents should receive appropriate services, be treated with courtesy, and continue to enjoy their basic civil and legal rights. (See chapter 70.129 RCW.)

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60000, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60010 Why do providers need to know resident rights? The legislature determined that residents of long term care facilities are entitled to certain rights. The provider is required to comply with all requirements of chapter 70.129 RCW, Long-term care resident rights. The provider must promote and protect the resident's exercise of all rights granted under that law.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60010, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60020 Is the provider required to supply information to potential residents and current residents, or the resident's representative? RCW 70.128.007(3) states that it is the goal of the legislature to "Encourage consumers, families, providers, and the public to become active in assuring their full participation in development of adult family homes that provide high quality and cost-effective care." The information that the provider supplies to potential residents and their families assists them to make informed choices about whether the individual adult family home will be able to provide appropriate high quality services, and what the costs will be for services.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60020, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60030 When must this information be supplied? Before admitting any resident, the provider must supply information about the adult family home to the potential resident. This information must also be supplied to current residents at least every twenty four months. The information must be presented orally and in writing in a language

understandable to the potential resident or resident, or the resident's representative, and acknowledged in writing.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60030, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60040 Must the information be updated and supplied again in advance of changes? The provider must inform each resident or the resident's representative in writing thirty days in advance of changes in the availability or the charges for services, items, or activities, or of changes in the adult family home's rules. Except in emergencies, thirty days' advance notice must be given prior to the change. When there are substantial and continuing changes in the resident's condition necessitating substantially greater or lesser services, items or activities, then the related charges may be changed with fourteen days' advance written notice.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60040, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60050 What information is the provider required to supply to potential residents and current residents? At a minimum, information supplied to the resident prior to admission must include:

(1) House rules and policies, including:

(a) A description of services, items, and activities regularly available in the home or arranged for by the home;

(b) House rules and policies governing resident conduct and responsibilities;

(c) A statement describing charges for all services, items and activities provided in the home. This must include a description of added charges for items, services or activities that are not covered by the home's per diem rate or applicable public benefit programs;

(d) The schedule for payment of fees expected of residents by the provider;

(e) The home's policy on refunds and deposits, which must be consistent with RCW 70.129.150;

(f) House policies governing resident conduct and responsibilities during the resident's stay in the adult family home;

(g) A statement indicating whether the provider will accept Medicaid or other public funds as a source of payment for services.

(2) Information about caregivers, including:

(a) The following information describing the licensed provider and the resident manager if there is a resident manager:

(i) Availability in the home, including a general statement about how often he or she is in the home;

(ii) Education and training relevant to resident caregiving;

(iii) Caregiving experience;

(iv) His or her primary responsibilities, including whether he or she makes daily general care management decisions;

(v) How to contact the provider or resident manager when he or she is not in the home.

(1999 Ed.)

(b) The following information describing a licensed practical nurse or registered nurse, if there is one who is in any way involved in the care of residents:

(i) Whom the LPN or RN is employed by, including the adult family home or another agency;

(ii) The specific routine hours that the LPN or RN is on site, if they are on-site routinely;

(iii) His or her primary responsibilities, including whether he or she makes daily general care management decisions;

(iv) The nonroutine times when the LPN or RN will be available, such as on-call; and

(vi) A description of what the provider will do to make available the services of an RN or LPN in the event of an emergency or a change in the resident's condition.

(3) A statement indicating whether the provider or staff are qualified or willing to become qualified to perform nurse delegation as allowed under state law;

(4) Types of care that can and cannot be offered:

(a) A description of what the adult family home will try to do to make adjustments to accommodate a resident's foreseeable or likely increasing care needs for the kinds of residents served by the home;

(b) A list of the types of predictable resident needs and conditions for which the adult family home cannot or will not provide care.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60050, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60060 Do residents have rights that are not listed here? Residents have many rights that are listed in detail in RCW 70.129. The provider must promote and protect all of these rights, in addition to those listed in this section.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60060, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60070 What are some of the other resident rights that must be considered? (1) House policies implemented by the provider are required to be reasonable and must not conflict with rights granted to the resident under chapter 70.129 RCW, Long-term care resident rights or this chapter.

(2) The resident has the right to be fully informed in a language that he or she can understand of his or her total health status, including, but not limited to, his or her medical condition. This right is described in detail in chapter 7.70 RCW. The provider must not interfere with the resident's access to information from health care providers.

(3) The resident has the right to be fully informed in advance about recommended care and treatment and of any recommended changes in that care or treatment.

(4) The provider must not require or ask the resident or the resident's representative to sign any contract or agreement that waives any rights of the resident or waives potential liability for losses of personal property or injury.

(5) The resident shall be free from abuse, neglect, abandonment, or financial exploitation.

[Title 388 WAC—p. 281]

(6) The provider must comply with all applicable federal and state statutory requirements regarding nondiscrimination.

(7) The provider must post in a place and manner clearly visible and readable to residents and visitors the department's toll-free complaint telephone number, and the names, addresses, and telephone numbers of the state licensure office, the state ombudsman program, and the protection and advocacy systems. This posting shall include at a minimum all of the information listed on the NOTICE supplied by the department containing the toll free complaint hot line and the toll free ombudsman number, and a brief description of ombudsman services.

(8) The provider must post in a place and manner clearly visible and readable to residents and visitors a statement that copies of the results of the most recent licensing inspection, and, if there has been a complaint investigation, the results of the investigation, are available to be read in the adult family home.

(9) The provider is required to maintain a safe, clean, comfortable, and home-like environment, that supports residents in their activities of daily living and promotes their quality of life.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60070, filed 5/29/98, effective 7/1/98.]

WAC 388-76-605 Restraints. (1) The resident has the right to be free from physical and chemical restraint and involuntary seclusion.

(2) Adult family homes are prohibited from using any and all forms of physical restraint that are used for the purposes of discipline or convenience and are not required to treat the resident's medical symptoms. Treatment of such medical symptoms must be applied and immediately supervised on-site by a licensed registered nurse (RN), licensed practical nurse (LPN) or a licensed physician. Immediate supervision means the licensed registered nurse, the licensed practical nurse, or the licensed physician is in the home and quickly and easily available.

(3) The provider shall ensure that the resident is free from chemical restraints which are:

- (a) Used for discipline or convenience; and
- (b) Not required to treat the resident's medical symptoms.

(4) In any situation where a psychopharmacological drug is used for the resident, the provider shall ensure:

- (a) That it is not used for the purpose of discipline or convenience;
- (b) That it has been prescribed by a physician or health care professional with prescriptive authority;
- (c) The resident's negotiated care plan includes other environmental and behavioral strategies /modifications to address the symptoms for which the psychopharmacological medication has been prescribed, where possible. An actual change in medication will only occur when the prescriber determines it is medically warranted for the resident; and
- (d) The resident or surrogate decision maker has given informed consent for its use.

[Title 388 WAC—p. 282]

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-605, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-605, filed 6/19/96, effective 7/20/96.]

RESIDENT ASSESSMENT

WAC 388-76-610 Resident assessment.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-610, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-610, filed 6/19/96, effective 7/20/96.]

WAC 388-76-61000 Is an assessment needed before a person can be admitted to an adult family home? Before a person can be admitted, the provider must obtain a written assessment that contains current information. The contents of this assessment must at a minimum include the list in WAC 388-76-61020.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61000, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61010 Under what circumstances can a provider admit or continue services for a person? A provider must be knowledgeable about the needs of a resident, based on the needs documented in the resident assessment. The provider may only admit or continue services for a person when:

(1) The adult family home can meet the person's assessed needs with current staff or through reasonable accommodations.

(2) The person's admission will not adversely affect the provider's ability to meet the needs of other residents in the home or endanger the safety of other residents; and

(3) All residents and household members can be safely evacuated in an emergency.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61010, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61020 What must be included in the resident assessment? The current written assessment must contain specific information regarding the resident applicant. If, despite the best efforts of the person conducting the assessment, an element of the required assessment information is not available, the effort to obtain the information must be documented with the assessment. At a minimum, the assessment must include:

(1) Recent medical history;

(2) Current prescribed medications, and contraindicated medications (including, but not limited to, medications that are known to cause adverse reactions or allergies);

(3) Medical diagnosis by a licensed medical professional;

(4) Significant known behaviors or symptoms that may cause concern or require special care;

(5) Evaluation of cognitive status in order to determine the individual's current level of functioning. This must

include an evaluation of disorientation, memory impairment, and impaired judgment;

- (6) History of depression and anxiety;
- (7) History of mental illness, if applicable;
- (8) Social, physical, and emotional strengths and needs;
- (9) Functional abilities in relationship to activities of daily living including: Eating, toileting, ambulating, transferring, positioning, specialized body care, personal hygiene, dressing, bathing, and management of own medication;
- (10) Preferences and choices regarding daily life that are important to the person (including, but not limited to, such preferences as the type of food that the person enjoys, what time he or she likes to eat, and when he or she likes to sleep);
- (11) Preferences for activities; and
- (12) A preliminary service plan.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61020, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61030 How does the preliminary service plan fit within the resident assessment? The preliminary service plan is part of the resident assessment, and is completed by the person conducting the assessment. The assessment and preliminary service plan create the foundation for the negotiated care plan, which is described in WAC 388-76-61500. The preliminary service plan describes needs for services and an initial plan for how to meet the needs that are identified at the time of the assessment. This plan should be developed by the provider and made more specific when the negotiated care plan is developed and reviewed. At a minimum, the preliminary service plan must contain:

- (1) A complete description of the client's specific problems and needs;
- (2) A description of needs for which the client chooses not to accept services;
- (3) Identification of client goals and preferences; and
- (4) A description of how the client's needs can be met.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61030, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61040 Is the use of an approved form required for the assessment? Beginning July 1, 1999 the assessment must be completed on a form that is approved by the department.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61040, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61050 Who can do the assessment? (1) Effective July 1, 1999, a qualified assessor is a person who:

- (a) Has a master's degree in social services, human services, behavioral sciences or an allied field and two years social service experience working with adults who have functional or cognitive disabilities; or
- (b) A bachelor's degree in social services, human services, behavioral sciences, or an allied field and three years social service experience working with adults who have functional or cognitive disabilities; or

(1999 Ed.)

(c) Has a valid Washington state license to practice as a registered nurse and three years of clinical nursing experience; or

(d) Is a physician with a valid Washington state license to practice medicine. This includes licensed osteopathic physicians.

(2) For individuals who will receive services paid for fully or partially by the department, the assessment must be completed by the authorized department case manager.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61050, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61060 In emergency situations, can a provider admit a resident without an assessment? In circumstances of genuine emergency, the provider may admit an individual without the required assessment and service plan. It is expected these situations will occur very infrequently. These circumstances are:

(1) For individuals who use private funds to pay for care, the provider must determine that the individual's life, health or safety are at serious risk due to circumstances in the individual's current place of residence, or, if due to such circumstances, harm to an individual has occurred. Under these circumstances the required assessment must be completed within five working days of the resident's admission.

(2) For individuals whose care is paid for fully or partially by the department, the provider must obtain the approval of the authorized department case manager prior to admission. If this approval is obtained verbally, the provider must document the time, the date, and the name of the case manager.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61060, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61070 Does the assessment have to be updated? The provider must ensure that the assessment is reviewed and updated to document the resident's ongoing needs and preferences according to the following criteria:

- (1) At least every twelve months;
- (2) When there is a significant change in the resident's physical or mental condition; and
- (3) At the resident's request or at the request of the resident's legal representative.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61070, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61080 Who is qualified to update the assessment? Effective July 1, 1999, persons meeting the qualifications of an assessor are also qualified to update the assessment for an individual who will use private funds to pay for the adult family home.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61080, filed 5/29/98, effective 7/1/98.]

NEGOTIATED CARE PLAN

WAC 388-76-615 Negotiated care plan.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-615, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-615, filed 6/19/96, effective 7/20/96.]

WAC 388-76-61500 What is a negotiated care plan?

A negotiated care plan is a written plan developed between the provider and the resident, or the resident's representative, if the resident has a representative. The provider is responsible to make sure that it is written and signed. This plan identifies:

- (1) The care and services to be provided;
- (2) Who will provide the care and services;
- (3) When and how the care and services will be provided;
- (4) The resident's activities preferences and how those preferences will be accommodated; and
- (5) Other preferences and choices regarding issues important to the resident (including, but not limited to, food, daily routine, grooming), and what efforts will be made to accommodate those preferences and choices;
- (6) If needed, a plan to follow in case of a foreseeable crisis due to a resident's assessed need, such as, but not limited to, how to access emergency mental health services;
- (7) If needed, a plan to reduce tension, agitation and problem behaviors;
- (8) If needed, a plan to respond to residents' special needs, including, but not limited to, the availability of staff when resident needs change;
- (9) If needed, the identification of any communication barriers of the resident, including, but not limited to, how behaviors and nonverbal gestures may be used as a means for communication.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61500, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61510 When must the negotiated care plan be developed? The plan must be developed within fourteen days of the resident's admission.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61510, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61520 How does the negotiated care plan fit in with the assessment and preliminary service plan? The assessment and preliminary service plan, which are done by the person conducting the assessment, create the foundation for the negotiated care plan. The preliminary service plan describes needs for services and an initial plan for how to meet the needs. This plan is limited to needs that are identified at the time of the assessment. It is expected that, over time, the provider will learn more about the resident's needs and how to make sure they are met. The provider is responsible to work with the preliminary service plan and update it and make it more specific. As it is updated and made more specific, and as the resident or the resident's representative becomes involved in its development, it becomes the negotiated care plan. The negotiated care plan provides specific details about how the resident's needs and prefer-

ences will be addressed within the individual adult family home.

The provider must implement the negotiated care plan after it has been agreed to and signed by the resident or the resident's representative, if the resident has a representative.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61520, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61530 Who must be involved in the development of the negotiated care plan? The provider must involve the following people in developing the plan:

- (1) The resident, to the greatest extent he or she is able to participate,
- (2) The resident's family, if approved by the resident;
- (3) The resident's representative, if the resident has a representative;
- (4) Professionals involved in the care of the resident;
- (5) Other individuals the resident wants included; and
- (6) The authorized department case manager, if the resident is receiving services paid for fully or partially by the department.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61530, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61540 Who must sign the negotiated care plan? The provider must ensure that the negotiated care plan is agreed to and signed by the resident, or the resident's representative, if the resident has a representative.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61540, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61550 How often must the negotiated care plan be reviewed and revised? The provider must ensure that the plan is reviewed and revised according to the following schedule:

- (1) At least every twelve months;
- (2) When there is a significant change in the resident's physical or mental condition;
- (3) At the resident's request; and
- (4) If changes or additions to assessment information result in significant changes to the resident's identified needs or preferences and choices.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61550, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61560 When does the department's case manager get a copy of the negotiated care plan? The copy of the plan must be given to the authorized department case manager each time it is completed or updated, and after it has been signed by the resident, if the resident's services are being paid fully or partially by the department.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61560, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61570 How are payment rate changes authorized for residents receiving services paid for fully

or partially by the department? If there is improvement or decline causing significant changes in a resident's identified needs, and the resident is receiving services paid for fully or partially by the department, the provider must notify the authorized department case manager. No payment rate change will be approved without an assessment and authorization by the department.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272, 98-12-054, § 388-76-61570, filed 5/29/98, effective 7/1/98.]

WAC 388-76-620 Provision of services and care. (1)

The provider shall ensure that the resident receives necessary services and care to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with resident choice.

(2) The provider shall encourage and promote resident participation in service planning and delivery.

(3) The provider shall respect the resident's right to decide negotiated care plan goals and treatment choices, including acceptance or refusal of care plan recommendations.

(4) The provider shall ensure that resident services are delivered in a manner and in an environment that:

(a) Promotes maintenance or enhancement of each resident's quality of life;

(b) Promotes the safety of all residents; and

(c) Reasonably accommodates the resident's individual needs and preferences, except when the health or safety of the resident or other residents would be endangered.

(5) The provider shall ensure that appropriate professionals provide needed services to the resident based upon the resident's assessment and negotiated care plan.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW, 98-11-095, § 388-76-620, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230, 96-14-003 (Order 3984), § 388-76-620, filed 6/19/96, effective 7/20/96.]

WAC 388-76-625 Nurse delegation—Training and registration. Before performing any delegated nursing task, adult family home staff must:

(1) Be a nursing assistant certified or registered under chapter 18.88A RCW; and

(2) Attend and successfully complete department designated core delegation training.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230, 96-14-003 (Order 3984), § 388-76-625, filed 6/19/96, effective 7/20/96.]

WAC 388-76-630 Performance of delegated nursing care tasks. (1) Adult family home staff who have been delegated a nursing care task in compliance with requirements established by the nursing care quality assurance commission shall perform the task:

(a) In compliance with all requirements and protocols established by the commission in WAC 246-840-910 through 246-840-980;

(b) Only for the specific resident who was the subject of the delegation; and

(c) Only with the resident's consent.

(1999 Ed.)

(2) The delegated authority to perform the nursing care task is not transferable to another nurse assistant.

(3) The adult family home staff may consent to perform a delegated nursing care task, and shall be responsible for their own actions with regard to the decision to consent to the performance of the delegated task.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230, 96-14-003 (Order 3984), § 388-76-630, filed 6/19/96, effective 7/20/96.]

WAC 388-76-635 Nurse delegation—Penalties. The department may impose a civil fine on any provider that knowingly performs or knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to chapter 18.79 RCW and chapter 246-840 WAC as follows:

(1) Two hundred fifty dollars for the first time the department finds an unlawful delegation;

(2) Five hundred dollars for the second time the department finds an unlawful delegation; and

(3) One thousand dollars for the third time or more the department finds an unlawful delegation.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW, 98-11-095, § 388-76-635, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230, 96-14-003 (Order 3984), § 388-76-635, filed 6/19/96, effective 7/20/96.]

WAC 388-76-640 Resident medications. (1) Prescription medications may be administered only under the order of a physician or health care professional with prescriptive authority.

(2) The provider shall ensure that all prescription and over the counter medications are kept in:

(a) Locked storage; and

(b) The medication's original containers with the legible, original label.

(3) Medication organizers may be used when they are filled by:

(a) The resident;

(b) A resident's family member;

(c) The resident's surrogate decision maker acting in accordance with state law; or

(d) A health care professional licensed in Washington state who has had specialized training in medication administration.

(4) Medication organizers shall carry a label which clearly identifies the:

(a) Name of the resident;

(b) Medications included; and

(c) Frequency of dosage.

(5) Adult family home caregivers may assist the resident to self medicate with the consent of the resident or the resident's surrogate decision maker acting in accordance with state law.

(6) Unless he or she is a licensed health professional or has been authorized and trained to perform a specifically delegated nursing task, the caregiver may 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.

(7) The adult family home caregiver may administer the resident's oral medication only when the caregiver:

(a) Is a health care professional licensed in Washington state with specialized training in medication administration; or

(b) Has been authorized and trained to perform oral medication administration for the resident as a delegated nursing task in accordance with the requirements established by the nursing care quality assurance commission.

(8) The provider shall maintain a record of all medications administered to and taken by the resident.

(9) The provider shall ensure that injections are only administered to the resident by:

- (a) The resident when he or she is capable;
- (b) A resident's family member;
- (c) The resident's surrogate decision maker acting in accordance with state law; or
- (d) A health care professional licensed in Washington state who has had specialized training in medication administration.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-640, filed 6/19/96, effective 7/20/96.]

WAC 388-76-645 Resident activities. (1) The resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the adult family home.

(2) The provider shall provide and promote opportunities for the resident to participate in activities of the resident's choice which are consistent with identified resident needs and functional capacity.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-645, filed 6/19/96, effective 7/20/96.]

WAC 388-76-650 Food services. The provider shall:

(1) Ensure that food served to the resident meets the nutritional needs of the resident, and takes into consideration the resident's:

- (a) Preferences;
- (b) Caloric need;
- (c) Cultural and ethnic background; and
- (d) Any physical condition making food intake difficult;

(2) Provide a minimum of three nutritious meals in each twenty-four hour period, at regular times comparable to normal meal times in the community;

(3) Make nutritious snacks available to residents between meals and in the evening;

(4) Obtain input from residents in meal planning and scheduling;

(5) Serve nutrient concentrates, supplements, and modified diets only on the written approval of the resident's physician;

(6) Use only pasteurized milk;

(7) Ensure any home-canned foods are processed according to the latest guidelines of the county cooperative extension service;

(8) Serve meals in the home where the residents live; and

(9) When meals are prepared at a separate kitchen facility, ensure that persons preparing food have a food handler's permit and that the food is transported in airtight containers to prevent contamination. The provider or resident manager shall ensure that the food is transported and served at the appropriate and safe temperature.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-650, filed 6/19/96, effective 7/20/96.]

PART IV ADMINISTRATION

WAC 388-76-655 General management and administration. (1) The provider shall not admit or retain any resident whose needs the provider cannot meet.

(2) The provider shall ensure all of the following:

(a) That staff are competent, and receive necessary training to perform assigned tasks;

(b) The adult family home is in compliance with the requirements of this chapter and other applicable state laws;

(c) The home employs sufficient staff to meet the needs of the residents; and

(d) That he/she is available to respond to resident needs and caregiver inquiries within a reasonable time frame. In the event a provider is unavailable (including but not limited to being on vacation), a person must be designated to respond on behalf of the provider.

(3) The provider shall maintain liability insurance of at least one hundred thousand dollars per occurrence to cover:

(a) Damage or loss of the resident's property if due to negligence of the insured; and

(b) Injury or harm to the resident resulting from:

(i) The provision of services or failure to provide needed services; or

(ii) Incidents occurring in the adult family home or on the home's premises.

(4) The provider shall ensure that all caregivers are at least eighteen years of age or older.

(5) The provider shall ensure that the provider, entity representative, resident manager and all caregivers:

(a) Are able to communicate or make provisions for communicating with the resident in his or her primary language;

(b) Have a clear understanding of job responsibilities and knowledge of residents' negotiated care plans in order to be able to provide care specific to each resident's needs;

(c) Not engage in the illegal use of drugs or the excessive use of alcohol when providing care to residents; and

(d) Possess a valid first aid and CPR card prior to providing care for residents unless such care is directly supervised by a fully qualified caregiver who has a valid first aid and CPR card.

(6) The provider shall ensure that:

(a) There is at least one caregiver present in the home whenever one or more residents are on the premises;

(b) The caregiver referred to in (a) of this subsection is capable of understanding and speaking English well enough

to be able to respond appropriately to emergency situations; and

(c) At least one caregiver is accessible by phone or beeper for emergencies when there are no residents on the homes' premises.

(7) An adult family home shall be exempt from subsection (6)(a) of this section if:

(a) The home provides care to residents whose primary disabilities are developmental disabilities as defined by WAC 388-76-590; and

(b) It is determined and documented in a resident's current negotiated care plan that the resident is capable and willing to be left alone unsupervised in the adult family home during normal awake hours. The maximum period of time a resident can be left alone must be documented in the negotiated care plan.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW 98-11-095, § 388-76-655, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-655, filed 6/19/96, effective 7/20/96.]

WAC 388-76-660 Training. (1) Before operating and providing services in an adult family home, individual providers, entity representative and resident managers shall successfully complete the department's:

(a) Fundamentals of caregiving training; or

(b) Modified fundamentals of caregiving training if they meet the requirements listed in subsection (3) of this section.

(2) Providers shall ensure that:

(a) All caregivers hired in the adult family home successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsections (3) or (4) below; and

(b) All caregivers complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:

(i) Topics include, but are not limited to residents' rights, personal care, dementia, mental illness, developmental disabilities, depression, medication assistance, communication skills, alternatives to restraints, and activities for residents;

(ii) Caregivers must receive a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(3) A caregiver who has successfully completed training as a registered or licensed practical nurse, a physical or occupational therapist, a nursing assistant certified, a home health aid from a Medicare certified home health agency, who has successfully completed department approved adult family home training, or department approved personal care training from an area agency on aging or their subcontractor, or who is a resident manager or provider prior to July 20, 1996, is exempt from the fundamentals of caregiving training in subsection (2) of this section if the caregiver successfully completes the department designated modified funda-

(1999 Ed.)

mentals of caregiving training in accordance with the dates specified in subsection (2) of this section.

(4) Caregivers are exempt from attending the fundamentals of caregiving or modified fundamentals of caregiving trainings if they successfully pass the department's challenge test for the class they are required to take. The caregiver has only one opportunity to successfully pass the challenge test then he/she must attend the fundamentals of caregiving or modified fundamentals of caregiving trainings as required.

(5) A provider and any of their staff who have successfully completed the division of developmental disabilities (DDD) staff training as required by chapter 275-26 WAC is exempt from the fundamentals of caregiving training in subsections (1) and (2) of this section, as long as the provider continues to work for a DDD-contracted agency. This exemption no longer applies if the provider or their staff leaves the DDD-contracted agency.

(6) Volunteers are exempt from the training requirements listed above unless they provide unsupervised direct personal care to residents.

(7) The provider shall document that caregivers have met the education and training requirements.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW 98-11-095, § 388-76-660, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-660, filed 6/19/96, effective 7/20/96.]

WAC 388-76-665 Resident records. (1) The provider or resident manager shall:

(a) Keep confidential all information contained in the resident's records, regardless of the form or storage method of the records (e.g., computer files); and

(b) Protect information in the resident's record against alteration, loss, destruction, and unauthorized use.

(2) The provider or resident manager shall release information from the resident's record when required by:

(a) The resident's transfer to a health care institution;

(b) Law;

(c) Representatives of the department when acting in accordance with state law; or

(d) The resident.

(3) The provider shall ensure that caregivers in the home have access to resident records when information in those records is needed to provide care.

(4) The provider shall retain the resident's record for three years following the resident's discharge or death.

(5) The adult family home shall ensure that the resident's record includes at least the following:

(a) Resident identification including the name, address, and telephone number of the person or persons the resident designates as significant;

(b) The name, address, and telephone numbers for the resident's:

(i) Surrogate decision maker, if any; and

(ii) Health care providers;

(c) A current medical history;

(d) An inventory of personal belongings which is:

(i) Updated as additional belongings accrue; and

(ii) Dated and signed by the resident and the provider or resident manager;

- (e) The resident's assessment;
 - (f) The current negotiated care plan;
 - (g) Legal documents, including but not limited to:
 - (i) Power of attorney (POA) if the resident has appointed a POA;
 - (ii) Advance health care directives if the resident has executed such directives; and
 - (iii) A court order, if any, appointing a legal guardian and detailing the guardian's responsibility;
 - (h) Financial records;
 - (i) Medication records;
 - (j) The resident's social security number; and
 - (k) Admission, discharge, and absences information.
- (6) The provider or resident manager shall keep the resident's record at the adult family home in which the resident lives.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-665, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-665, filed 6/19/96, effective 7/20/96.]

WAC 388-76-670 Disaster and emergency preparedness. (1) The provider shall develop written plans and procedures to meet potential emergencies and disasters, such as fires, earthquakes, and floods.

(2) The provider shall ensure that all staff are trained in those emergency procedures when they begin to work at the home.

(3) The provider shall periodically review disaster and emergency procedures with staff, caregivers, and residents.

(4) In the plans (described in subsection (1) of this section), the provider shall describe how they will supply residents and household members with a seventy-two hour supply of food, accommodating any specific resident needs or food restrictions, in order to meet resident and household member needs in an emergency. In addition to this plan, the provider must also have on-site three gallons of drinking water per person to meet resident and household member needs in an emergency.

(5) The provider shall ensure the adult family home has readily available first-aid supplies and a first-aid manual.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-670, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-670, filed 6/19/96, effective 7/20/96.]

WAC 388-76-675 Reporting requirements. (1) The provider and all caregivers shall immediately notify the department's toll-free complaint telephone number of any incidents involving allegations of resident abuse, neglect, exploitation or abandonment in accordance with the provisions of chapter 74.34 RCW.

(2) The provider shall keep a log of injuries and accidents to residents.

(3) When there is a significant change in a resident's condition, or a serious injury, trauma, or death of a resident, the provider shall immediately notify:

(a) The resident's family, surrogate decision maker, physician and other appropriate professionals, and other persons identified in the negotiated care plan; and

(b) The case manager, if the resident is receiving services paid for fully or partially by the department.

(4) The adult family home shall immediately report to the department's aging and adult services administration:

(a) Any event, actual or potential, requiring the evacuation or relocation of all or part of the home's residents to another address;

(b) Circumstances which threaten the home's ability to ensure continuation of services to residents; and

(c) Instances when a resident is determined to be missing.

(5) The provider shall immediately notify local law enforcement anytime the provider has reason to believe that the resident has been the victim of a crime.

(6) The provider shall notify the local public health officer and the department of any occurrence of food poisoning or communicable disease as required by the state board of health.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-675, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-675, filed 6/19/96, effective 7/20/96.]

WAC 388-76-680 Infection control and communicable disease. (1) The provider or resident manager shall institute appropriate infection control measures when the resident or any household member or caregiver has, or is suspected of having, a communicable disease.

(2) The provider shall follow chapter 49.17 RCW, Washington Industrial Safety and Health Act (WISHA) requirements to protect the health and safety of residents and employees.

(3) The provider must ensure that tuberculosis screening is carried out as outlined below.

(a) Skin testing whether documented historically or performed currently, must be by intradermal (Mantoux) administration of PPD, and test results read in forty-eight to seventy-two hours by trained personnel. A positive reaction is ten or more millimeters of induration.

(b) The individual provider, entity representative, resident manager and caregiver must have, upon employment, tuberculosis skin testing to establish tuberculosis status.

(c) Baseline skin testing upon employment must be in two steps performed one to three weeks apart unless a person meets the requirements in (d) or (e) of this section.

(d) A person does not need to be skin tested for tuberculosis if he/she has:

(i) A documented history of a previous positive skin test; or

(ii) Documented evidence of adequate therapy for active disease; or

(iii) Documented evidence of adequate preventive therapy for infection.

(e) Exceptions to two-step testing. A person needs to have only a one-step skin test upon employment if he/she has any one of the following:

(i) A positive result from his/her initial first step skin test (a person who has a positive result from an initial first step skin test should not have any more skin testing); or

(ii) A documented history of a negative result from previous two-step baseline testing; or

(iii) A documented negative result from one step skin testing in the previous twelve months.

(f) A person with a positive reaction to skin testing must have a chest X-ray within seven days.

(g) Persons with negative test results may be required by the public health or licensing authority to have follow-up skin testing in certain circumstances such as after exposure to active tuberculosis; when tuberculosis symptoms are present; or for periodic screening.

(h) A person who has reason to decline skin testing may submit a signed statement to the employer giving the reason for declining and evidence to support the reason.

(4) The provider or resident manager shall:

(a) Report any employee's or provider's positive chest X-ray to the appropriate public health authority; and

(b) Follow precautions ordered by the public health authority, the employee's personal physician, or other licensed health care professional.

(5) The provider shall retain records of tuberculin test results, reports of X-ray findings, physician or public health official orders, and waivers in the adult family home.

(6) The provider or resident manager shall:

(a) Use infection control standards and educational material consistent with the current curriculum for infection control as defined in the department's fundamentals of caregiving training;

(b) 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;

(c) 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; and

(d) Use all disposable and single-service supplies and equipment as specified by the manufacturer.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW 98-11-095, § 388-76-680, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230, 96-14-003 (Order 3984), § 388-76-680, filed 6/19/96, effective 7/20/96.]

WAC 388-76-685 Criminal history disclosure and background inquiries. (1) Before the adult family home employs, directly or by contract, a resident manager, entity representative or caregiver, or accepts as a caregiver any volunteer or student, or allows a household member unsupervised access to residents, the home shall:

(a) Require the person to complete the residential care services background inquiry form which includes:

(i) A disclosure statement; and

(ii) A statement authorizing the adult family home, the department, and the Washington state patrol to conduct a background inquiry;

(b) Verbally inform the person:

(i) That he or she may request a copy of the background inquiry result; and

(ii) Of the inquiry result within ten days of receipt; and

(c) Notify the appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

(2) The adult family home provider 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, or allow a household member unsupervised access to residents if the person or background inquiry discloses that the person was:

(a) Convicted of a crime against persons 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 domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

(d) Subject to an order of protection under chapter 74.34 RCW for abuse, neglect, abandonment or financial exploitation of a vulnerable adult;

(e) Found in a final decision issued by a disciplinary board to have:

(i) Sexually or physically abused or exploited any minor or developmentally disabled person; or

(ii) Abused, neglected, abandoned or financially exploited any vulnerable adult; or

(f) 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.

(3) The adult family home may choose to employ a person with a conviction of a crime only if the conviction is one of the crimes listed in RCW 43.43.842 and the required number of years has passed.

(4) An adult family home may conditionally employ a person pending the result of a background inquiry, provided the home requests the inquiry within seventy-two hours of the conditional employment.

(5) A background inquiry result is valid for two years from the date it is conducted, at which point a new background inquiry application must be submitted.

(6) The adult family home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry applications and responses and all copies are maintained in a confidential and secure manner;

(b) All background inquiry results and disclosure statements are used for employment purposes only;

(c) Background inquiry results and disclosure statements are not disclosed to any person except:

(i) The person about whom the adult family home made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(7) A record of inquiry results shall be retained by the adult family home for eighteen months beyond the date of employment termination.

(8) The provider shall secure and submit any additional documentation and information as requested by the department to satisfy the requirements of this section.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW 98-11-095, § 388-76-685, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-685, filed 6/19/96, effective 7/20/96.]

WAC 388-76-690 Advance directives, guardianship, and decision making. (1) The provider or resident manager shall provide or ensure that the resident, at the time of admission, has received the department's current booklet on health care rights, in the language appropriate for the resident, if available from the department.

(2) The provider or resident manager shall:

(a) Immediately contact the local emergency medical services in the event of a resident medical emergency regardless of any order, directive, or other expression of resident wishes involving the provision of medical services;

(b) Have readily available for emergency medical services personnel the resident's advance directives if the resident has executed an advance directive;

(c) Inform the resident of the action required by subsection (2)(a) of this section; and

(d) Include the action required by subsection (2)(a) of this section in the home's operational policies.

(3) A licensed physician or registered nurse acting within his or her scope of practice shall be exempt from the provisions of subsection (2) of this section.

(4) A provider may become a guardian for a resident if two criteria are met:

(a) The court authorizes you under Washington state's guardianship law (chapter 11.88 RCW) to be a resident's guardian; and

(b) You inform the court in writing, through a petition, that you care for the resident in your adult family home, and you request the court to direct payment from the funds of the resident for care, maintenance, and education to you. This is required by RCW 11.92.040(6), a section in Washington state's guardianship law.

(5) A provider can not act as power of attorney for health care for a resident. Washington state's power of attorney law (chapter 11.94 RCW) says that owners, administrators, or employees of the adult family home where the resident resides or receives care can not act as power of attorney for health care for a resident, unless they are also the spouse, adult child, brother or sister of the resident.

(6) The adult family home shall provide care and services in compliance with the federal patient self determination act and with applicable state statutes related to surrogate and health care decision making, including chapters 7.70, 70.122, 11.88, 11.92, and 11.94 RCW.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW 98-11-095, § 388-76-690, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-690, filed 6/19/96, effective 7/20/96.]

WAC 388-76-695 Protection of resident funds—Liquidation or transfer. (1) Upon the death of a resident, the adult family home shall promptly convey the resident's personal funds held by the adult family home with a final accounting of such funds to the department or to the individ-

ual or probate jurisdiction administering the resident's estate no later than forty-five calendar days after the date of the resident's death.

(2) If the deceased resident was a recipient of long-term care services paid for in whole or part by the state of Washington, then the personal funds held by the adult family home and the final accounting should be paid to the secretary, department of social and health services and mailed to the office of financial recovery, estate recovery unit, P.O. Box 9501, Olympia, WA 98507-9501 or such address as may be directed by the department in the future:

(a) The check and final accounting accompanying the payment shall contain the name and social security number of the deceased individual from whose personal funds account the monies are being paid; and

(b) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(3) In situations where the resident is absent from the adult family home for an extended time without notifying the home, and the resident's whereabouts is unknown:

(a) The adult family home shall make a reasonable effort to find the missing resident; and

(b) If the resident cannot be located after ninety days, the home shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The home shall deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(4) Prior to the sale or other transfer of ownership of the adult family home the provider shall:

(a) Provide each resident with a written accounting of any personal funds held by the home;

(b) Provide the new provider with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new provider.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW 98-11-095, § 388-76-695, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-695, filed 6/19/96, effective 7/20/96.]

WAC 388-76-700 Resident relocation due to closure.

(1) When the department revokes, suspends, or does not renew the license for an adult family home, the department shall:

(a) Notify residents and, when appropriate, residents' surrogate decision makers of the action; and

(b) Assist with residents' relocation and specify the location of possible residential alternatives.

(2) When the resident's relocation occurs due to the adult family home's voluntary license relinquishment:

(a) The provider shall send written notification, thirty days before ceasing operation, to the appropriate adult family home area manager and to all residents except when shorter notice is required due to emergency circumstances;

(b) The provider shall provide appropriate discharge planning and coordination for all residents;

(c) The department shall provide relocation assistance to department clients; and

(d) The department may provide relocation assistance to residents whose cost of care is not fully or partially paid for by the department.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-700, filed 6/19/96, effective 7/20/96.]

PART V REMEDIES AND DISPUTE RESOLUTION

WAC 388-76-705 Remedies. (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the applicable requirements of chapters 70.128 and 70.129 RCW or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached thereto, or in any matter under investigation by the department;

(d) Willfully prevented, interfered with, or failed to cooperate with any inspection or investigation by the department; or

(e) Failed to comply with:

(i) A condition imposed on a license; or

(ii) A stop placement order.

(2)(a) For failure or refusal to comply with any applicable requirements of chapters 70.128 and 70.129 RCW or of this chapter, the department may provide consultation and shall allow the provider a reasonable opportunity to correct before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department shall impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department shall take into account the severity of the potential or actual impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department may impose include:

(i) Denial of an application for a license;

(ii) Imposition of reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of residents the provider may admit or serve;

(iii) Imposition of civil penalties of not more than one hundred dollars per day per violation except that:

(A) Fines of up to one thousand dollars can be issued for willful interference with a representative of the long-term care ombudsman per RCW 70.128.150; and

(B) Fines of up to three thousand dollars can be issued for retaliation against a resident, employee, or any other person for making a complaint, providing information to, or cooperating with, the ombudsman, the department, the attor-

ney's general office, or a law enforcement agency per RCW 74.39A.060(7).

(iv) Suspension or revocation of a license; or

(v) Order stop placement.

(b) When the department orders stop placement, the adult family home shall not admit any person until the stop placement order is terminated. The department may approve readmission of a resident to the adult family home from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when the department determines that:

(i) The violations necessitating the stop placement have been corrected; and

(ii) The provider exhibits the capacity to maintain adequate care and service.

(c) Conditions the department may impose on a license include, but are not limited to the following:

(i) Correction within a specified time;

(ii) Training related to the violations;

(iii) Limits on the type of residents the provider may admit or serve;

(iv) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents;

(v) Change in the license capacity;

(vi) Removal of the adult family home's designation as a specialized home;

(vii) Prohibition of access to residents by a specified person; and

(viii) Demonstration of ability to meet financial obligations necessary to continue operation.

(d) When a provider fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from any contract payment due to the provider from the department.

(e) When the department finds that a licensed provider also operates an unlicensed adult family home, the department may impose a remedy listed under subsection (3)(a) of this section on the provider and the provider's licensed adult family home or homes.

(f) When the department determines that violations existing in an adult family home are of such a nature as to present a serious risk of harm to residents of other homes operated by the same provider, the department may impose remedies on those other homes.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-705, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-705, filed 6/19/96, effective 7/20/96.]

WAC 388-76-710 Notice, hearing rights, and effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 70.128 RCW, except that orders of the department imposing license suspension, stop placement, or conditions on a license are effective immediately upon notice and shall continue pending a final administrative decision on the merits.

(2) Civil monetary penalties shall become due twenty-eight days after the provider or the owner or operator of an unlicensed adult family home is served with a notice of the penalty unless the provider requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest shall accrue beginning thirty days after the department serves the provider with notice of the penalty at a rate of one percent per month in accordance with RCW 43.20B.695.

(3) A person contesting any decision by the department to impose a remedy shall within twenty-eight 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, P.O. Box 2465, Olympia, WA 98504; and

(b) Include in or with the application:

(i) The grounds for contesting the department decision; and

(ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-710, filed 6/19/96, effective 7/20/96.]

WAC 388-76-715 Dispute resolution. (1) When a provider disagrees with the department's finding of a violation under this chapter, the provider shall have the right to have the violation reviewed by the department under the department's dispute resolution process. The purpose of the review is to give the provider an opportunity to present information which might warrant modification or deletion of a finding of a violation. The provider may submit a written statement for review. In addition to a written statement, the provider may request to present the information in person to a department designee. Requests for review shall be made to the department's community services quality assurance area manager within ten days of receipt of the written finding of a violation.

(2) When requested by a provider, the department shall expedite the dispute resolution process to review violations upon which a department order imposing license suspension, stop placement, or a condition on a license is based.

(3) Orders of the department imposing license suspension, stop placement, or conditions on a license are effective immediately upon notice and shall continue pending dispute resolution.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-715, filed 6/19/96, effective 7/20/96.]

PART VI PHYSICAL PLANT REQUIREMENTS

WAC 388-76-720 Common use areas. The provider shall provide, within the adult family home, sufficient common use space, such as a living room, recreation area, or

entertainment area, to create a homelike environment and meet the needs of the residents.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-720, filed 6/19/96, effective 7/20/96.]

WAC 388-76-725 Bedrooms. (1) Every resident bedroom shall be an outside room permitting entrance of natural light.

(2) Window screens shall be:

(a) Of such design that emergency escape is not hindered; and

(b) Adequate to prevent entrance of flies and other insects.

(3) The provider shall ensure that residents' bedrooms have direct access to hallways and corridors, and unrestricted access to living rooms, day rooms, and common use areas.

(4) The provider shall make separate sleeping quarters available for each sex and shall make reasonable efforts to accommodate residents wanting to share the same room.

(5) Single occupancy bedrooms shall be at least eighty square feet or more of floor space.

(6) Double occupancy bedrooms shall be at least one-hundred twenty square feet or more of floor space exclusive of closets.

(7) There shall not be more than two residents to a bedroom.

(8) Unless the resident chooses to provide his or her own furniture and bedding, the provider shall provide each resident a bed thirty-six inches or more wide with:

(a) A clean, comfortable mattress with waterproof cover for use when needed or requested by the resident;

(b) Clean sheets and pillow cases;

(c) Adequate blankets; and

(d) Clean pillows.

(9) The provider shall not use the upper bunk of double-deck beds for a resident's bed.

(10) If the provider's bedroom is not within hearing distance of resident bedrooms, the department may require the provider provide a call bell or intercom system.

(11) The provider, resident manager, or family members shall not use as bedrooms those areas of the home designated as common use areas, or share bedrooms with residents.

(12) A resident may not share a bedroom with a person under eighteen years of age, unless it is the resident's own child.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-725, filed 6/19/96, effective 7/20/96.]

WAC 388-76-730 Toilets and bathing facilities. The adult family home shall be equipped with toilet and bathing facilities that provide residents with privacy and include:

(1) One indoor flush toilet for each five persons in the home;

(2) A bathing facility with securely fastened, conveniently located grab bars or other safety measures; and

(3) A sink with hot and cold running water.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-730, filed 6/19/96, effective 7/20/96.]

WAC 388-76-735 Kitchen facilities. The adult family home shall:

- (1) Provide kitchen facilities that allow for proper food storage, preparation, and service; and
- (2) Ensure the premises and equipment are maintained in a clean and sanitary manner including proper food handling.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-735, filed 6/19/96, effective 7/20/96.]

WAC 388-76-740 Telephones. The provider shall ensure that residents have reasonable access to at least one operating, nonpay telephone on the premises where calls may be made and received in privacy.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-740, filed 6/19/96, effective 7/20/96.]

WAC 388-76-745 Storage. The provider shall:

- (1) Provide adequate space for resident's storage of clothing and a reasonable amount of personal possessions;
- (2) Upon request, provide the resident with a lockable container or other lockable storage space for small items of personal property, unless the resident's individual room is lockable by the resident.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-745, filed 6/19/96, effective 7/20/96.]

WAC 388-76-750 Laundry. (1) For each licensed home, the provider shall provide laundry services as needed; and

- (2) The provider shall launder sheets and pillowcases weekly or more frequently as needed.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-750, filed 6/19/96, effective 7/20/96.]

WAC 388-76-755 Local ordinances. The adult family home shall meet all applicable building and housing codes, and state and local fire safety regulations as they pertain to a single family residence. The provider shall be responsible for checking with local authorities to ensure all local codes are met.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-755, filed 6/19/96, effective 7/20/96.]

WAC 388-76-760 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 or services necessary to carry out the program.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-760, filed 6/19/96, effective 7/20/96.]

WAC 388-76-765 Fire safety. (1) Every room used by residents 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) A provider shall not use 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 staff, caregivers and residents 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 (five pound) 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 qualified inspector.
 - (13) The adult family home provider shall have an approved automatic smoke detector in each resident's bedroom and in proximity to the area where any resident or caregiver sleeps. When the licensed home is a multi-level home, a smoke detector shall be installed on each level. For violations in maintaining a smoke detector in working order, the department may require the provider to hard wire the smoke detector into the home's electrical system.
 - (14) An adult family home located in a rural area where there is not a public fire district shall ensure that on-site fire protection approved by the county fire authority is available to the adult family home.

(15) The provider shall assure outside exit doors open from the inside, without the use of a key or any special knowledge or effort.

(16) The provider shall comply with the 1994 Uniform Building Code, section 313, requirements for group LC occupancy (WAC 51-30-313) regarding evacuation capability and location or resident sleeping rooms.

(17) The provider shall notify the department of any fire on the premises by the first working day following the fire.

(18) The department may request to observe adult family home fire drills to assess the provider's ability to evacuate residents.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-765, filed 6/19/96, effective 7/20/96.]

WAC 388-76-770 Safety and maintenance. The provider shall ensure:

(1) The adult family home is maintained to provide a safe, clean, comfortable, and homelike environment;

(2) The adult family home is maintained internally and externally in good repair and condition, and free of hazards;

(3) The home has clean, functioning, safe, adequate household items and furnishings to provide for the needs of the residents;

(4) The home has 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;

(5) Water temperature does not exceed one hundred twenty degrees Fahrenheit at fixtures used by residents, such as tub, shower, and lavatory facilities;

(6) Toxic substances, poisons, and other hazardous materials are stored in a place not accessible to residents except under supervision;

(7) Emergency lighting devices, such as flashlights are in working order and are available and easily accessible to caregivers and residents;

(8) Steps are provided with handrails;

(9) The provider is able to gain rapid access to any bedroom, toilet room, shower room, bathroom, or other room occupied by residents should emergency need arise;

(10) Residents do not use or have access to swimming or other pools, hot tubs, saunas, spas, or any outdoor body of water either on or off the premises without supervision;

(11) That any firearms are kept in locked storage and accessible only to authorized persons; and

(12) The adult family premises are kept free from rodents, flies, cockroaches, and other vermin.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-770, filed 6/19/96, effective 7/20/96.]

WAC 388-76-775 Pets. The provider shall ensure:

(1) Any animal visiting or living on the premises has a suitable temperament, is clean and healthy, and otherwise poses no significant health or safety risks to residents, staff, or visitors; and

(2) Pets residing on the premises have up-to-date rabies vaccinations.

[Title 388 WAC—p. 294]

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-775, filed 6/19/96, effective 7/20/96.]

WAC 388-76-780 Lighting. The provider shall:

(1) Ensure lighting is adequate and comfortable for the functions being conducted in each area of the home; and

(2) Locate light fixtures to provide for the comfort and safety of the residents.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-780, filed 6/19/96, effective 7/20/96.]

WAC 388-76-785 Temperature and ventilation. The adult family home shall:

(1) Maintain room temperature within the home at sixty-eight degrees Fahrenheit or more during waking hours and sixty degrees Fahrenheit or more during sleeping hours; and

(2) Be adequately ventilated to ensure the health and comfort of residents.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-785, filed 6/19/96, effective 7/20/96.]

WAC 388-76-790 Water supply. (1) If an adult family home has a private water supply, the provider shall have it approved by the local health authority; and

(2) The provider shall label nonpotable water on the premises to avoid use.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-790, filed 6/19/96, effective 7/20/96.]

WAC 388-76-795 Sewage and liquid wastes. The provider shall ensure 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 of health.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-795, filed 6/19/96, effective 7/20/96.]

WAC 388-76-9970 Purpose. The purpose of WAC 388-76-9970 through 388-76-9980 is to satisfy the legislative requirements of section 402, chapter 392, Laws of 1997.

[Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9970, filed 9/3/97, effective 9/4/97.]

WAC 388-76-9972 Definitions. For purposes of WAC 388-76-9970 through 388-76-9980, the following definitions shall apply:

"**Accommodation**" means a determination by the department to accept an application for a new adult family home license, based on a case-by-case review of requests.

"**Long distance**" means a distance of thirty miles or more, or requiring thirty minutes or more of travel time between existing licensed residential long-term care facilities.

"**Moratorium**" means a temporary stoppage of the acceptance of new adult family home applications received during the dates specified in WAC 388-76-9974. The mora-

torium is limited because accommodations may be granted by the department to allow for the application for new licenses, in individual cases in which the department finds that a need exists.

"Need" means the necessity for long-term care services by persons enrolled in Medicaid whose care requirements have been assessed to be most appropriately served in a residential long-term care setting. To meet this definition, the department must find that a need exists for one of the following:

(1) Services for persons who reside in a geographical area which has a lack of available providers; a need will be found by the department based on consultation with case managers and on a review of the availability of existing residential facilities; or

(2) Services for persons whose requirements are distinctive, and require special expertise by care providers; a need will be found by the department based on consultation with case managers or specialized departmental staff, such as staff serving persons with developmental disabilities or with mental health disabilities; or

(3) Services for persons of particular ethnic groups whose cultural lifestyle can only be maintained by care providers with knowledge of their culture; a need will be found by the department based on consultation with case managers or specialized departmental staff, such as staff serving persons with developmental disabilities, or persons with mental health disabilities; or

(4) Services for persons who would be isolated from family and friends if they relocated across a long distance in order to receive residential services; a need will be found by the department based on a review of the proximity of existing residential facilities.

[Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9972, filed 9/3/97, effective 9/4/97.]

WAC 388-76-9974 Effective date of the moratorium.

The moratorium shall be effective beginning at 8:00 a.m., September 4, 1997, and extend through 5:00 p.m., December 12, 1997, or until such time as the secretary removes the moratorium. After the moratorium is lifted by the secretary, WAC 388-76-9970 through 388-76-9980 will no longer be effective.

[Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9974, filed 9/3/97, effective 9/4/97.]

WAC 388-76-9976 Process for requesting an individual accommodation. (1) Before submitting an application for adult family home licensure, a person must request an individual accommodation to the moratorium by writing a letter to the director of residential care services, aging and adult services administration, at the following address:

Aging and Adult Services Administration
Director, Residential Care Services
PO Box 45600
Olympia, WA 98504-5600

(2) Any requests for individual accommodations that do not contain all of the requirements listed in subsection (3) of

(1999 Ed.)

this section, will be returned to the individual making the request without action.

(3) The letter requesting an individual accommodation shall contain all of the following:

(a) A statement that the letter is a request for an individual accommodation to the moratorium on the licensure of new adult family homes; and

(b) A statement of which type of need, as defined in WAC 388-76-9972, the adult family home proposes to address; and

(c) A statement that the applicant will contract with the state to provide service to a client or clients who have been determined to be Medicaid eligible; and

(d) A photocopy of one of the following:

(i) For persons who do not currently have an adult family home license: The certificate of attendance at an adult family home orientation. The certificate of attendance can be obtained by attending an orientation session sponsored by a local adult family home area office. Information about the orientations may be obtained by calling the phone numbers listed in subsection (6) of this section; or

(ii) For persons who currently operate a licensed home and are requesting consideration of an additional license, and therefore do not need to attend orientation: A current adult family home license.

(4) The director of residential care services, or the director's designee, shall evaluate the need for the home, based on the definition of need in WAC 388-76-9974. The department shall respond in writing, within fifteen working days, with a decision to grant or deny the request for the individual accommodation. Individuals who receive a letter granting their request for accommodation may then apply for an adult family home license.

(5) The letter requesting the accommodation should not be accompanied by an adult family home application. Any applications or accompanying checks sent with letters will be returned to the applicant without action.

(6) The adult family home area offices are:

Southeast Washington
Phone: 360/493-2546
Address: Residential Care Services/
Adult Family Home Area Office
PO Box 45600
Olympia, WA 98504-5600
Counties: Clark, Cowlitz, Klickitat, Lewis, Pacific, Skamania, Thurston, Wahkiakum.

King County
Phone: 206/587-4285
Address: Residential Care Services/
Adult Family Home Area Office
1737 Airport Way S, Suite 160
Seattle, WA 98134
County: King (excluding north King County zip codes).

Northwest Washington
Phone: 360/653-0591
Address: Residential Care Services/
Adult Family Home Area Office
PO Box 3504
Arlington, WA 98036

Counties: Island, San Juan, Skagit, Snohomish, Whatcom (and including north King County zip codes).

Northeast Washington
Phone: 509/456-3911
Address: Residential Care Services/
Adult Family Home Area Office
316 W. Boone, Suite 170
Spokane, WA 99201-2351

Counties: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima.

Pierce County and the Olympic Peninsula
Phone: 253/597-4160
Address: Residential Care Services/
Adult Family Home Area Office
1949 S. State Street
Tacoma, WA 98405-2850

Counties: Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pierce.

[Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9976, filed 9/3/97, effective 9/4/97.]

WAC 388-76-9978 Applications that will be processed during the moratorium. (1) Applications received under any one of the following conditions shall be processed according to the usual departmental licensure process:

(a) Applications postmarked on or before September 3, 1997, to:

Aging and Adult Services Administration
Residential Care Services
PO Box 45600
Olympia, WA 98504-5600; or

(b) Applications hand delivered no later than 5:00 p.m., September 3, 1997, to:

Aging and Adult Services Administration
Residential Care Services/Adult Family Home Licensing
Building A, 600 Woodland Square Loop
Lacey, WA 98503

With the delivery confirmed by a receipt from aging and adult services staff; or

(c) Applications received with an attached letter from the director of residential care services, or the director's designee, stating that an individual accommodation has been granted; or

(d) Applications for licensed homes that are relocating. Applicants who are planning to relocate shall make a notation on the first page of their application, indicating that they have a current license and plan to relocate. This does not include applications for licenses for homes where the license is being transferred from one individual or entity to another individual or entity.

(2) All other applications shall be returned to the applicant without action.

[Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9978, filed 9/3/97, effective 9/4/97.]

[Title 388 WAC—p. 296]

WAC 388-76-9980 Notification of the end of the moratorium. Persons currently holding an adult family home license, and persons on the department's interested parties mailing list will be notified of the date that the moratorium is no longer in effect, as determined by the secretary.

[Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9980, filed 9/3/97, effective 9/4/97.]

Chapter 388-78A WAC

BOARDING HOMES

(Formerly chapter 246-316 WAC)

WAC

388-78A-010	Definitions.
388-78A-020	Licensure—Initial, renewal, day care approval respite care, modifications.
388-78A-030	Responsibilities and rights—Licensee and department.
388-78A-040	Administrator.
388-78A-045	Criminal history, disclosure, and background inquiries.
388-78A-050	Staff.
388-78A-055	Policies and procedures.
388-78A-060	HIV/AIDS education and training.
388-78A-070	Construction.
388-78A-080	Communication system.
388-78A-090	Water supply.
388-78A-100	Sewage and liquid waste disposal.
388-78A-110	Garbage and refuse disposal.
388-78A-120	Lighting.
388-78A-130	Heating—Temperature.
388-78A-140	Ventilation.
388-78A-150	Resident room—Room furnishings—Storage.
388-78A-160	Toilet rooms and bathrooms.
388-78A-170	Food and nutrition services.
388-78A-180	Day rooms.
388-78A-190	Laundry.
388-78A-200	Storage space.
388-78A-210	Stairs—Ramps.
388-78A-220	Guardrails—Handrails.
388-78A-230	Maintenance and housekeeping.
388-78A-240	Criteria for accepting and retaining residents.
388-78A-250	Resident rights.
388-78A-260	Resident services.
388-78A-265	Limited nursing services.
388-78A-268	Health care services—Resident-arranged.
388-78A-280	Notification—Change in resident's condition.
388-78A-290	Safety measures and quality assurance.
388-78A-300	Medication services.
388-78A-310	Resident register.
388-78A-320	Resident health record.
388-78A-330	Adult day care.
388-78A-335	Residents—Dementia care.
388-78A-340	Exemptions.
388-78A-990	Fees.

WAC 388-78A-010 Definitions. For the purpose of this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

"Abuse" means an act by any individual which injures, exploits or in any way jeopardizes a resident's health, welfare, or safety, including but not limited to:

(1) Physically damaging or potentially damaging nonaccidental acts;

(2) Emotionally damaging verbal behavior and harassment; and

(3) Sexual use, exploitation and mistreatment through inappropriate touching, inappropriate remarks or encouraging participation in pornography or prostitution.

"Activities of daily living" means those tasks related to basic personal care such as bathing, toileting, dressing, grooming, hygiene, ambulation, and eating.

"Aged person" means, according to RCW 18.20.020, a person of the age of sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

"Ambulatory" means capable of walking or traversing a normal path to safety without the physical assistance of another individual;

(1) **"Semi-ambulatory"** means physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another individual;

(2) **"Nonambulatory"** means unable to walk or traverse a normal path to safety without the physical assistance of another individual.

"Bathing fixture" means a bathtub, shower or sit-down shower.

"Bathroom" means a room containing at least one bathing fixture.

"Board" means, in the definition of boarding home, the provision of meal service and lodging.

"Boarding home" means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

"Colostomy care, uncomplicated routine" means an act of changing a colostomy bag and dressing according to boarding home procedures approved by a RN or physician, when the resident does not:

(1) Have colostomy complications, including but not limited to obvious infection, constipation, diarrhea, painful, cracked or bleeding skin; or

(2) Need colostomy irrigations.

"Construction" means:

(1) A new building to be used as a boarding home or part of a boarding home;

(2) An addition, modification or alteration to the facility which changes the department-approved use of an existing boarding home or portion of a boarding home; and

(3) An existing building or portion thereof to be converted for use as a boarding home.

"Continuing care contract" means, as stated in RCW 70.38.025, a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually termina-

ble or because shelter and services are not provided at the same location.

"Continuing care retirement community" means, as stated in RCW 70.38.025, an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service.

"Contractor" means an agency or person who contracts with a licensee to provide resident-care services or equipment.

"Dementia care" means a form of care unique to the needs of residents with dementia of the alzheimer type exhibiting symptoms such as impaired cognition, confusion, memory loss, personality change, disorientation, chronic wandering, loss of inhibitions, and other intellectual losses diminishing the ability to perform basic personal care functions, which:

(1) May or may not be provided in a dementia care unit; and

(2) Is not normally applied to developmentally disabled individuals as defined in chapter 71A.10 RCW.

"Dementia care unit" means an area of a boarding home staffed by individuals trained in dementia care and designed to facilitate the provision of such care to residents with dementia of the alzheimer type.

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

"Dietitian" means an individual certified under chapter 18.138 RCW.

"Document" means to record, with signature, title, date and time:

(1) Information about medication administration or disposal, a nursing care procedure, accident, occurrence or change in resident condition that may impact the care or needs of a resident; and

(2) Processes, events or activities that are required by law, rule or policy.

"Domiciliary care" means:

(1) Assistance with activities of daily living provided by the licensee either directly or by contract;

(2) Assuming general responsibility for the safety and well-being of the resident; and

(3) Limited nursing services, if provided by the licensee.

"Exploitation" means the illegal or improper use of a resident's resources, labor, or services for another person's profit or advantage.

"Functional abilities" means the physical, mental, emotional and social abilities of a resident to cope with the affairs and activities of daily living.

"Health care practitioner" means any individual authorized by Washington state law to provide health care, including but not limited to a physician, dentist, chiropractor, naturopath, advanced registered nurse practitioner or physician's assistant.

"Incident report" means a written record of an event involving a resident including but not limited to injury, abuse, neglect, or exploitation.

"Infectious" means capable of causing infection or disease by entrance of organisms into the body which grow and

multiply there, including but not limited to bacteria, viruses, protozoans, and fungi.

"Independent living unit" means an apartment, condominium or other self-sufficient dwelling unit occupied by an individual or individuals not receiving domiciliary care.

"Independent senior housing" means an independent living unit occupied by an individual or individuals sixty or more years of age.

"Individual's resident plan" means a statement, written by the licensee and approved by the resident or resident's representative, of services to be provided based on an evaluation of the resident's needs.

"Infirmity" means a disability which materially limits normal activity without requiring inpatient medical or nursing care. An infirmity may be based on conditions, including but not limited to physical handicap, mental illness, developmental disability, mental confusion, disability or disturbance.

"Licensee" means the person to whom the department issues the boarding home license.

"Licensed resident bed capacity" means the resident occupancy level requested by the licensee and approved by the department.

"Licensed room list" means a department-approved list identifying resident rooms, the dimensions and calculated square footage of each room, the number of approved bed spaces, and other information relative to the licensed resident bed capacity of a boarding home.

"Limited nursing services" means nursing care, consistent with chapters 18.78 and 18.88 RCW, provided by the licensee which does not include continuous skilled nursing care and supervision of the type provided in nursing homes licensed pursuant to chapter 18.51 RCW.

"Medication" means **"drugs"** as defined in RCW 18.64.011.

"Medication administration" means the act of an authorized individual giving medication to a resident in accordance with the laws and regulations governing such acts and entails:

(1) Comparing the label on the container with the prescriber's order or with a direct copy of a verified transcription of the order;

(2) Removing an individual dose from a previously dispensed, properly labeled container;

(3) Giving an individual dose to the proper resident; and

(4) Properly recording the medication, dose, and time given in the resident record.

"Neglect" means conduct resulting in the deprivation of care necessary to maintain the resident's minimum physical and mental health including:

(1) Physical and material deprivation;

(2) Lack of medical care;

(3) Inadequate food, clothing or cleanliness;

(4) Rejection;

(5) Lack of social interaction and physical activity;

(6) Lack of personal care; and

(7) Lack of supervision appropriate for the resident's level of functioning.

"Nurse" means an individual licensed either as a:

(1) **"Licensed practical nurse"** or **"LPN"** under chapter 18.78 RCW; or

(2) **"Registered nurse"** or **"RN"** under chapter 18.88 RCW.

"Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and the legal successor thereof.

"Physician" means an individual licensed under chapter 18.57 or 18.71 RCW.

"Prescriber" means a health care practitioner authorized by Washington state law to prescribe drugs.

"Resident-care staff person" means any employee, temporary employee, volunteer, or contractor who provides direct care services to a resident.

"Resident" means an individual living in a boarding home who is not related by blood or marriage to the operator of the boarding home and, by reason of age or infirmity, requires domiciliary care.

"Resident's representative" means an individual legally appointed, or designated by the resident in writing, to act in the resident's behalf.

"Respite care" means short term care of an aged person to temporarily relieve the family or other care-giver of providing that care.

"Restraint" means any methods used to prevent or limit free body movement, including but not limited to:

(1) Confinement, unless agreed to as provided in WAC 388-78A-335(3);

(2) An apparatus; and

(3) A drug given without, or contrary to, a legally prescribed order.

"Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

"Staff person" means any employee, temporary employee, volunteer, or contractor.

"State Building Code" means chapter 51-20 WAC, State Building Code adoption and amendment of the Uniform Building Code; chapter 51-22 WAC, State Building Code adoption and amendment of the Uniform Mechanical Code; chapter 51-24 WAC, State Building Code adoption and amendment of the Uniform Fire Code; and chapter 51-25 WAC, State Building Code adoption and amendment of the Uniform Fire Code.

"Toilet" means a disposal apparatus fitted with a seat and flushing device used for urination and defecation.

"Urethral catheter care, uncomplicated routine" means an act of performing perineal care, emptying the drainage bag, measuring the contents as required, and replacing and repositioning the drainage bag; but does not mean the act of inserting, irrigating, or removing the catheter.

"Usable floor space" means:

(1) For boarding homes licensed prior to January 1, 1989, and continuously thereafter, floor area in resident bedrooms excluding walk-in closets; or

(2) For boarding homes licensed after December 31, 1988, floor area in living and sleeping rooms excluding bathrooms, toilets, toilet compartments, closets, halls, storage, and utility spaces.

"Volunteer" means an individual who regularly provides planned and organized services within the boarding home without reimbursement, but does not mean an individual who visits residents or provides occasional entertainment.

"Vulnerable adult" means an individual sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the Washington state department of labor and industries.

[Statutory Authority: RCW 18.20.090 and 18.20.240. 98-24-038, § 388-78A-010, filed 11/24/98, effective 1/1/99. Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-010, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-010, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-001, filed 4/14/89; 83-13-068 (Order 264), § 248-16-001, filed 6/16/83; Order 147, § 248-16-001, filed 6/29/77; Order 97, § 248-16-001, filed 4/5/74; § 248-16-001, filed 10/3/67; Emergency Regulation filed 8/4/67; Regulation.16.001, effective 3/11/60; Subsec. 6, Rule 1 and Subsec. 7, Rule 2, filed 5/31/61.]

WAC 388-78A-020 Licensure—Initial, renewal, day care approval respite care, modifications. (1) A person shall have a current license issued by the department before operating or advertizing a boarding home.

(2) An applicant for initial licensure shall submit to the department, forty-five days or more before commencing business:

- (a) A completed application on forms provided by the department;
- (b) Verification of department approval of facility plans submitted for construction review;
- (c) A criminal history background check in accordance with WAC 246-316-045(2);
- (d) The fee specified in WAC 246-316-990; and
- (e) Other information as required by the department.

(3) A licensee shall apply for license renewal annually at least thirty days before the expiration date of the current license by submitting to the department:

- (a) A completed application on forms provided by the department;
 - (b) A criminal history background check in accordance with WAC 246-316-045(2);
 - (c) The fee specified in WAC 246-316-990; and
 - (d) Other information as required by the department.
- (4) A licensee, prior to accepting adults for day care, shall:

- (a) Submit a letter to the department which includes:
 - (i) The maximum number of adults in the proposed day care program; and
 - (ii) An attestation of meeting the requirements in WAC 246-316-330;
 - (b) Obtain written department approval, including the maximum approved capacity for day care adults; and
 - (c) Maintain and post written approval in a conspicuous place on the boarding home premises.
- (5) A licensee may provide respite care within the licensed bed capacity.

(1999 Ed.)

(6) A licensee, prior to changing the licensed bed capacity, shall:

- (a) Submit a letter requesting approval to the department at least thirty days before the intended change;
- (b) Submit the prorated fee as determined by the department; and
- (c) Obtain an amended license indicating the new bed capacity.

(7) A licensee, prior to changing the location or use of rooms listed on the licensed room list shall:

- (a) Notify the department in writing thirty days or more before the intended change; and
 - (b) Maintain a copy of the licensed room list.
- (8) At least thirty days before selling, leasing, or renting the boarding home or changing officers or partners, and immediately upon a change of administrator, the licensee shall submit to the department:

- (a) Name and address of the boarding home;
- (b) Type of change;
- (c) Full names of the present and prospective licensee;
- (d) Date of proposed change;
- (e) Names and addresses of all responsible officers or controlling partners; and
- (f) A signed statement attesting that any new controlling officers are in compliance with this chapter.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-020, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-020, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842. 93-16-030 (Order 381), § 246-316-020, filed 7/26/93, effective 8/26/93. Statutory Authority: RCW 18.20.090 and 34.05.220. 92-02-018 (Order 224), § 246-316-020, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW, RCW 34.05.220 (1)(a) and 18.20.909 [18.20.090]. 90-06-019 (Order 039), § 248-16-031, filed 2/28/90, effective 3/1/90. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-031, filed 4/14/89.]

WAC 388-78A-030 Responsibilities and rights—Licensee and department. (1) The licensee shall:

- (a) Comply with the provisions of chapter 18.20 RCW and this chapter;
 - (b) Maintain and post in a conspicuous place on the boarding home premises:
 - (i) A current boarding home license; and
 - (ii) The name, address and telephone number of the department, appropriate resident advocacy groups, and state and local long-term care ombudsman with a brief description of ombudsman services;
 - (c) Maintain the occupancy level at or below the licensed resident bed capacity of the boarding home;
 - (d) Cooperate with the department during on-site surveys and investigations;
 - (e) Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form:
 - (i) A written plan of correction for each deficiency stated in the report; and
 - (ii) A progress report of corrections.
- (2) An applicant or licensee may contest a disciplinary decision or action of the department according to the provi-

[Title 388 WAC—p. 299]

sions of RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC.

(3) The department shall:

(a) Issue or renew a license when the applicant or licensee and the boarding home facilities meet the requirements in chapter 18.20 RCW and this chapter;

(b) Verify with the state director of fire protection that the boarding home complies with the fire protection standards, chapter 212-12 WAC, before issuing a license;

(c) Evaluate qualifications of individuals named in each license application prior to granting an initial or renewal license;

(d) Conduct unannounced on-site surveys and investigations at any time to determine compliance with chapter 18.20 RCW and this chapter;

(e) Give the administrator a written statement of deficiencies of chapter 18.20 RCW and this chapter observed during on-site surveys and investigations;

(f) Provide the licensee with a licensed room list; and

(g) Deny, suspend, modify, or revoke a boarding home license in accordance with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC.

(4) The department may:

(a) Deny, suspend, or revoke a boarding home license if the department finds any individual named in the license application is unqualified or unable to operate or direct operation of the boarding home according to chapter 18.20 RCW and this chapter; and

(b) Deny, suspend, or revoke a boarding home license if the department finds the applicant, any individual named in the application, or the licensee:

(i) Knowingly or with reason to know, makes false statements of material fact in the application for the license or the renewal of the license;

(ii) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(iii) Fails or refuses to comply with the requirements of chapter 18.20 RCW or this chapter;

(iv) Fails to meet other applicable state and local regulations;

(v) Had a license to operate an agency for the treatment or care of children, aged, ill, or infirm denied, revoked or suspended;

(vi) Has a record of a criminal or civil conviction for:

(A) Operating an agency for care of aged, children, ill, or infirm without an applicable license; or

(B) Any crime involving physical harm to another individual; or

(C) Any crime or disciplinary board final decision specified in RCW 43.43.830;

(vii) Commits, permits, aids, or abets an illegal act on boarding home premises;

(viii) Demonstrates cruelty, abuse, negligence, assault, or indifference to the welfare and well-being of a resident;

(ix) Abandons a resident by:

(A) Leaving the resident without the means or ability to obtain food, clothing, shelter, or health care; or

(B) Neglecting to provide thirty days written notice to the department and resident or the resident's representative of intent to close or leave the boarding home;

(x) Fails to exercise fiscal accountability and responsibility involving:

(A) A resident;

(B) The department;

(C) Public agencies; or

(D) The business community;

(xi) Refuses to allow department representatives to examine any part of the licensed premises including records required under this chapter;

(xii) Fails to take immediate corrective action in any instance of cruelty, assault, abuse, neglect, or indifference to the welfare of a resident; or

(xiii) Retaliates against a staff person, resident or other individual for reporting suspected abuse or other alleged improprieties.

(5) The department may summarily suspend a license pending proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a resident's health, safety or welfare.

[Statutory Authority: RCW 18.20.240, 98-20-021, recodified as § 388-78A-030, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090, 94-13-180, § 246-316-030, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-030, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-316-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090, 89-09-034 (Order 2786), § 248-16-033, filed 4/14/89.]

WAC 388-78A-040 Administrator. (1) The licensee shall employ an administrator and designate an alternate administrator who are twenty-one or more years of age, and:

(a) Hold an associate degree in health, personal care, or business administration, such as:

(i) Social work;

(ii) Nursing;

(iii) Nutrition;

(iv) Physical therapy;

(v) Occupational therapy; or

(vi) Management; or

(b) Hold an advanced degree in a field specified in (a) of this subsection; or

(c) Are certified by a department-recognized national accreditation health or personal care organization, such as the American Association of Homes for the Aging; or

(d) Have a high school diploma or equivalent and two years experience as a resident-care staff person, including one year of caring for residents representative of the population in the boarding home; or

(e) Held the position of an administrator in a Washington state licensed boarding home or nursing home prior to August 1, 1994.

(2) The administrator, or alternate administrator when acting as the administrator, shall:

(a) Be responsible for the overall twenty-four-hour-per-day operation of the boarding home; and

(i) Provide for the care of residents; and

(ii) Comply with this chapter and policies of the licensee; and

(b) Be available in person or by telephone or electronic pager at all times.

(3) The administrator and alternate administrator shall meet the requirements for criminal history background checks in WAC 246-316-045.

(4) Upon the appointment of a new administrator or alternate administrator, the licensee shall provide in writing to the department:

(a) The full name of the new administrator or alternate administrator; and

(b) A statement that the new administrator or alternate administrator is in compliance with this chapter.

[Statutory Authority: RCW 18.20.240, 98-20-021, recodified as § 388-78A-040, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090, 94-13-180, § 246-316-040, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842, 93-16-030 (Order 381), § 246-316-040, filed 7/26/93, effective 8/26/93. Statutory Authority: RCW 18.20.090, 92-02-018 (Order 224), § 246-316-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-316-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090, 89-09-034 (Order 2786), § 248-16-036, filed 4/14/89.]

WAC 388-78A-045 Criminal history, disclosure, and background inquiries. (1) The licensee or license applicant shall require a disclosure statement as defined in RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other individual associated with the boarding home having direct contact with vulnerable adults as defined under RCW 43.43.830.

(2) The license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

(a) With the initial application for licensure; or

(b) For current licensees, with the first application for renewal of license submitted after September 1, 1993.

(3) The licensee or license applicant shall:

(a) Require a Washington state patrol criminal history background inquiry, as specified in RCW 43.43.842(1), from the Washington state patrol or the department of social and health services for each:

(i) Staff person, student, and any other individual currently associated with the boarding home, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective staff person, student, and individual applying for association with the boarding home prior to allowing the individual direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each individual identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the individual to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the individual of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the individual within ten days of receipt.

(4) The licensee may conditionally employ, contract with, accept as a volunteer or associate, an individual having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the individual; and

(1999 Ed.)

(b) Requests a background inquiry within three business days of the conditional acceptance of the individual.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any individual having direct contact with vulnerable adults, if that individual has been:

(a) Convicted of a crime against individuals as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation as defined in RCW 43.43.830;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

(a) Maintained in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any individual except:

(i) The individual about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor; and

(d) Retained and available for department review:

(i) During the individual's employment or association with a facility; and

(ii) At least two years following termination of employment or association with a facility.

(7) The department shall:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for an individual associated with the licensed boarding home having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

[Statutory Authority: RCW 18.20.240, 98-20-021, recodified as § 388-78A-045, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090, 94-13-180, § 246-316-045, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842, 93-16-030 (Order 381), § 246-316-045, filed 7/26/93, effective 8/26/93.]

WAC 388-78A-050 Staff. (1) The licensee shall:

(a) Develop and maintain written job descriptions for the administrator and each staff position;

(b) Verify work references;

(c) Verify required credentialing is current and in good standing for licensed and certified staff;

(d) Document and retain weekly staffing schedules, as planned and worked, for the last twelve months;

(e) Provide sufficient, trained staff in each boarding home to:

(i) Furnish the services and care needed by residents;

(ii) Maintain the boarding home free of safety hazards; and

(iii) Implement fire and disaster plans;

(f) Assure one or more resident-care staff eighteen years of age or older, with current cardiopulmonary resuscitation and first-aid cards, is present to assist residents at all times:

(i) On the boarding home premises when one or more residents are present;

(ii) Off the boarding home premises during boarding home activities; and

(iii) When staff transport a resident;

(g) Assure staff provide "on-premises" supervision when any resident is working for, or employed by, the boarding home; and

(h) Provide staff orientation and appropriate training for expected duties, including:

(i) Organization of boarding home;

(ii) Physical boarding home layout;

(iii) Specific duties and responsibilities; and

(iv) Policies, procedures, and equipment necessary to perform duties.

(2) The licensee shall, in addition to following WISHA requirements, protect residents from tuberculosis by requiring each staff person to have, upon employment:

(a) A tuberculin skin test by the Mantoux method, unless the staff person:

(i) Documents a previous positive Mantoux skin test, which is ten or more millimeters of induration read at forty-eight to seventy-two hours;

(ii) Documents meeting the requirements of this subsection within the six months preceding the date of employment; or

(iii) Provides a written waiver from the department or authorized local health department stating the Mantoux skin test presents a hazard to the staff person's health;

(b) A second test one to three weeks after a negative Mantoux skin test for staff thirty-five years of age or older;

(c) A chest x-ray within seven days of any positive Mantoux skin test.

(3) The licensee shall report positive chest x-rays to the appropriate public health authority, and follow precautions ordered by a physician or public health authority.

(4) The licensee shall retain records of tuberculin test results, reports of x-ray findings, exceptions, physician or public health official orders, and waivers in the boarding home.

(5) The licensee shall assure that all resident-care staff including those transporting residents and supervising resident activities, except licensed staff whose professional training exceeds first-responder training, have within thirty days of employment:

(a) Current cardiopulmonary resuscitation cards from instructors certified by:

(i) American Red Cross;

(ii) American Heart Association;

(iii) United States Bureau of Mines; or

(iv) Washington state department of labor and industries; and

(b) Current first-aid cards from instructors certified as in (a) of this subsection, except nurses do not need first-aid cards.

(6) The licensee shall restrict a staff person's contact with residents when the staff person has a known communicable disease in the infectious stage which is likely to be spread in the boarding home setting or by casual contact.

(7) The licensee shall assure any staff person suspected or accused of abuse does not have access to any resident until the licensee investigates and takes action to assure resident safety to the satisfaction of the department.

(8) The licensee shall not interfere with the investigation of a complaint, coerce a resident, or conceal evidence of alleged improprieties occurring within the boarding home.

(9) The licensee shall prohibit an employee from being directly employed by a resident or a resident's family during the hours the employee is working for the boarding home.

(10) The licensee shall maintain the following documentation on the boarding home premises, during employment, and at least two years following termination of employment:

(a) Staff orientation and training pertinent to duties, including cardiopulmonary resuscitation, first-aid, tuberculin skin testing and HIV/AIDS training;

(b) Criminal history disclosure and background checks as required in WAC 246-316-045; and

(c) Verification of contacting work references and professional licensing and certification boards as required by subsection (1) of this section.

[Statutory Authority: RCW 18.20.240, 98-20-021, recodified as § 388-78A-050, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090, 94-13-180, § 246-316-050, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842, 93-16-030 (Order 381), § 246-316-050, filed 7/26/93, effective 8/26/93. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-316-050, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090, 89-09-034 (Order 2786), § 248-16-046, filed 4/14/89.]

WAC 388-78A-055 Policies and procedures. (1) The licensee shall establish and observe the following written policies and procedures, consistent with this chapter and services provided:

(a) Accepting and retaining residents, including specific policies, if any, for accepting or retaining residents needing state income assistance;

(b) Anti-discrimination;

(c) Limited nursing services consistent with WAC 246-316-265;

(d) Health care services arranged by a resident under the provisions of WAC 246-316-268, specifying the types of services allowed in the boarding home, and who has the responsibility for each aspect of the resident's care;

(e) Infection control, including:

(i) Cleaning and disinfecting toilets, bathing fixtures, floors, furniture, and common areas;

(ii) Cleaning resident rooms and furnishings;

(iii) Handwashing;

(iv) Managing staff and residents with communicable disease;

(v) Reporting communicable diseases in accordance with the requirements in chapter 246-100 WAC;

(vi) Handling and storing supplies and equipment used for resident services;

(vii) Infectious waste disposal;

(viii) Bloodborne pathogens in accordance with chapter 296-62 WAC; and

(ix) Laundry and handling of soiled and clean linens;

(f) Supervising and monitoring residents;

(g) Managing aggressive, assaultive residents, including but not limited to:

(i) Controlling violent residents; and

(ii) When and how to seek outside intervention;

(h) Food services, including but not limited to:

(i) Food service sanitation;

(ii) Procuring and storing food;

(iii) Meal times;

(iv) Modified diets;

(v) Food preparation;

(vi) Nutrient supplements; and

(vii) Food and meal substitution;

(i) Maintaining resident records and register;

(j) Medication services for each service category offered in the boarding home;

(k) Boarding home safety;

(l) Adult day care;

(m) Care of residents with dementia, delineating special services required;

(n) Emergency medical care and first-aid, including:

(i) Major emergencies;

(ii) Minor emergencies; and

(iii) Staff actions upon finding a resident not responsive to appropriate stimuli;

(o) Death of a resident;

(p) Suspected abuse, neglect, or exploitation including but not limited to:

(i) Reporting requirements according to chapters 26.44 and 74.34 RCW;

(ii) Responsibility of staff to immediately contact the department directly regarding suspected or alleged abuse or other improprieties, without retaliation from the licensee or administrator;

(iii) Protocol to protect residents according to WAC 246-316-050(7); and

(iv) Additional steps to take in the event of suspected rape or sexual abuse, including:

(A) Immediate medical examination of the alleged victim, with prior notice to the examining physician that the patient may have been raped or sexually abused;

(B) Arranging for a counselor or other professional knowledgeable in the field of rape and sexual assault to question or interview the resident, and provide counseling or intervention, when appropriate; and

(C) Allowing only staff with special training in the field of rape and sexual assault to question the victim or the suspected perpetrator regarding the alleged incident, unless the department, police or prosecutor's office instructs otherwise;

(q) Protecting residents and maintaining living accommodations during internal and external disasters, such as fires, explosions, earthquakes, flooding, hazardous environmental contamination, and other events that jeopardize the safety of residents, describing:

(i) On-duty staff responsibilities;

(ii) Provisions for summoning emergency assistance;

(iii) Plans for evacuating residents from area or building;

(iv) Alternative resident accommodations;

(v) Provisions for essential resident needs, supplies and equipment; and

(vi) Emergency communication plan;

(r) Advance directives as described in chapter 70.122 RCW, Natural Death Act;

(s) Resident's temporary absence from the boarding home;

(t) Confidentiality of resident information;

(u) Criminal history background checks in accordance with WAC 246-316-045;

(v) Resident trust funds; and

(w) Smoking, including means to protect nonsmokers.

(2) The licensee shall make the policies and procedures specified in subsection (1) of this section available to staff at all times and residents and residents' representatives upon request.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-055, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-055, filed 6/21/94, effective 7/22/94.]

WAC 388-78A-060 HIV/AIDS education and training. The licensee shall:

(1) Verify or arrange appropriate education and training of staff within thirty days of employment on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with:

(a) The approved curriculum manual *KNOW - HIV/AIDS Prevention Education for Health Care Facility Employees*, January 1991, or subsequent editions published by the department; and

(b) WAC 296-62-08001, Bloodborne pathogens implementing WISHA.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-060, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-060, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-060, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.310. 89-21-038 (Order 3), § 248-16-048, filed 10/12/89, effective 11/12/89.]

WAC 388-78A-070 Construction. (1) The licensee shall comply with chapter 31 of the Washington State Building Code for all construction.

(2) Prior to starting new construction, the licensee shall submit the following documentation to the department:

(a) A completed application form, a copy of which is provided in the *Submissions Guide for Health and Residential Facility Construction Projects*, which may be obtained from the department;

(b) The fee as specified in chapter 246-314 WAC;

(c) A functional program which describes the services and operational methods affecting the boarding home building, premises, and residents;

(d) One set of preliminary documents including, when applicable:

(i) Plot plans drawn to scale showing:

(A) Streets, driveways, parking, vehicle and pedestrian circulation;

(B) Site utilities, water service system, sewage disposal system, electrical service system, elevations; and

(C) Location of existing and new buildings and other fixed equipment;

(ii) Building plans drawn to scale showing:

(A) Floor plans designating function of each room and fixed equipment;

(B) Typical building sections and exterior elevations;

(iii) Outline specifications generally describing the construction and materials including mechanical and electrical systems; and

(e) Three sets of final construction drawings, stamped by a Washington state licensed architect or engineer, complying with the requirements of this chapter including, when applicable:

(i) Plot plans drawn to scale showing all items required in the preliminary plan in final form;

(ii) Building plans drawn to scale showing:

(A) Floor plans designating function of each room and fixed equipment;

(B) Interior and exterior elevations;

(C) Building sections and construction details;

(D) Schedules of room finishes, doors, finish hardware and windows;

(E) Mechanical, including plumbing, heating, venting and air conditioning; and

(F) Electrical, including lighting, power, and communication systems; and

(iii) Specifications fully describing the workmanship and finishes;

(f) Three copies of specifications, radiant panel and smoke density test reports for each carpet type used in corridors and exitways;

(g) Three copies of fire sprinkler system shop drawings, hydraulic calculations and equipment specifications, stamped by the fire sprinkler contractor; and

(h) Three copies of fire alarm system shop drawings and equipment specifications.

(3) The licensee shall:

(a) Obtain department approval of final construction documents prior to starting construction;

(b) Conform with the approved plans during construction;

(c) Consult with the department prior to deviating from approved documents;

(d) Provide a written construction project completion notice to the department indicating:

(i) The expected completion date; and

(ii) Compliance with the approved construction documents, requirements of chapter 18.20 RCW and this chapter;

(e) Make adequate provisions for the health, safety and comfort of residents during construction projects;

(f) Obtain authorization from the department prior to occupying or using new construction; and

(g) Obtain approval of the Washington state fire protection services division prior to new construction, modification, and alteration consistent with RCW 18.20.130.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-070, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-070, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-070, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-070, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-057, filed 4/14/89.]

WAC 388-78A-080 Communication system. (1) The licensee shall provide one or more nonpay telephones:

(a) In each building located for ready access by staff; and

(b) On the premises for reasonable access and privacy by residents.

(2) By January 1, 1995, a licensee with a boarding home exceeding four thousand square feet total floor area, more than one building, or more than one floor shall have a means for staff and residents to communicate by voice or call system, which may be wired or wireless, from all common areas and corridors to on-duty staff in an emergency.

(3) The licensee shall have a mechanism in the room of, and easily accessible to, each resident whose medical or physical condition does not enable the resident to otherwise summon staff for assistance.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-080, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-080, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-080, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-060, filed 4/14/89; 83-13-068 (Order 264), § 248-16-060, filed 6/16/83; Order 147, § 248-16-060, filed 6/29/77; Regulation.16.060, effective 3/11/60.]

WAC 388-78A-090 Water supply. The licensee shall:

(1) Provide water meeting the provisions of chapter 246-290 WAC;

(2) Maintain the boarding home water systems free of cross-connections;

(3) Provide hot and cold water under adequate pressure readily available throughout the boarding home;

(4) Provide all sinks and bathing fixtures used by residents with hot water between one hundred five and one hundred twenty degrees Fahrenheit at all times;

(5) Label or color code nonpotable water supplies "unsafe for domestic use"; and

(6) Meet laundry and dishwashing water temperature requirements of this chapter.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-090, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-090, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-090, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-090, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-070, filed 4/14/89; 83-13-068 (Order 264), § 248-16-070, filed 6/16/83; Order 147, § 248-16-070, filed 6/29/77; Regulation .16.070, effective 3/11/60.]

WAC 388-78A-100 Sewage and liquid waste disposal. The licensee shall:

(1) Ensure all sewage and waste water drain into a municipal sewage disposal system if available; or

(2) Provide on-site sewage disposal systems designed, constructed, and maintained as required by chapter 246-272 WAC, chapter 173-240 WAC, and local ordinances.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-100, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-100, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-100, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-080, filed 4/14/89; Order 147, § 248-16-080, filed 6/29/77; Regulation .16.080, effective 3/11/60.]

WAC 388-78A-110 Garbage and refuse disposal. The licensee shall:

(1) Provide an adequate number of garbage containers to store refuse generated by the boarding home:

(a) Located in a storage area convenient for resident and staff use;

(b) Constructed of nonabsorbent material;

(c) Cleaned and maintained to prevent:

(i) Entrance of insects, rodents, birds, or other pests;

(ii) Odors; and

(iii) Other nuisances;

(2) Provide only noncombustible waste containers in common use areas;

(3) Assure garbage and waste containers are emptied frequently to prevent hazards and nuisances;

(4) Use safe and sanitary garbage collection and disposal practices; and

(5) Use appropriate containers and collection/disposal services if infectious wastes are generated.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-110, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-110, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-110, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-090, filed 4/14/89; 83-13-068 (Order 264), § 248-16-090, filed 6/16/83; Order 147, § 248-16-090, filed 6/29/77; Regulation .16.090, effective 3/11/60.]

WAC 388-78A-120 Lighting. The licensee shall maintain electric light fixtures and lighting necessary for the comfort and safety of residents, with minimum intensities of:

(1) Five foot-candles of light measured thirty inches from the floor in all areas;

(2) Thirty foot-candles of light measured at reading, work, and recreation surfaces in any room or area used by residents for reading, work, or recreation; and

(3) Ten foot-candles of light measured thirty inches from the floor in toilet rooms and bathrooms.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-120, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-120, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-120, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-105, filed 4/14/89; 83-13-068 (Order 264), § 248-16-105, filed 6/16/83.]

WAC 388-78A-130 Heating—Temperature. The licensee shall:

(1) Equip each resident-occupied building with an approved heating system which maintains a minimum temperature of:

(a) Sixty degrees Fahrenheit during sleeping hours; and
(b) Sixty-eight degrees Fahrenheit during waking hours, except when:

(i) A room is designated for activities requiring physical exertion; or

(ii) Residents can control temperature in their own units, independent from other areas;

(2) Equip each resident-occupied building with a mechanical air cooling system or equivalent in communities where the design dry bulb temperature exceeds eighty-five degrees Fahrenheit for one hundred seventy-five hours per year or two percent of the time, as specified in the latest edition of "*Recommended Outdoor Design Temperatures—Washington State*," published by Puget Sound chapter of *American Society of Heating, Refrigeration, and Air-Conditioning Engineers*; and

(3) Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-130, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-130, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-130, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-110, filed 4/14/89; 83-13-068 (Order 264), § 248-16-110, filed 6/16/83; Order 147, § 248-16-110, filed 6/29/77; Regulation .16.110, effective 3/11/60.]

WAC 388-78A-140 Ventilation. The licensee shall:

(1) Ventilate rooms to:

(a) Provide adequate air circulation without drafts;

(b) Prevent excessive odors or moisture; and

(c) Remove smoke;

(2) Designate and ventilate smoking areas, if smoking is permitted in the boarding home, to prevent air contamination throughout the boarding home;

(3) Provide sixteen mesh screens on operable windows and openings used for ventilation; and

(4) Prohibit screens that may restrict or hinder escape or rescue through emergency exit openings.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-140, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-140, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-140, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-115, filed 4/14/89; 83-13-068 (Order 264), § 248-16-115, filed 6/16/83.]

WAC 388-78A-150 Resident room—Room furnishings—Storage. (1) The licensee shall provide each resident sleeping room or area, except as permitted in subsection (3) of this section, with:

(a) Eighty or more square feet of usable floor space in a one-person room or area;

(b) Seventy or more square feet of usable floor space per individual in a room occupied by two or more individuals;

(c) A minimum ceiling height of seven feet six inches over all square footage considered usable floor space;

(d) A maximum room occupancy of:

(i) Four individuals if the boarding home was licensed before July 1, 1989, and licensed continuously thereafter; and

(ii) Two individuals if the boarding home applied for initial licensure or to increase the number of resident sleeping rooms after June 30, 1989;

(e) Room identification and resident capacity consistent with the licensed room list;

(f) Unrestricted direct access to a hallway, living room, outside, or other common-use area;

(g) One or more outside windows with:

(i) A total clear glass area equal to at least one-tenth of the room area;

(ii) Minimum area of ten square feet;

(iii) Window sills no more than three feet eight inches from the floor; and

(iv) Window sills at or above grade, with grade extending horizontally ten or more feet from the building;

(v) Easy operation if necessary for fire exit or ventilation; and

(vi) Adjustable curtains, shades, blinds, or equivalent for visual privacy;

(h) One or more duplex electrical outlets per bed if the boarding home was initially licensed after July 1, 1983;

(i) A light control switch located by the entrance for a light fixture in the room;

(j) Lighting at bedside when requested by a resident;

(k) One or more noncombustible waste containers, and no combustible waste containers;

(l) An individual towel and washcloth rack or equivalent;

(m) When requested by the resident, a lockable drawer, cupboard or other secure space measuring at least one-half cubic foot with a minimum dimension of four inches;

(n) Storage facilities in or immediately adjacent to the resident's sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

(o) A comfortable bed, thirty-six or more inches wide, appropriate for size, age and physical condition of the resident and room dimensions, including but not limited to:

(i) Standard household bed;

(ii) Studio couch;

(iii) Hide-a-bed;

(iv) Day bed; or

(v) Water bed, if structurally and electrically safe;

(p) A bed mattress which:

(i) Fits the bed frame;

(ii) Is in good condition; and

(iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety;

(q) Beds spaced at least three feet from other beds unless otherwise requested by all affected residents;

(r) One or more comfortable pillows;

(s) Bedding, in good repair, changed weekly or more often as necessary to maintain cleanliness;

(t) Clean towels and washcloths provided weekly or more often as necessary to maintain cleanliness; and

(u) A sturdy, comfortable chair, appropriate for the age and physical condition of the resident.

(2) The licensee shall not allow the use of a resident room for a passageway or corridor.

(3) The licensee may, upon a resident's request, permit the resident to use personal furniture and furnishings when

such usage does not jeopardize the health and safety of any resident.

(4) The licensee shall:

(a) Document the functional ability of each resident to use cooking facilities safely; and

(b) Limit access to cooking facilities by any resident deemed by the licensee unable to cook safely.

(5) The licensee may use or allow use of carpets and other floor coverings when:

(a) Securely fastened to the floor or provided with non-skid backing; and

(b) Kept clean and free of hazards such as curling edges or tattered sections.

(6) The licensee shall, prior to the purchase and installation of carpeting, submit samples to the department for approval in accordance with WAC 246-316-070.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-150, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-150, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-150, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-150, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-121, filed 4/14/89.]

WAC 388-78A-160 Toilet rooms and bathrooms. (1)

The licensee shall provide private or common-use toilet rooms and bathrooms meeting the needs of residents.

(2) The licensee shall provide each toilet room and bathroom with:

(a) Water resistant, smooth, low gloss, nonslip and easily cleanable materials;

(b) Washable walls to the height of splash or spray;

(c) Grab bars installed and located to minimize accidental falls including one or more grab bars at each:

(i) Bathing fixture; and

(ii) Toilet, if needed by residents;

(d) Plumbing fixtures designed for easy cleaning and kept in good repair; and

(e) Adequate ventilation to outside.

(3) Provide each toilet room with a:

(a) Toilet with a clean, nonabsorbent seat free of cracks;

(b) Handwashing sink in or adjacent to the toilet room;

(c) Suitable mirror with adequate lighting for general illumination.

(4) For boarding homes approved for construction or initially licensed after August 1, 1994, the licensee shall provide a toilet and handwashing sink in, or adjoining, each bathroom.

(5) The licensee providing common-use toilet rooms and bathrooms shall:

(a) Provide a minimum of one toilet and one handwashing sink for each eight individuals or fraction thereof, with two or more toilets contained in a single bathroom counted as one toilet;

(b) Provide a minimum of one bathing fixture for every twelve individuals or fraction thereof;

(c) Designate toilet rooms containing more than one toilet for use by one sex at a time;

(d) Designate bathrooms containing more than one bathing fixture for use by one sex at a time;

(e) Provide a handwashing sink with soap and single use or disposable towels, blower or equivalent hand-drying device in each toilet room;

(f) Provide reasonable access to bathrooms and toilet rooms for each resident by:

(i) Locating a toilet room on the same floor or level as the sleeping room of the resident served;

(ii) Locating a bathroom on the same floor or level, or adjacent floor or level, as the sleeping room of the resident served; and

(iii) Providing access without passage through any kitchen, pantry, food preparation, food storage, or dishwashing area, or from one bedroom through another bedroom.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-160, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-160, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-160, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-131, filed 4/14/89.]

WAC 388-78A-170 Food and nutrition services. (1)

The licensee shall maintain food service facilities on site in compliance with chapter 246-215 WAC, food service sanitation, except the licensee may:

(a) Serve home-canned jams, jellies and fruit with a pH of less than 4.6; and

(b) In boarding homes licensed for sixteen or fewer beds, use domestic or home-type kitchen appliances including mechanical dishwashers, provided the licensee:

(i) Operates appliances according to manufacturer directions; and

(ii) Uses water heated to one hundred fifty-five degrees Fahrenheit or more in dishwashers.

(2) The licensee shall:

(a) Provide a minimum of three meals a day at regular intervals, with fourteen or fewer hours between the evening meal and breakfast, unless the licensee provides a nutritious snack between the evening meal and breakfast;

(b) Provide sufficient time for residents to consume meals; and

(c) Ensure all menus:

(i) Are written at least one week in advance;

(ii) Indicate the date, day of week, month and year;

(iii) Include all food and snacks served that contribute to nutritional requirements;

(iv) Are retained at least six months;

(v) Provide a variety of foods; and

(vi) Are not repeated for at least three weeks;

(d) Prepare palatable, attractively served meals and nourishments that meet the current recommended dietary allowances of the National Research Council, 1989, adjusted for:

(i) Age, sex and activities, unless medically contraindicated; and

(ii) Individual and ethnic preferences to the extent reasonably possible;

(e) Substitute foods, when necessary, of comparable nutrient value and record changes on the menu; and

(1999 Ed.)

(f) Maintain a dining area approved by the department with a seating capacity for fifty percent or more of the residents per meal setting.

(3) The licensee shall prepare and serve:

(a) Resident specific, modified, or therapeutic diets when and as prescribed by a health care practitioner using a dietitian-approved menu or diet manual; and

(b) Nutrient concentrates and supplements only when prescribed in writing by a health care practitioner.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-170, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-170, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-170, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-170, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-141, filed 4/14/89.]

WAC 388-78A-180 Day rooms. (1) The licensee shall provide one or more day room areas for residents to participate in social and recreational activities. Day room areas include, but are not limited to:

(a) Solariums;

(b) Enclosed sun porches;

(c) Recreation rooms;

(d) Dining rooms; and

(e) Living rooms.

(2) The licensee shall provide a total minimum floor space for day room areas of:

(a) One hundred fifty square feet, or ten square feet per resident, whichever is larger, in boarding homes licensed on or before December 31, 1988; or

(b) One hundred fifty square feet, or twenty square feet per resident, whichever is larger, in boarding homes licensed after December 31, 1988.

(3) The licensee shall provide day room areas with comfortable furniture and furnishings meeting resident needs.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-180, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-180, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-180, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-150, filed 4/14/89; 83-13-068 (Order 264), § 248-16-150, filed 6/16/83; Order 147, § 248-16-150, filed 6/29/77; § 248-16-150, filed 10/3/67; Emergency Regulation, filed 8/4/67; Regulation .16.150, effective 3/11/60.]

WAC 388-78A-190 Laundry. (1) The licensee shall provide laundry and linen services on the premises or by commercial laundry and appropriate handling, cleaning, and storage of linen and washable goods.

(2) A licensee washing boarding home laundry and residents' laundry in a single load or more than one resident's laundry in a single load, shall provide, maintain and equip a laundry room with:

(a) Washing machines with hot water intake temperature of one hundred forty degrees Fahrenheit for each load; and

(b) A means of separating clean and soiled items.

(3) A licensee or resident washing a resident's personal laundry, separate from other laundry, may wash at temperatures below one hundred forty degrees Fahrenheit.

(4) The licensee shall ventilate, to the outside, laundry rooms and areas.

(5) The licensee shall locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-190, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-190, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-190, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-160, filed 4/14/89; 83-13-068 (Order 264), § 248-16-160, filed 6/16/83; Regulation .16.160, effective 3/11/60.]

WAC 388-78A-200 Storage space. The licensee shall:

- (1) Provide adequate storage space for supplies, equipment and linens;
- (2) Provide separate, locked storage for disinfectants and poisonous compounds to prevent access by residents; and
- (3) Maintain storage space to prevent fire or safety hazards.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-200, filed 9/25/98, effective 9/25/98., Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-200, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-200, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-200, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-170, filed 4/14/89; 83-13-068 (Order 264), § 248-16-170, filed 6/16/83; Regulation .16.170, effective 3/11/60.]

WAC 388-78A-210 Stairs—Ramps. The licensee shall:

- (1) Maintain nonskid surfaces on all stairways and ramps used by residents; and
- (2) Construct and maintain stairs and ramps in compliance with current Washington State Building Code requirements.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-210, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-210, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-210, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-180, filed 4/14/89; 83-13-068 (Order 264), § 248-16-180, filed 6/16/83; Regulation .16.180, effective 3/11/60.]

WAC 388-78A-220 Guardrails—Handrails. (1) The licensee shall install and maintain sturdy handrails according to Washington State Building Code requirements, located:

- (a) In halls and corridors if necessary for resident safety;
 - (b) On each side of interior and exterior stairways with more than one step riser, unless the department approves in writing having a handrail on one side only; and
 - (c) On each side of interior and exterior ramps with slopes greater than one to twenty.
- (2) The licensee shall install guardrails if the department determines guardrails are necessary for resident safety.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-220, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-220, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-220, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-190, filed 4/14/89; 83-13-068 (Order 264), § 248-16-190, filed 6/16/83; Regulation .16.190, effective 3/11/60.]

WAC 388-78A-230 Maintenance and housekeeping.

The licensee shall:

- (1) Provide a safe, sanitary and well maintained environment for residents;
- (2) Keep exterior grounds, boarding home structure, and component parts safe, sanitary and in good repair;
- (3) Keep facilities, equipment and furnishings clean and in good repair;
- (4) Assure each resident or staff person maintains the resident's quarters in a safe and sanitary condition;
- (5) Equip a housekeeping supply area with:
 - (a) A utility sink or equivalent means of obtaining and disposing of mop water away from food preparation and service areas;
 - (b) Storage for wet mops, ventilated to outside air; and
 - (c) Locked storage for cleaning supplies.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-230, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-230, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-230, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-202, filed 4/14/89; 83-13-068 (Order 264), § 248-16-202, filed 6/16/83; Order 147, § 248-16-202, filed 6/29/77.]

WAC 388-78A-240 Criteria for accepting and retaining residents. (1) The licensee shall evaluate the ability of staff and facilities to meet a prospective resident's housing, domiciliary, dementia, and nursing care needs, based on:

- (a) Space, equipment and furniture requirements;
- (b) General behavior including the tendency to wander, fall, act verbally or physically abusive or socially inappropriate;
- (c) Current medication status and need for assistance in obtaining or administering medications;
- (d) Height, weight and age;
- (e) Functional abilities, including but not limited to:
 - (i) Ambulatory status and need for mobility aides;
 - (ii) Mental status and behavioral problems;
 - (iii) Ability to perform activities of daily living independently or with assistance; and
 - (iv) Conditions requiring staff monitoring or care of the resident.

(2) If the licensee accepts residents requiring limited nursing services, in addition to the information specified in subsection (1) of this section, the licensee shall consider:

- (a) Medical diagnosis;
- (b) Blood pressure;
- (c) Any chewing, swallowing, mouth and dental problems and treatments;
- (d) Any infections, skin rashes, ulcers and open lesion problems and treatments;
- (e) Appetite and hydration status;
- (f) Need for chemotherapy, radiation and dialysis; and
- (g) Any urethral catheter use and type.

(3) The licensee shall accept and retain an individual as a resident only when:

- (a) The individual is ambulatory unless the boarding home is approved by the Washington state director of fire protection to care for semi-ambulatory or nonambulatory residents;

(b) The individual does not need medical or nursing care exceeding that allowed by WAC 246-316-265 and 246-316-268;

(c) A nonsmoking individual can be accommodated with a smoke-free room and smoke-free common-use areas;

(d) A smoking individual can be accommodated by areas meeting the requirements in WAC 246-316-140(2);

(e) The individual can be accommodated by:

(i) The physical plant, facilities and spaces;

(ii) Furniture and equipment;

(iii) Staff who are available and sufficient to provide the type of domiciliary care required and desired by the individual; and

(iv) Staff who are available and sufficient to provide limited nursing services, as required by the individual, if the boarding home provides such services;

(f) The appropriate medication service type pursuant to RCW 18.20.160 and WAC 246-316-300 is available in the boarding home; and

(g) The individual meets the acceptance criteria defined in the boarding home policies and procedures.

(4) The licensee shall not accept or retain individuals:

(a) Exhibiting continuing overt acts which present a risk of harming self or others, including but not limited to self-mutilation, suicide attempts, and hitting or striking out at others;

(b) Having major areas of skin breakdown and open wounds; or

(c) Whose needs can only be met by inpatient care in a hospital, nursing home, or other facility licensed under chapter 18.51, 71.12, or 70.41 RCW; and

(5) Upon admitting a resident, the licensee shall document in the resident's health record, the resident's choice regarding:

(a) Definite arrangements with a health care practitioner; and

(b) The identity of individuals to contact in case of an emergency, illness or death.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-240, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-240, filed 6/21/94, effective 7/22/94; 94-01-058, § 246-316-240, filed 12/8/93, effective 1/8/94; 92-02-018 (Order 224), § 246-316-240, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-240, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-213, filed 4/14/89; 83-13-068 (Order 264), § 248-16-213, filed 6/16/83; Order 147, § 248-16-213, filed 6/29/77.]

WAC 388-78A-250 Resident rights. The licensee shall comply with chapter 214, Laws of 1994, long-term care facilities—resident rights.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-250, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-250, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-250, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-215, filed 4/14/89; 83-13-068 (Order 264), § 248-16-215, filed 6/16/83; Order 147, § 248-16-215, filed 6/29/77; Order 116, § 248-16-215, filed 5/23/75; § 248-16-215, filed 10/3/67; Emergency Regulation, filed 8/4/67.]

WAC 388-78A-260 Resident services. (1) The licensee shall:

(1999 Ed.)

(a) Prepare a brief individual's resident plan upon admission, and a comprehensive individual's resident plan within thirty days of admission;

(b) Monitor and document any significant changes in a resident's physical, mental, or emotional functioning, as necessary, and review and document the resident's physical, mental and emotional functioning at least semi-annually;

(c) Ensure staff, who observe a change in a resident's functioning, immediately describe and document the change; and

(d) Take appropriate action when changes are noted which would alter the individual's resident plan.

(2) The licensee shall provide basic domiciliary care, including:

(a) Assisting each resident to attain and maintain the highest functional ability possible; and

(b) Providing general health supervision and assistance with:

(i) Self-administering prescribed drugs and treatments;

(ii) Following any prescribed modified diet, rest or activity regimen;

(iii) Making and keeping appointments for health care services;

(iv) Arranging health care when necessary;

(v) Maintaining personal hygiene, including bathing, oral care, dressing, grooming, and changing to clean clothing;

(vi) Obtaining and maintaining functional aids and equipment, including but not limited to glasses, hearing aids, dentures, canes, crutches, walkers and wheelchairs;

(vii) Keeping clothing and other personal effects clean and in good repair;

(viii) Maintaining safe and comfortable personal living quarters;

(ix) Arranging for social, recreational, religious, or other activities in the boarding home and the community;

(x) Resident mobility; and

(xi) Incontinence care.

(3) The licensee shall provide planned social and recreational activities for residents at least three times per week and post a calendar of daily activities and events.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-260, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-260, filed 6/21/94, effective 7/22/94; 94-01-058, § 246-316-260, filed 12/8/93, effective 1/8/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-260, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-216, filed 4/14/89.]

WAC 388-78A-265 Limited nursing services. This section applies only to licensees who choose to provide limited nursing services. This section does not apply when residents care for themselves or arrange for independent nursing or health care services pursuant to WAC 246-316-268.

(1) The licensee shall employ or contract directly or indirectly with a RN or physician to:

(a) Provide or supervise limited nursing services;

(b) Assess, or supervise a LPN's assessment of each resident needing limited nursing services upon admittance, and develop the nursing component of the individual's resident plan;

(c) Reassess, or supervise a LPN's reassessment of the resident's nursing needs when staff notice a change in the resident's functional ability or health status, and amend the nursing component of the individual's resident plan accordingly; and

(d) Be available in person, by pager, or by telephone during hours of limited nursing services.

(2) A licensee shall ensure the following services are only provided by a RN, or a LPN under the supervision of a RN:

(a) Insertion of urethral catheters, including indwelling;

(b) Any other nursing service requested by the licensee and approved in writing by the department.

(3) The licensee may allow unlicensed staff to provide the following services under the delegation and supervision of a RN:

(a) Routine ostomy care that is well-established, with no breakdown or maintenance care;

(b) Enema;

(c) Uncomplicated routine colostomy and urethral care when the resident is unable to supervise these activities;

(d) Care of wounds that are superficial without drainage or infection; and

(e) Assistance with glucometer testing if the resident can perform the finger stick.

(4) The licensee shall not provide the following nursing services on the premises:

(a) Respiratory ventilation;

(b) Intravenous procedures;

(c) Suctioning;

(d) Feeding tube insertion or site maintenance; and

(e) Care of residents who are bed-bound for more than fourteen consecutive days as a result of a medical condition.

(5) A licensee providing limited nursing services shall assure that employed or contracted nursing services are consistent with chapters 18.78 and 18.88 RCW.

(6) A licensee providing limited nursing services shall provide for safe and sanitary:

(a) Storage and handling of clean and sterile nursing equipment and supplies;

(b) Storage and handling of soiled laundry and linens;

(c) Cleaning and disinfecting soiled equipment; and

(d) Refuse and infectious waste disposal.

(7) In new construction designed for limited nursing services, or upon starting a limited nursing services program within an existing boarding home, the licensee shall provide the following, accessible only by staff:

(a) A clean utility area for the purposes of storing and preparing clean and sterile nursing supplies, equipped with:

(i) A work counter or table; and

(ii) Adjacent handwashing sink, with soap and paper towels or other approved hand-drying device; and

(b) A soiled utility area for the purposes of storing soiled linen, cleaning and disinfecting soiled nursing care equipment, and disposing of refuse and infectious waste, equipped with:

(i) A work counter or table;

(ii) Sinks for handwashing and cleaning/sanitizing, with soap and paper towels or other approved hand-drying device.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-265, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-265, filed 6/21/94, effective 7/22/94.]

WAC 388-78A-268 Health care services—Resident-arranged. (1) The licensee shall allow a resident to arrange for on-site health care services, consistent with Title 18 RCW regulating health care professions, and the policies and procedures of the boarding home except as specified in subsection (2) of this section.

(2) Only when the resident resides in lockable quarters with a private toilet, handwashing sink, bathing fixture, refrigerator, and emergency power if necessary for life-support equipment, shall the licensee allow the following nursing services on-site:

(a) Respiratory ventilation;

(b) Intravenous procedures;

(c) Suctioning;

(d) Feeding tube insertion or site maintenance; and

(e) Care of residents who are bed-bound for more than fourteen consecutive days as a result of a medical condition.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-268, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-268, filed 6/21/94, effective 7/22/94.]

WAC 388-78A-280 Notification—Change in resident's condition. The licensee shall:

(1) Notify a resident's next of kin, guardian, or other individual or agency responsible for, or designated by, the resident as soon as possible regarding:

(a) A serious or significant change in the resident's condition;

(b) The relocation of the resident to a hospital or other health care facility; or

(c) Death of the resident.

(2) In case of death, notify the coroner if required by RCW 68.50.010.

(3) Document in the resident's health record, the date and time individuals were notified, and the relationship of those individuals to the resident.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-280, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-280, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-280, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-223, filed 4/14/89; 83-13-068 (Order 264), § 248-16-223, filed 6/16/83; Order 147, § 248-16-223, filed 6/29/77.]

WAC 388-78A-290 Safety measures and quality assurance. (1) The licensee shall:

(a) Maintain the premises free of hazards;

(b) Investigate and prepare an incident report for any neglect, abuse, exploitation, accident, or incident jeopardizing or affecting a resident's health or life to:

(i) Determine the circumstances of the event; and

(ii) Institute and document appropriate measures to prevent similar future situations;

(c) Provide appropriate hardware on doors of storage rooms, closets and other rooms to prevent residents from being accidentally locked in;

(d) Provide and advise staff of a means of emergency access to resident-occupied bedrooms, toilets, showers, bathrooms, and other rooms;

(e) Sanitize, handle and store resident-care supplies and equipment to prevent the transmission of infection;

(f) Provide emergency lighting or flashlights in all areas of the boarding home;

(g) Maintain a first-aid kit and manual which are:

(i) Equivalent to that required by the department of labor and industries in WAC 296-24-065;

(ii) Readily available to all staff and residents;

(h) Develop and maintain a current disaster plan describing measures to take in the event of internal or external disasters; and

(i) Ensure residents are safe and warm during inclement weather and catastrophic events.

(2) The licensee may develop and implement a coordinated quality improvement program approved by the department according to RCW 43.70.510 and chapter 246-50 WAC.

[Statutory Authority: RCW 18.20.240, 98-20-021, recodified as § 388-78A-290, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090, 94-13-180, § 246-316-290, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-316-290, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090, 89-09-034 (Order 2786), § 248-16-226, filed 4/14/89; 83-13-068 (Order 264), § 248-16-226, filed 6/16/83; Order 147, § 248-16-226, filed 6/29/77.]

WAC 388-78A-300 Medication services. (1) The licensee shall:

(a) Determine the medication service category or categories, specified in this section, best suited to the needs of each resident by:

(i) Consulting with the physician, family, and care-givers; and

(ii) Considering the resident's abilities, preferences, health and safety;

(b) Document the medication service category assigned to each resident in the resident's health record; and

(c) Reevaluate the resident's medication service category upon any change in the resident's condition, and if necessary:

(i) Reassign the resident a new medication service category; or

(ii) When the appropriate medication service category is unavailable in the boarding home, transfer the resident to a setting where the appropriate medication service can be provided.

(2) The licensee shall assign a resident to medication service category A when the licensee determines the resident can safely and securely store medications, and:

(a) Can fully understand the appropriate use of the medication and can self-administer the medication according to the prescribed dosage, time and any special instructions; or

(b) Cannot physically self-administer the medication, but can accurately direct others to assist with:

(i) Opening the container; and

(ii) Applying or instilling oral, skin, nose, eye, and ear preparations.

(1999 Ed.)

(3) The licensee shall assign a resident to category B when the licensee determines that the resident needs reminding, guiding or coaching limited to:

(a) Opening a container;

(b) Reading the label or prescriber's order, and explaining it in a manner to assure proper self-administration; and

(c) Assistance with applying or instilling skin, nose, eye, and ear preparations consistent with Washington state law.

(4) The licensee providing medication service category B shall:

(a) Store medications in a manner prohibiting access by other residents; and

(b) Document the medication name, time and dosage taken by the resident; and

(c) Document a resident's refusal or inability to take medication according to the prescription.

(5) A licensee shall assign a resident to category C when:

(a) The licensee determines a resident cannot safely self-administer medication or accurately self-perform a glucometer test; and

(b) A physician orders medication to be administered by a nurse or other individual authorized to administer medications by Washington state law.

(6) A licensee providing medication service category C shall:

(a) Assure the service is planned, directed and supervised by a RN or physician who:

(i) Documents a review of each resident's condition and medication regimen quarterly, or more often as needed;

(ii) Provides training for all medication administration staff and documents training in staff records; and

(iii) Observes, evaluates and documents each staff person administering medication annually, or more often as necessary, to assure medications are administered according to the resident's needs;

(b) Document the medication name, time and dosage administered to the resident;

(c) Document a resident's refusal or inability to take medication according to the prescription;

(d) Assure medications and glucometer tests are administered by nurses or other individuals authorized to administer medications and glucometer tests by Washington state law; and

(e) Provide an area for storing, handling, and preparing medications consistent with board of pharmacy requirements, including a sink, table or counter space, and secure storage.

(7) The licensee shall assure staff follow the written policies and procedures for each medication service category provided in the boarding home including:

(a) Limitations of staff assistance;

(b) Requirements for staff providing assistance with medications;

(c) Storing resident medications:

(i) In original containers with pharmacist-prepared or manufacturer's label;

(ii) Together for each resident and physically separated from other residents' medications;

(iii) Separate from food or toxic chemicals;

(iv) Accessible only to designated responsible staff or appropriate resident; and

(v) In environments recommended on the medication label;

(d) Assuring the resident obtains medication as prescribed;

(e) Documenting and recording current prescriber's order for any medications managed and controlled by the licensee under categories B and C;

(f) Managing medications administered in medication service category B and C in accordance with the pharmacist's recommendations including:

(i) Disposing of outdated, contaminated, damaged, or discontinued medications, and medications left behind when a resident leaves or dies;

(ii) Documenting date, method, signature of person who disposed of medication and person who witnessed the disposal;

(iii) Maintaining prescribers' orders to discontinue medications; and

(iv) Sending the resident's medication with the resident when moving out or leaving temporarily; and

(g) Retaining completed medication records for five years after the resident moves from the boarding home.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-300, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-300, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-300, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-229, filed 4/14/89.]

WAC 388-78A-310 Resident register. The licensee shall maintain a readily available permanent, current book, computer file, or register with entries in ink or typewritten, of all residents including:

- (1) Date of moving in;
- (2) Full name;
- (3) Date of birth;
- (4) Date of moving out;
- (5) Reason for moving out; and
- (6) New address if known.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-310, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-310, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-310, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-230, filed 4/14/89; 83-13-068 (Order 264), § 248-16-230, filed 6/16/83; Order 147, § 248-16-230, filed 6/29/77; Order 116, § 248-16-230, filed 5/23/75; § 248-16-230, filed 10/3/67; Emergency Regulation, filed 8/4/67; Regulation .16.230, effective 3/11/60; Subsection 1, filed 5/31/61.]

WAC 388-78A-320 Resident health record. (1) The licensee shall maintain a health record with entries in ink, typewritten or equivalent, for each resident including:

- (a) Full name, date of birth, and former address of resident;
- (b) Date of moving in and moving out;
- (c) The name, address, and telephone number of individuals to contact in case of an emergency, illness or death;
- (d) Resident's representative, if any;
- (e) Name, address, and telephone number of resident's personal physician or health care practitioner;

[Title 388 WAC—p. 312]

(f) Resident admitting information, including any medical diagnoses pertinent to care services needed by the resident and provided by the boarding home;

(g) Documented staff entries about:

(i) Dates and descriptions of the resident's illnesses, accidents, and incidents;

(ii) Changes in the resident's physical, mental, emotional and social abilities to cope with the affairs and activities of daily living, physical and mental coordination; and

(iii) Actions of staff related to (g)(i) and (ii) of this subsection;

(h) Orders documented by the resident's health care practitioner for any modified diet, concentrate or supplement provided by the boarding home;

(i) Medication orders and records as specified in WAC 246-316-300;

(j) Clinical information such as weight, temperature, blood pressure, blood sugar and other laboratory tests that are ordered or required by the individual's resident plan;

(k) Advance notice for relocation as specified in chapter 214, Laws of 1994, long-term care facilities—resident rights;

(l) Notice of relocation as specified in WAC 246-316-280; and

(m) Proof of resident's receipt of the list of resident rights and rules and regulations governing resident conduct and responsibilities as required by chapter 214, Laws of 1994, long-term care facilities—resident rights.

(2) The licensee shall:

(a) Maintain a systematic and secure method of identifying and filing resident health records for easy access;

(b) Allow authorized representatives of the department and other authorized regulatory agencies access to resident records;

(c) Provide any individual or organization access to resident records upon written consent of the resident or the resident's representative, unless state or federal law provide for broader access;

(d) Maintain resident records and health care information for residents receiving category B or C medication services or limited nursing services in accordance with chapter 70.02 RCW; and

(e) Retain each resident health record at least five years after the resident moves from the boarding home.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-320, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-320, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-320, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-320, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-235, filed 4/14/89; 83-13-068 (Order 264), § 248-16-235, filed 6/16/83.]

WAC 388-78A-330 Adult day care. A licensee approved by the department to provide adult day care services for less than a contiguous twenty-four-hour period shall:

(1) Accept only those adults meeting the resident criteria in WAC 246-316-240;

(2) Provide dining room and day room facilities according to WAC 246-316-170 and 246-316-180;

(3) Provide toilets and handwashing sinks according to WAC 246-316-160;

(4) Provide sufficient furniture for the comfort of day care adults, in addition to furniture provided for residents, including:

(a) Sturdy comfortable chairs, appropriate for the age and physical condition of the day care adults; and

(b) Napping furniture such as lounge chairs, recliners, or couches which are placed three or more feet apart if needed or requested;

(5) Provide staff to supervise and assist day care adults in activities of daily living, limited nursing services and medication services as described in WAC 246-316-260, 246-316-265 and 246-316-300;

(6) Provide a meal, which meets at least one-third of the recommended dietary allowance described in WAC 246-316-170(2), during every five-hour period of stay or no more than fourteen hours between the evening meal and breakfast;

(7) Ensure rights according to WAC 246-316-250;

(8) Provide services, notification, and safety as described in WAC 246-316-260, 246-316-265, 246-316-280, and 246-316-290;

(9) Maintain a separate register of all day care adults using the format described in WAC 246-316-310; and

(10) Maintain a health record for each day care adult as described for residents in WAC 246-316-320.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-330, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-330, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-330, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-330, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-300, filed 4/14/89.]

WAC 388-78A-335 Residents—Dementia care. (1) If a licensee accepts residents with dementia care needs, the licensee shall:

(a) Provide qualified staff, present at all times, to care for and supervise residents with dementia care needs including:

(i) Dressing, grooming and personal hygiene;

(ii) Eating;

(iii) Orientation and activities;

(iv) Ensuring the safety of all residents; and

(v) Assisting residents during an emergency; and

(b) Take one or more of the following measures to prevent wandering from the boarding home:

(i) Staff sufficient to monitor and care for residents with dementia care needs;

(ii) An alarm and monitoring system to alert staff when a resident exits the building or enclosed outdoor area; or

(iii) A dementia care unit meeting the standards described in subsection (2) of this section.

(2) A licensee providing a dementia care unit shall, except as provided in subsection (4) of this section:

(a) Assure the dementia care unit meets the fire and life safety requirements for boarding homes according to the Washington State Building Code;

(b) Provide a room which may be used for dining, socializing and recreation;

(c) Design floor and wall surfaces in such a way to augment resident orientation;

(d) Provide slip-resistant floors free of abrupt changes;

(e) Provide access to a secured outdoor space with:

(i) Walls or fences at least seventy-two inches high;

(ii) Walking surfaces that are firm, stable, slip-resistant and free from abrupt changes;

(iii) Outdoor furniture; and

(iv) Nontoxic plants;

(f) Provide an approved supervised automatic fire detection system and supervised automatic sprinkler system electrically interconnected with the fire alarm system;

(g) If exiting doors restrict egress, provide automatic locking and unlocking exiting doors from the dementia care unit, which:

(i) Release automatically when:

(A) The fire alarm is activated;

(B) Primary power to the building is lost; and

(C) An override switch is used in case of emergency;

(ii) Are equipped with alarms;

(iii) Have directions for lock releasing devices posted by doors and accessible to residents; and

(iv) Are approved for use by the local official enforcing the Uniform Building Code and the Uniform Fire Code prior to approval by the Washington state director of fire protection.

(3) A licensee shall obtain written consent from a resident, or if the resident is unable to give informed consent as defined in RCW 11.88.010 (1)(e), from an individual as set forth in RCW 7.70.065, prior to placing the resident in a dementia care unit.

(4) A licensee using a dementia care unit as of August 1, 1994, shall:

(a) Assure the unit is designed and maintained for safe and adequate care of residents; and

(b) Meet the requirements in subsection (2) of this section upon construction of a new dementia care unit or January 1, 2000, whichever occurs first.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-335, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-335, filed 6/21/94, effective 7/22/94.]

WAC 388-78A-340 Exemptions. (1) The department may exempt the licensee from meeting a specific requirement in this chapter if the department determines the exemption will not jeopardize the health or safety of residents.

(2) A licensee wishing to request an exemption shall submit a written request to the department, including:

(a) A description of the requested exemption;

(b) Reason for the exemption; and

(c) Impact of the exemption on resident health and safety.

(3) The licensee shall retain a copy of each approved exemption in the boarding home.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-340, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-340, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-340, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-900, filed 4/14/89. Statutory Authority: 1985 c 213. 86-08-002 (Order 2348), § 248-16-900, filed 3/20/86; Order 147, § 248-16-900, filed 6/29/77.]

WAC 388-78A-990 Fees. For renewal of licenses that expire on December 31, 1998 or after and initial licenses issued effective January 1, 1999 or after, the licensee or applicant shall:

- (1) Submit an annual license fee of seventy-nine dollars per bed of the licensed resident bed capacity;
- (2) Submit an additional one hundred fifty dollars when billed by the department for:
 - (a) A third on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and
 - (b) A complete on-site survey resulting from a substantiated complaint; and
- (3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark.

[Statutory Authority: RCW 18.20.090 and 18.20.240. 98-24-038, § 388-78A-990, filed 11/24/98, effective 1/1/99. Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-990, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.050, 43.70.110 and 43.70.250. 98-01-165, § 246-316-990, filed 12/22/97, effective 1/22/98; 96-12-027, § 246-316-990, filed 5/30/96, effective 6/30/96. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-316-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.110 and 43.70.250. 94-13-180, § 246-316-990, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.250. 92-12-086 (Order 276), § 246-316-990, filed 6/2/92, effective 7/1/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-316-990, filed 12/27/90, effective 1/31/91.]

Chapter 388-79 WAC

GUARDIANSHIP FEES FOR CLIENTS OF THE DEPARTMENT

WAC

- 388-79-010 Applicability and reason for the chapter.
- 388-79-020 Definitions.
- 388-79-030 Guardianship fees and administrative costs including attorney fees.
- 388-79-040 Procedure to revise award letter.

WAC 388-79-010 Applicability and reason for the chapter. It is the intent of this WAC to carry out RCW 43.20B.460, and that part of RCW 11.92.180 which allows the department to set maximum fees and administrative costs allowed by courts in guardianships for a department of social and health services (DSHS) client residing in a nursing facility or in a residential or home setting, and who is required by DSHS to contribute a portion of their income towards the cost of residential or supportive services.

[Statutory Authority: RCW 11.92.180 and 43.20B.460. 98-10-055, § 388-79-010, filed 4/30/98, effective 5/31/98.]

WAC 388-79-020 Definitions. "Administrative costs" means necessary costs paid by the guardian including attorney fees and costs of service of process at the least expensive level.

(2) "Department client" means a person who has been approved to receive a grant or program administered by the department.

[Statutory Authority: RCW 11.92.180 and 43.20B.460. 98-10-055, § 388-79-020, filed 4/30/98, effective 5/31/98.]

[Title 388 WAC—p. 314]

WAC 388-79-030 Guardianship fees and administrative costs including attorney fees. The superior court may allow guardianship fees and administrative costs in an amount set out in an order. For orders entered after June 15, 1998, for a department client where the order establishes or continues a legal guardianship, and requires a future review or accounting; then unless otherwise modified by the process described in WAC 388-79-040:

- (1) The amount of guardianship fees shall not exceed one hundred seventy-five dollars per month;
- (2) The amount of administrative costs directly related to establishing a guardianship for a department client shall not exceed seven hundred dollars; and
- (3) In any order on review the amount of administrative costs shall not exceed a total of six hundred dollars during any three-year period.

[Statutory Authority: RCW 11.92.180 and 43.20B.460. 98-10-055, § 388-79-030, filed 4/30/98, effective 5/31/98.]

WAC 388-79-040 Procedure to revise award letter.

After June 15, 1998 where a department client is subject to a guardianship then the department shall be entitled to notice of proceedings as described in RCW 11.92.150.

(1) The notice shall be given to the appropriate regional administrator of the program serving the department client. A list of the regional administrators will be available upon request.

(2) If the fees and costs requested and established by the order are equal to or lower than the maximum amount set by this rule then the award letter or document setting the department's client's participation shall be adjusted to reflect that amount upon receipt by the department of the court order setting a monthly amount.

(3) Should fees and costs above those requested in WAC 388-79-030 be requested:

(a) The appropriate regional administrator will be given notice of the hearing as described in RCW 11.92.150, and provided with copies of all supporting documents filed with the court.

(b) Should the court determine after consideration of the facts, law and evidence of the case, that fees and costs higher than normally allowed in WAC 388-79-030 are just and reasonable and should be allowed then the award letter or document setting the department client's participation shall be adjusted to reflect that amount upon receipt by the department of the court order setting a monthly amount.

[Statutory Authority: RCW 11.92.180 and 43.20B.460. 98-10-055, § 388-79-040, filed 4/30/98, effective 5/31/98.]

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. Later promulgation, see WAC 388-501-0110 (parts).
- 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. Later promulgation, see WAC 388-502-0205.
- 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. Later promulgation, see WAC 388-501-0130.
- 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. Later promulgation, see WAC 388-501-0125.
- 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. Later promulgation, see WAC 388-502-0210.
- 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. Later promulgation, see WAC 388-501-0110 (part).
- 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. Later promulgation, see WAC 388-501-0160.
- 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. Later promulgation, see WAC 388-501-0150.
- 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. Later promulgation, see WAC 388-501-0165.
- 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. Later promulgation, see WAC 388-526-2610.
- 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. Later promulgation, see WAC 388-502-0230.
- 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. Later promulgation, see WAC 388-502-0220.
- 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. Later promulgation, see WAC 388-502-0250.
- 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. Later promulgation, see WAC 388-527-2710.
- 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. Later promulgation, see WAC 388-527-2720.
- 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. Later promulgation, see WAC 388-528-2810.
- 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. Later promulgation, see WAC 388-501-0140.
- 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. Later promulgation, see WAC 388-517-1710.
- 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. Later promulgation, see WAC 388-501-0190.
- 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. Later promulgation, see WAC 388-501-0135.

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 Limitations on services available to recipients of categorically needy medical assistance.
- 388-86-011 Advanced registered nurse practitioners (ARNP) services.
- 388-86-012 Audiometric services.
- 388-86-017 Case management services.

- 388-86-018 Coordinated community aids service alternatives (CCASA) program services.
- 388-86-019 Chiropractic services.
- 388-86-022 School medical services for special education students.
- 388-86-024 Enhanced benefits for pregnant women.
- 388-86-027 Healthy kids/EPSTD.
- 388-86-030 Vision care.
- 388-86-035 Family planning.
- 388-86-04001 Hearing aids.
- 388-86-045 Home health services.
- 388-86-047 Hospice services.
- 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.
- 388-86-085 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.

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.
- 388-86-009 Voluntary prepaid health plans. [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.] Repealed by 95-18-046 (Order 3886), filed 8/29/95, effective 9/1/95. Statutory Authority: RCW 74.08.090 and 1995 2nd sp.s. c 18.
- 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 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.
- 388-86-00902 Mandatory prepaid health care plans. [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.] Repealed by 95-18-046 (Order 3886), filed 8/29/95, effective 9/1/95. Statutory Authority: RCW 74.08.090 and 1995 2nd sp.s. c 18.
- 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.
- 388-86-015 Blood. [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.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority:

- RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-529-0200.
- 388-86-020 Dental services. [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.] Repealed by 96-01-006 (Order 3931), filed 12/6/95, effective 1/6/96. Statutory Authority: Initiative 607, 1995 c 18 2nd sp.s. and 74.08.090.
- 388-86-021 Dentures. [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.] Repealed by 96-01-006 (Order 3931), filed 12/6/95, effective 1/6/96. Statutory Authority: Initiative 607, 1995 c 18 2nd sp.s. and 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 5/11/86; 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.
- 388-86-050 Inpatient hospital care. [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; 79-06-030 (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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-86-051 Selective contracting program. [Statutory Authority: RCW 74.08.090, 88-04-048 (Order 2594), § 388-86-051, filed 1/29/88.] Repealed by 89-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 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.
- 388-86-075 Outpatient and emergency care. [Statutory Authority: RCW 74.08.090, 95-22-039 (Order 3913, #100246), § 388-86-075, filed 10/25/95, effective 10/28/95; 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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-86-080 Oxygen 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.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-529-0200.
- 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.

WAC 388-86-005 Limitations on services available to recipients of categorically needy medical assistance. (1) Organ transplants are limited to the cornea, heart, heart-lung, kidney, kidney-pancreas, liver, pancreas, single lung, and bone marrow.

(2) 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).

(3) Detoxification and medical stabilization are provided to chemically-using pregnant women in a hospital.

(4) 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.

(5) 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.

(6) The department may require a second opinion and/or consultation before the approval of any elective surgical procedure.

(7) The department designates 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.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-18-079, § 388-86-005, filed 9/1/98, effective 9/1/98. Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-86-005, filed 10/25/95, effective 10/28/95; 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 388-86-011 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

[Title 388 WAC—p. 318]

(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/EPSTDT 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/EPSTDT 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 388-86-017 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.]

(1999 Ed.)

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 388-86-022 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:

(A) Has been granted a certificate of clinical competence by the American speech, hearing, and language association;

(B) Is a person who completed the equivalent educational and work experience necessary for such a certificate; or

(C) Is a person who has completed the academic program and is acquiring supervised work experience to qualify for the certificate.

(d) School guidance counselors, or school social workers, who have been granted an educational staff associate (ESA) certificate by the state board of education.

(3) For a client to receive services as described under this section, the department shall not require the client to have a provider prescription.

(4) The department shall require recommendations and referrals to be updated at least annually.

(5) The department shall pay for school-based medical services according to the department-established rate or the billed amount, whichever is lower.

(6) The department shall not pay individual school practitioners who provide school-based medical services.

(7) 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, 95-21-051 (Order 3908), § 388-86-022, filed 10/11/95, effective 11/11/95; 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 Healthy kids/EPSDT. (1) Persons who are eligible for Medicaid are eligible for healthy kids (HK) coverage up through the day before their twenty-first birthday. This coverage is called early and periodic screening, diagnosis and treatment (EPSDT) in federal rule.

(2) Access and services for healthy kids are governed by federal rules at 42 CFR, Part 441, Subpart B which were in effect as of January 1, 1998.

(a) The standard for coverage for healthy kids is that the services, treatment or other measures are:

- (i) Medically necessary;
- (ii) Safe and effective; and
- (iii) Not experimental.

(b) Healthy kids services are exempt from specific coverage or service limitations which are imposed on the rest of the CN and MN program. Examples of service limits which do not apply to the healthy kids program are the specific numerical limits in WAC 388-86-073(4), 388-86-090(2), 388-86-098(3), etc.

(c) Services not otherwise covered under the Medicaid program are available to children under healthy kids. The services, treatments and other measures which are available include but are not limited to:

- (i) Nutritional counseling;
- (ii) Chiropractic care;
- (iii) Orthodontics; and
- (iv) Occupational therapy (not otherwise covered under the MN program).

(d) Prior authorization and referral requirements are imposed on medical service providers under healthy kids. Such requirements are designed as tools for determining that a service, treatment or other measure meets the standards in subsection (2)(a) of this section.

(3) Transportation requirements of 42 CFR 441, Subpart B are met through a contract with transportation brokers throughout the state.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-86-027, filed 7/31/98, effective 9/1/98. 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 Vision care. (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 department shall not apply the time period limitation 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) MAA shall consider cataract surgery medically necessary without prior authorization when the client has a documented cataract with:

- (a) The best correctable visual acuity in the affected eye is 20/50 or worse as measured on a snellen test chart; or
- (b) Other visual impairment conditions which include:
 - (i) Double vision;
 - (ii) Phacogenic glaucoma;
 - (iii) Phacogenic uveitis;
 - (iv) Phacoanaphylactic endophthalmitis;
 - (v) Intraocular foreign body;
 - (vi) Ocular trauma; or
 - (vii) Dislocated or subluxated lens causing glaucoma, monocular diplopia, aphakia, myopia, or astigmatism.

(10) MAA shall consider cataract surgery as a non-emergent procedure, except when the client is determined statutorily blind as defined under WAC 388-511-1105 (1)(b).

(11) The provider shall document and maintain in the client's record medical justification of the eye care services.

(12) Except for services as defined in WAC 388-86-027, the department shall not permit group screening for eyeglasses.

(13) 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.
- (14) The department shall not cover orthoptics and visual training therapy. See WAC 388-86-200.

[Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-86-030, filed 10/25/95, effective 10/28/95; 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 388-86-055 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 sub-contract 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) Meningomyelocele;

(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.

(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, 95-22-039 (Order 3913, #100246), § 388-86-073, filed 10/25/95, effective 10/28/95; 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 388-86-085 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.

(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, 95-22-039 (Order 3913, #100246), § 388-86-090, filed 10/25/95, effective 10/28/95; 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 non-emergent 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) Meningocele;
 - (v) Neurofibromatosis;
 - (vi) Down's 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.

(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, 95-22-039 (Order 3913, #100246), § 388-86-098, filed 10/25/95, effective 10/28/95; 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.]

(1999 Ed.)

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:

[Title 388 WAC—p. 329]

(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.

[Title 388 WAC—p. 330]

(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.

(1999 Ed.)

(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;

(1999 Ed.)

- (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 chem-

ical 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

388-87-005	Payment—Eligible providers defined.
388-87-007	Medical provider agreement.
388-87-008	Disclosure by providers—Information on ownership and control.
388-87-010	Conditions of payment—General.
388-87-011	Conditions of payment—Medicare deductible and coinsurance—When paid by department.
388-87-012	Conditions of payment—Consultant's and specialist's services and fees.
388-87-015	Billing limitations.
388-87-019	Payment—Chiropractic services.
388-87-020	Subrogation.
388-87-025	Services requiring approval.
388-87-027	Services requiring prior approval.
388-87-035	Payment—Transportation (other than ambulance).
388-87-036	Payment—Ambulance services.
388-87-045	Payment—Blood.
388-87-048	Payment—Coordinated community aids service alternatives (CCSA) program.
388-87-060	Payment—Extended care patient—Coinsurance.
388-87-062	Payment—Eyeglasses and examinations.
388-87-065	Payment—Home health agency.
388-87-067	Payment—Hospice services.
388-87-075	Payment—Laboratory services.
388-87-077	Payment—Mental health center services.
388-87-079	Payment—Licensed midwives.
388-87-080	Payment—Oxygen.
388-87-090	Payment—Physical therapy and related services.
388-87-095	Payment—Physician service.
388-87-105	Payment—Medical care outside state of Washington.
388-87-110	Durable medical equipment—Prosthetic devices.
388-87-200	Payment for jail inmates medical care.
388-87-250	Third-party resources.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-87-013	Conditions of payment—Hospital care. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-87-030	Responsibility of physician—Patient admitted to hospital. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-87-032	Advanced registered nurse practitioners services (ARNP)—Payment. [Statutory Authority: RCW 74.08.090. 92-11-003 (Order 3384), § 388-87-032, filed 5/8/92, effective 6/8/92.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
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.
388-87-050	Payment—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.] Repealed by 96-01-006 (Order 3931), filed 12/6/95, effective 1/6/96. Statutory Authority: Initiative 607, 1995 c 18 2nd sp.s. and 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.
388-87-070	Payment—Hospital inpatient services. [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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-87-072	Payment—Hospital outpatient services. [Statutory Authority: RCW 74.08.090. 95-04-033 (Order 3826), § 388-87-072, filed 1/24/95, effective 2/1/95; 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.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
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.
388-87-115	Payment—Organ transplantation. [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.] Repealed by

98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

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, denturism, 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) Homeopaths;

(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: Initiative 607, 1995 c 18 2nd sp.s. and 74.08.090, 96-01-006 (Order 3931), § 388-87-005, filed 12/6/95, effective 1/6/96. 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 sta-

tus, 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.

(1999 Ed.)

(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

[Title 388 WAC—p. 335]

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 per-

forms 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 388-87-015 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.

(1999 Ed.)

[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. (1) For the purpose of this section, "liable third party" means:

(a) The tort-feasor or insurer of the tort-feasor, or both; and

(b) Any person who is liable, under any contract or insurance purchased by the client or by any other person, to provide coverage for the illness or injuries for which the assistance or residential care is paid or provided by the department.

(2) As a condition of medical care eligibility a client shall assign to the state any right the client may have to receive payment from any liable third party. Except as provided in subsection (3) of this section, to the extent that payment has been made under medical care programs under chapter 74.09 RCW for health care items or services furnished to an eligible client, the state shall have been subrogated to the client's rights to payment by any other party which has a legal or contractual liability to pay for those health care items or services.

(3) To the extent authorized by a contract executed under RCW 74.09.522, a managed health care plan has the rights and remedies of the department as provided in RCW 43.20B.060 and 70.09.180.

(4) The department shall not be responsible to pay for medical care for a client whose personal injuries are occasioned by the negligence or wrongdoing of another: *Provided, however,* That the secretary of the department or the secretary's designee may furnish the medical care required as a result of an injury to the client if the client is otherwise eligible for medical care and no other liable third party has been identified at the time the claim is filed, and the department shall thereby be subrogated to the rights of recovery therefore to the extent of the cost of medical care furnished by the department.

(5) The department may pursue its right to recover the value of medical care provided to an eligible client from any liable third party as a subrogee, assignee, or by enforcement of its public assistance lien as provided under RCW 43.20B.040 through 43.20B.070.

(6) Recovery pursuant to the subrogation rights, assignment, or enforcement of the lien granted to the department shall not be reduced, prorated, or applied to only a portion of a judgment, award, or settlement. No settlement or judgment of a lien created under RCW 43.20B.060 shall be discharged or compromised without written consent of the secretary of the department or the secretary's designee. The department shall only consider compromise or discharge of a medical care lien as authorized by federal regulation at 42 CFR 433.139.

(7) The doctrine of equitable subrogation shall not apply to defeat, reduce, or prorate recovery by the department as to its assignment, lien, or subrogation rights.

[Statutory Authority: RCW 74.08.090 and 74.09.522, 97-04-005, § 388-87-020, filed 1/24/97, effective 2/24/97. Statutory Authority: SSB 5419(6) and RCW 74.08.090, 95-20-031 (Order 3900), § 388-87-020, filed 9/27/95, effective 10/28/95; Order 264 (part), § 388-87-020, filed 11/24/67.]

[Title 388 WAC—p. 337]

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 388-87-035 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 388-87-060 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

(1999 Ed.)

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 388-87-075 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.

[Title 388 WAC—p. 340]

[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-

(1999 Ed.)

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 388-87-200 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-

[Title 388 WAC—p. 341]

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 388-96 WAC

NURSING FACILITY MEDICAID PAYMENT SYSTEM

WAC

388-96-010 Definitions.
 388-96-020 Prospective cost-related payment.
 388-96-026 New contractors.
 388-96-107 Requests for extensions.
 388-96-108 Failure to submit final reports.
 388-96-117 Certification requirement.
 388-96-119 Reports—False information.
 388-96-122 Amendments to reports.
 388-96-202 Scope of audit or department audit.
 388-96-217 Civil fines.
 388-96-218 Proposed, preliminary, and final settlements.
 388-96-310 Interest on other excess payments.
 388-96-366 Facility records and handling of resident moneys.
 388-96-369 The nursing facility shall maintain a subsidiary ledger with an account for each resident for whom the facility holds money.
 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.
 388-96-375 Resident personal funds control/disbursement.
 388-96-378 Resident personal funds availability.
 388-96-381 Procedure for refunding resident personal funds.
 388-96-384 Liquidation or transfer of resident personal funds.
 388-96-502 Indirect and overhead costs.
 388-96-505 Offset of miscellaneous revenues.
 388-96-525 Education and training.
 388-96-530 What will be allowable compensation for owners, relatives, licensed administrator, assistant administrator, and/or administrator-in-training?
 388-96-532 Does the contractor have to maintain time records?
 388-96-534 Joint cost allocation disclosure (JCAD).

388-96-535	Management agreements, management fees, and central office services.		
388-96-536	Does the department limit the allowable compensation for an owner or relative of an owner?	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.
388-96-540	Will the department allow the cost of an administrator-in-training?		
388-96-542	Home office or central office.		
388-96-553	Capitalization.	388-96-023	Conditions of participation. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-554	Expensing.		
388-96-559	Cost basis of land and depreciation base.		
388-96-561	Cost basis of land and depreciation base—Donated or inherited assets.		
388-96-565	Lives.		
388-96-572	Handling of gains and losses upon retirement of depreciable assets—Other periods.	388-96-029	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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-580	Operating leases of office equipment.		
388-96-585	Unallowable costs.		
388-96-704	Prospective payment rates.		
388-96-705	Payment for services after settlement.		
388-96-708	Reinstatement of beds previously removed from service under chapter 70.38 RCW—Effect on prospective payment rate.	388-96-032	Termination of contract. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18, 95-19-037 (Order 3896), § 388-96-032, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-709	Prospective rate revisions—Reduction in licensed beds.		
388-96-710	Prospective payment rate for new contractors.		
388-96-713	Rate determination.		
388-96-718	Public process for determination of rates.		
388-96-723	How often will the department compare the state-wide weighted average payment rate for all nursing facilities with the state-wide weighted average payment rate identified in the Biennial Appropriations Act?		
388-96-724	How much advance notice will a nursing facility receive of a rate reduction?		
388-96-725	After the rate reductions when will a nursing facility's rates return to their previous level?		
388-96-726	If a nursing facility's component rates are below the state-wide weighted average payment rate identified in the Biennial Appropriations Act, will the department reduce the facility's component rates when it makes a rate reduction under RCW 74.46.421?	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.
388-96-728	How will the nursing facility's "hold harmless" direct care rate be determined?		
388-96-729	When will the department use the "hold harmless rate" to pay for direct care services?	388-96-101	Reports. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-738	What default case mix group and weight must the department use for case mix grouping when there is no minimum data set resident assessment for a nursing facility resident?	388-96-103	Skilled nursing care patients. [Order 1168, § 388-96-103, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.
388-96-739	How will the department determine which resident assessments are Medicaid resident assessments?		
388-96-740	What will the department use as the Medicaid case mix index when a facility does not meet the ninety percent minimum data set (MDS) threshold as identified in RCW 74.46.501?	388-96-104	Due dates for reports. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-741	When the nursing facility does not have facility average case mix indexes for the four quarters specified in RCW 74.46.501 (7)(b) for determining the cost per case mix unit, what will the department use to determine the nursing facility's cost per case mix unit?		
388-96-742	When will the department use licensed beds to compute the ninety percent minimum data set (MDS) threshold rather than a nursing facility's quarterly average census?	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.
388-96-744	How will the department set the therapy care rate and determine the median cost limit per unit of therapy?	388-96-109	Intermediate care facility patients. [Order 1168, § 388-96-109, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.
388-96-746	How much therapy consultant expense for each therapy type will the department allow to be added to the total allowable one-on-one therapy expense?	388-96-110	Improperly completed or late reports. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-747	Constructed, remodeled or expanded facilities.		
388-96-757	Payment for veterans' homes.		
388-96-760	Upper limits to the payment rate.		
388-96-762	Allowable land.		
388-96-766	Notification of rates.		
388-96-767	Appraisal values.		
388-96-771	Receivership.		
388-96-776	Add-ons to the payment rate—Capital improvements.		
388-96-777	Add-ons to the prospective rate—Initiated by the department.	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.
388-96-901	Disputes.		
388-96-904	Administrative review—Adjudicative proceeding.		
388-96-905	Case mix accuracy review of MDS nursing facility resident assessments.		

- 388-96-113 Completing reports and maintaining records. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-116 Provider classification. [Order 1169, § 388-96-116, filed 11/10/76.] Repealed by Order 1257, filed 12/21/77.
- 388-96-118 Exception to dual contract. [Order 1168, § 388-96-118, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.
- 388-96-125 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.
- 388-96-128 Requirements for retention of records by the contractor. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-131 Requirement for retention of reports by the department. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-134 Disclosure of nursing home reports. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-200 Condition of qualification for participation in the Washington state cost-related reimbursement system. [Order 1168, § 388-96-200, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.
- 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.
- 388-96-203 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.
- 388-96-204 Field audits. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18, 95-19-037 (Order 3896), § 388-96-204, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-206 Prospective daily payment. [Order 1168, § 388-96-206, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-207 Preparation for audit 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 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.
- 388-96-210 Scope of field audits. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18, 95-19-037 (Order 3896), § 388-96-210, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-213 Inadequate documentation. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-216 Deadline for completion of audits. [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.] Repealed by 95-19-037 (Order 3896), filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18.
- 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.
- 388-96-220 Principles of settlement. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18, 95-19-037 (Order 3896), § 388-96-220, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-220, filed 9/16/83.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-221 Preliminary settlement. [Statutory Authority: RCW 74.46.800, 96-15-056, § 388-96-221, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18, 95-19-037 (Order 3896), § 388-96-221, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 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.
- 388-96-223 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.
- 388-96-224 Final settlement. [Statutory Authority: RCW 74.46.150, [74.46.]160, [74.46.]170 and [74.46.]800. 97-17-040, § 388-96-224, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18, 95-19-037 (Order 3896), § 388-96-224, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.

- 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.
- 388-96-226 Shifting provisions. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 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.
- 388-96-228 Cost savings. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-229 Procedures for overpayments and underpayments. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-229, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 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.
- 388-96-302 Report dates. [Order 1205, § 388-96-302, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
- 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.
- 388-96-305 Approval required for extensions. [Order 1205, § 388-96-305, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
- 388-96-306 Short-period report procedure. [Order 1114, § 388-96-306, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
- 388-96-308 Late reports. [Order 1205, § 388-96-308, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
- 388-96-309 Incorrect or false report. [Order 1114, § 388-96-309, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
- 388-96-311 Forms. [Order 1205, § 388-96-311, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
- 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, filed 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.
- 388-96-501 Allowable costs. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18, 95-19-037 (Order 3896), § 388-96-501, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-503 Substance prevails over form. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-507 Costs of meeting standards. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-508 Travel expenses for members of trade association boards of directors. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-509 Boards of directors fees. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-510 Billing period. [Order 1114, § 388-96-510, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-513 Limit on costs to related organizations. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-520 Suspension of reimbursement formula. [Order 1114, § 388-96-520, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-521 Start-up costs. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-523 Organization costs. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-529 Total compensation—Owners, relatives, and certain administrative personnel. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-531 Owner or relative—Compensation. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-533 Maximum allowable compensation of certain administrative personnel. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 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.
- 388-96-541 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.	388-96-602	Substance of recoverable cost transactions. [Order 1114, § 388-96-602, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-543	Expense for construction interest. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	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.
388-96-545	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.	388-96-606	Nonreimbursable services and expenses. [Order 1114, § 388-96-606, 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.	388-96-608	Recovery of expenses. [Order 1114, § 388-96-608, 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.	388-96-610	Physical property. [Order 1114, § 388-96-610, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-555	Depreciation expense. [Order 1262, § 388-96-555, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-612	Depreciation. [Order 1114, § 388-96-612, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-557	Depreciable assets. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	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.
388-96-563	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.	388-96-616	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.
388-96-567	Methods of depreciation. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	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.
388-96-569	Retirement of depreciable assets. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-620	Disposal of depreciable assets. [Order 1114, § 388-96-620, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-571	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. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	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.
388-96-573	Recovery of excess over straight-line depreciation. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-624	Historical cost trade-ins. [Order 1114, § 388-96-624, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-587	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.	388-96-626	Purchase of facility as an ongoing operations. [Order 1114, § 388-96-626, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-600	Reasonable costs. [Order 1114, § 388-96-600, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	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.
		388-96-630	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.
		388-96-636	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.
		388-96-640	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.
		388-96-646	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.
		388-96-650	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.
		388-96-654	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.
		388-96-658	Owner allowances. [Order 1114, § 388-96-658, 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.
		388-96-662	Discretionary allowance. [Order 1114, § 388-96-662, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.

- 9/14/93, effective 10/15/93.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 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.
- 388-96-745 Property cost area reimbursement rate. [Statutory Authority: RCW 74.46.800 and 74.46.530. 97-17-040, § 388-96-745, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-745, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-745, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 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.
- 388-96-752 Documentation of leased assets. [Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-752, filed 12/4/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-753 Return on investment—Effect of funding granted under WAC 388-96-774, 388-96-776, and 388-96-777. [Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-753, filed 5/26/94, effective 6/26/94.] Repealed by 95-19-037 (Order 3896), filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18.
- 388-96-754 A contractor's return on investment. [Statutory Authority: RCW 74.46.530. 97-17-040, § 388-96-754, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-754, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 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.
- 388-96-761 Home office, central office, and other off-premises assets. [Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-761, filed 5/30/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-763 Rates for recipients requiring exceptionally heavy care. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-763, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-764 Activities assistants. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-765 Ancillary care. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-765, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-768 Minimum wage. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-769 Adjustments required due to errors or omissions. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-769, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 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.
- 388-96-774 Add-ons to the prospective rate—Staffing. [Statutory Authority: RCW 74.46.460. 97-17-040, § 388-96-774, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-774, filed 7/16/96, effective 8/16/96; 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 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.
- 388-96-778 Public disclosure of rate-setting methodology. [Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-778, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-801 Billing period. [Order 1262, § 388-96-801, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-804 Billing procedures. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-807 Charges to patients. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-810 Payment. [Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-810, filed 7/16/96, effective 8/16/96; Order 1262, § 388-96-810, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-813 Suspension of payment. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-813, filed 9/12/95, effective 10/13/95. 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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-816 Termination of payments. [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.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-900 Definitions. [Order 1169, § 388-96-900, filed 11/10/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-902 Recoupment of undisputed overpayments. [Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-902, filed 5/14/82.] Repealed by 95-19-037 (Order 3896), filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18.

WAC 388-96-010 Definitions. Unless the context indicates otherwise, the following definitions apply in this chapter.

"**Accounting**" means activities providing information, usually quantitative and often expressed in monetary units, for:

- (1) Decision-making;
- (2) Planning;
- (3) Evaluating performance;
- (4) Controlling resources and operations; and
- (5) External financial reporting to investors, creditors, regulatory authorities, and the public.

"**Administration and management**" means activities used to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

"**Allowable costs**" - means documented costs that are necessary, ordinary, and related to the care of Medicaid recipients, and are not expressly declared nonallowable by this chapter or chapter 74.46 RCW. Costs are ordinary if

they are of the nature and magnitude that prudent and cost conscious management would pay.

"**Allowable depreciation costs**" means depreciation costs of tangible assets, whether owned or leased by the contractor, meeting the criteria specified in RCW 74.46.330.

"**Anticipated patient days**" are calculated by multiplying the number of licensed beds at the nursing facility by the number of days in the cost report period used to set the property rate and multiplying the product by the nursing facility's expected occupancy, which must be at eighty-five percent or above.

"**Assignment of contract**" means:

- (1) A new nursing facility licensee has elected to care for Medicaid residents;
- (2) The department finds no good cause to object to continuing the Medicaid contract at the facility; and
- (3) The new licensee accepts assignment of the immediately preceding contractor's contract at the facility.

"**Capitalized lease**" means a lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

"**Cash method of accounting**" means a method of accounting in which revenues are recorded when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

"**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.

(1) Events which constitute a change of ownership include, but are not limited to, the following:

- (a) Changing the form of legal organization of the contractor, e.g., a sole proprietor forms a partnership or corporation;
- (b) Transferring ownership of the nursing facility business enterprise to another party, regardless of whether ownership of some or all of the real property and/or personal property assets of the facility are also transferred;

(c) Dissolving of a partnership;

(d) Dissolving the corporation, merging the corporation with another corporation, which is the survivor, or consolidating with one or more other corporations to form a new corporation;

(e) Transferring, whether by a single transaction or multiple transactions within any continuous twenty-four-month period, fifty percent or more of the stock to one or more:

(i) New or former stockholders; or

(ii) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(f) Substituting of the individual operator or the operating entity by any other event or combination of events that results in a substitution or substitution of control of the individual operator or the operating entity contracting with the department to deliver care services.

(2) Ownership does not change when the following, without more, occurs:

(a) A party contracts with the contractor to manage the nursing facility enterprise as the contractor's agent, i.e., sub-

ject to the contractor's general approval of daily operating and management decisions; or

(b) 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.

"Charity allowance" means a reduction in charges made by the contractor because of the indigence or medical indigence of a patient.

"Contract" means an agreement between the department and a contractor for the delivery of nursing facility services to medical care recipients.

"Cost report" means all schedules of a nursing facility's cost report submitted according to the department's instructions.

"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.

"Donated asset" means an asset the contractor acquired without making any payment for the asset either in cash, property, or services. An asset is not a donated asset if the contractor:

- (1) Made even a nominal payment in acquiring the asset; or
- (2) Used donated funds to purchase the asset.

"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.

"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.

"Gain on sale" means the actual total sales price of all tangible and intangible nursing facility 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.

"Intangible asset" is an asset that lacks physical substance but possesses economic value.

"Interest" means the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

"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.

"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.

"Nonallowable costs" means the same as **"unallowable costs."**

"Nonrestricted funds" means funds which are not restricted to a specific use by the donor, e.g., general operating funds.

"Per diem (per patient day or per resident day) costs" means total allowable costs for a fiscal period divided by total patient or resident days for the same period.

"Prospective daily payment rate" means the rate assigned by the department to a contractor for providing service to medical care recipients prior to the application of settlement principles.

"Recipient" means a Medicaid recipient.

"Related care" includes:

- (1) The director of nursing services;
- (2) Activities and social services programs;
- (3) Medical and medical records specialists; and
- (4) Consultation provided by:
 - (a) Medical directors; and
 - (b) Pharmacists.

"Relative" includes:

- (1) Spouse;
- (2) Natural parent, child, or sibling;
- (3) Adopted child or adoptive parent;
- (4) Stepparent, stepchild, stepbrother, stepsister;
- (5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law;
- (6) Grandparent or grandchild; and
- (7) Uncle, aunt, nephew, niece, or cousin.

"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:

- (1) Administrative and nursing salaries;
- (2) Utility costs;
- (3) Taxes;
- (4) Insurance;
- (5) Repairs and maintenance; and
- (6) Training costs.

Start-up costs do not include expenditures for capital assets.

"Unallowable costs" means costs which do not meet every test of an allowable cost.

"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.

"Vendor number" means a number assigned to each contractor delivering care services to medical care recipients.

"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. 98-20-023, § 388-96-010, filed 9/25/98, effective 10/1/98; 97-17-040, § 388-96-010, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-010, filed 9/12/95, effective 10/13/95. 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 payment.

The nursing facility Medicaid payment system is the system used by the department to pay for nursing facility services provided to medical care recipients. Payment for nursing facility care shall be determined in accordance with this chapter and chapter 74.46 RCW. The provisions of chapter 74.46 RCW are incorporated by reference in this chapter as if fully set forth.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-020, filed 9/25/98, effective 10/1/98. 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 388-96-026 New contractors. (1) For purposes of administering the payment system, 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 with:

(i) Staff and administration that are substantially to completely different than the previous operation of the "new contractor"; and

(ii) 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 shall submit:

(a) At least sixty days before the effective date of the contract or assignment, a statement disclosing the identity of individuals or organizations who:

(i) Have a beneficial ownership interest in the current operating entity or the land, building, or equipment of the facility; or

(ii) Have a beneficial ownership interest in the purchasing or leasing entity.

[Title 388 WAC—p. 352]

(b) By March 31st of the following year, a cost report for the period from the effective date of the contract or assignment through December 31st of year the contract or assignment was effective.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(1) and RCW 74.46.800. 98-20-023, § 388-96-026, filed 9/25/98, effective 10/1/98. 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 388-96-107 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 nursing facility's contract is terminated or assigned, and the nursing facility does not submit a final cost report as required by RCW 74.46.040, the nursing facility shall return to the department all payments made to the terminating or assigning contractor relating to the period for which a report has not been received within sixty days after the terminating or assigning contractor receives a written demand from the department.

(2) Effective sixty days after the terminating or assigning contractor receives a written demand for payment, interest will begin to accrue payable to the department on any unpaid balance at the rate of one percent per month.

[Statutory Authority: RCW 74.46.040 and 74.46.050 as amended by 1998 c 322 §§ 3 and 4. 98-20-023, § 388-96-108, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-108, filed 9/12/95, effective 10/13/95. 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 388-96-117 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 good cause for termination of its contract with the department.

(2) In accordance with RCW 74.46.531, the department will make adjustments to payment rates because a false report was filed.

(3) Contractors filing false reports may be referred for prosecution under applicable statutes.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 19(11) and 31 and RCW 74.46.800. 98-20-023, § 388-96-119, filed 9/25/98, effective 10/1/98; Order 1262, § 388-96-119, filed 12/30/77.]

WAC 388-96-122 Amendments to reports. (1) For the purpose of determining allowable costs, the department shall consider an amendment to an annual report only if filed by the provider before the receipt by the provider of the notification scheduling the department's audit. The contractor may file an amendment subsequent to such notification and pursuant to the provisions of RCW 74.46.531 to adjust a payment rate allocation because of an error or omission. When the provider files an amendment, the department shall consider it only if significant errors or omissions are discovered. The department shall deem errors or omissions "significant" when 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 component rate allocation. To file an amendment, only those cost report 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 payment rate allocation 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: Chapter 74.46 as amended by 1998 c 322 §§ 19(11) and 31 and RCW 74.46.800. 98-20-023, § 388-96-122, filed 9/25/98, effective 10/1/98. 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.]

(1999 Ed.)

WAC 388-96-202 Scope of audit or department audit. (1) The department shall review the contractor's recordkeeping and accounting practices and, where appropriate, make written recommendations for improvements.

(2) The department's audit shall result in a schedule of summarizing adjustments to the contractor's cost report. The schedule shall show whether such adjustments eliminate costs reported or include costs not reported. Each adjustment listed shall include an explanation for the adjustment, the cost report account, and the dollar amount. In accordance with chapter 74.46 RCW, the department shall comply with the purpose of department audits by verifying 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 resident care;

(d) Related organizations and beneficial ownerships or interests have been correctly disclosed;

(e) Home office or central office costs have been reported and allocated in accordance with the provisions of this chapter and chapter 74.46 RCW;

(f) Recipient trust funds have been properly maintained;

(g) Facility receivables do not include benefits or payments to which the provider is not entitled; and

(h) The contractor is otherwise in compliance with the provisions of this chapter and chapter 74.46 RCW.

(3) In complying with the purpose of department audits in chapter 74.46 RCW, the department may select any or all schedules of a facility's cost report. The department shall audit cost reports, resident trust fund accounts, and facility receivables of each nursing facility participating in the Medicaid payment system as determined necessary by the department.

(4) When determining the contractor's final settlement, the department shall apply to reported costs adjustments written under subsection (2), whether used for the purpose of establishing component rate allocations as described in chapter 74.46 RCW or to ascertain contractor compliance with subsection (2).

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 8 and RCW 74.46.800. 98-20-023, § 388-96-202, filed 9/25/98, effective 10/1/98.]

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 contrac-

tor, 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 388-96-218 Proposed, preliminary, and final settlements. (1) For each component rate, the department shall calculate a settlement at the lower of prospective payment rate or audited allowable costs, except as otherwise provided in this chapter.

(2) In the proposed settlement report, a contractor shall compare the contractor's payment rates during a report period, weighted by the number of resident days reported for the period when each rate was in effect, to the contractor's allowable costs for the reporting period. The contractor shall take into account all authorized shifting, retained savings, and upper limits to rates on a cost center basis.

(a) Within one hundred twenty days after a proposed settlement report is received, the department shall:

(i) Review the proposed settlement report for accuracy; and

(ii) Either accept or reject the proposal of the contractor. If accepted, the proposed settlement report 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.

(b) A contractor shall have twenty-eight 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 twenty-eight-day period, the department shall not review or adjust a preliminary settlement report. Any administrative review of a preliminary settlement shall be limited to calculation of the settlement, to the application of settlement principles and rules, or both, and shall not encompass rate or audit issues.

(3) The department shall issue a final settlement report to the contractor after the completion of the department audit process, including exhaustion or termination of any administrative review and appeal of audit findings or determinations

requested by the contractor, but not including judicial review as may be available to and commenced by the contractor.

(a) The department shall prepare a 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. The department shall take into account all authorized shifting, savings, and upper limits to rates on a cost center basis. For the final settlement report, the department shall compare:

(i) The payment rate the contractor was paid for the facility in question during the report period, weighted by the number of allowable resident days reported for the period each rate was in effect to the contractor's;

(ii) Audited allowable costs for the reporting period; or

(iii) Reported costs for the nonaudited reporting period.

(b) A contractor shall have twenty-eight days after the receipt of a final settlement report to contest such report pursuant to WAC 388-96-901 and 388-96-904. Upon expiration of the twenty-eight-day period, the department shall not review a final settlement report. Any administrative review of a final settlement shall be limited to calculation of the settlement, the application of settlement principles and rules, or both, and shall not encompass rate or audit issues.

(c) The department shall reopen a final settlement if it is necessary to make adjustments based upon findings resulting from a department audit performed pursuant to RCW 74.46.100. 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 Medicaid recipients.

(4) In computing a preliminary or final settlement, a contractor may shift savings and/or overpayment in the support services cost center to cover a deficit and/or underpayment in the direct care or therapy cost centers up to the amount of the savings as provided in RCW 74.46.165(4). The provider's payment rate is subject to the provisions of RCW 74.46.421.

(5) If an 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 payment on judgments from the date the review was requested pursuant to WAC 388-96-901 and WAC 388-96-904 to the date the repayment is made.

(6) In determining whether a facility has forfeited unused rate funds in its direct care, therapy care and support services component rates under authority of RCW 74.46.165(3), the following rules shall apply:

(a) Federal or state survey officials shall determine when a facility is not in substantial compliance or is providing substandard care, according to federal and state nursing facility survey regulations;

(b) Correspondence from state or federal survey officials notifying a facility of its compliance status shall be used to determine the beginning and ending dates of any period(s) of noncompliance; and

(c) Forfeiture shall occur if the facility was out of substantial compliance more than ninety days during the settle-

ment period. The ninety-day period need not be continuous if the number of days of noncompliance exceed ninety days during the settlement period regardless of the length of the settlement period. Also, forfeiture shall occur if the nursing facility was determined to have provided substandard quality of care at any time during the settlement period.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 9 and 10 and RCW 74.46.800, 98-20-023, § 388-96-218, filed 9/25/98, effective 10/1/98.]

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.

(1999 Ed.)

(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

[Title 388 WAC—p. 355]

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.]

[Title 388 WAC—p. 356]

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

(1999 Ed.)

the facility with a final accounting of such funds to the department or to the individual or probate jurisdiction administering the resident's estate.

(a) If the deceased resident was a recipient of long-term care services paid for in whole or in part by the state of Washington then the personal funds held by the facility and the final accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery (or successor office).

(b) The personal funds of the deceased resident and final accounting must be conveyed to the individual or probate jurisdiction administering the resident's estate or to the state of Washington, department of social and health services, office of financial recovery (or successor office) no later than the forty-fifth day after the date of the resident's death.

(i) When the personal funds of the deceased resident are to be paid to the state of Washington, those funds shall be paid by the facility with a check, money order, certified check or cashier's check made payable to the secretary, department of social and health services, and mailed to the Office of Financial Recovery, Estate Recovery Unit, P.O. Box 9501, Olympia, Washington 98507-9501, or such address as may be directed by the department in the future.

(ii) The check, money order, certified check or cashier's check or the statement accompanying the payment shall contain the name and social security number of the deceased individual from whose personal funds account the monies are being paid.

(c) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(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 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-384, filed 9/12/95, effective 10/13/95. 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

(1999 Ed.)

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 388-96-502 Indirect and overhead costs. Subject to the provisions of this chapter and chapter 74.46 RCW, when a contractor provides goods or services that are not reimbursable, 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.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-502, filed 9/25/98, effective 10/1/98. 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 388-96-505 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, refunds of allowable costs 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 support services, operations and property rate components only. In the support services rate component, the amount of reduction shall be determined by dividing a facility's allowable housekeeping costs by total adjusted patient days and multiplying the result by total hold-room days. In the operations rate component, the amount of the reduction shall be determined by dividing a facility's allowable operation costs by total adjusted patient days and multiplying the result by total hold-room days. In the property rate component, the amount of reduction shall be determined by dividing allowable property costs by the total adjusted 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, refunds of allowable costs or rebates are received, the amount of the reduction shall be the amount of the discount or rebate. Financial benefits such as purchase discounts, refunds of allowable costs 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. 98-20-023, § 388-96-505, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.200 and 74.46.800. 97-17-040, § 388-96-505, filed 8/14/97, effective 9/14/97. 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

[Title 388 WAC—p. 357]

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 388-96-525 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. Cost of training for which the nursing facility is reimbursed outside the payment rate is an unallowable cost.

(2) 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.

(3) 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.

(4) 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.

(5) 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. 98-20-023, § 388-96-525, filed 9/25/98, effective 10/1/98; 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 388-96-530 What will be allowable compensation for owners, relatives, licensed administrator, assistant administrator, and/or administrator-in-training? Subject to any applicable cost center limit established by chapter 74.46 RCW, total allowable compensation shall be:

(1) As provided in the employment contract, including benefits, whether such contract is written, verbal, or inferred from the acts of the parties; or

(2) In the absence of a contract, gross salary or wages excluding payroll taxes and benefits made available to all employees, e.g., health insurance.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-530, filed 9/25/98, effective 10/1/98.]

WAC 388-96-532 Does the contractor have to maintain time records? (1) The contractor shall maintain time records that are adequate for audit for owners, relatives, 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 and shall document compensated time was spent in provision of necessary services actually performed.

(2) If the contractor has no or inadequate time records, the undocumented cost of compensation shall be unallowable.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-532, filed 9/25/98, effective 10/1/98.]

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 nonduplicative; 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 the following year; except, a new contractor shall submit the first year's disclosure together with the submissions required by WAC 388-96-026. Within this section, the meaning of the:

(a) "Effective date" is the date the department will recognize allocation per an approved JCAD; and

(b) "Implementation date" is the date the facility will begin or began incurring joint facility costs.

(4) The department shall determine the acceptability of the JCAD methodology not later than December 31 of each year for all JCADs received by September 30th.

(a) The effective date of an acceptable JCAD that was received by September 30th is January 1st.

(b) The effective date of an acceptable JCAD that was received after September 30th shall be ninety days from the date the JCAD was received by the department.

(5) The contractor shall submit to the department for approval an amendment or revision to an approved JCAD methodology at least thirty days prior to the implementation date of the amendment or revision. For amendments or revisions received less than thirty days before the implementation date, the effective date of approval will be thirty days from the date the JCAD is received by the department.

(6) When a contractor, who is not currently incurring joint facility costs, begins to incur joint facility costs during 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 implementation date. If the JCAD is not received ninety days before the implementation date, the effective date of the approval will be ninety days from the date the JCAD is received by the department.

(7) Joint facility costs not disclosed, allocated, and reported in conformity with this section are nonallowable costs. Joint facility costs incurred before the effective dates of subsections (4), (5), and (6) of this section are unallowable. 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.

[Statutory Authority: RCW 74.46.270. 97-17-040, § 388-96-534, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-534, filed 7/16/96, effective 8/16/96. 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) The contractor shall disclose to the department the nature and purpose of the management agreement, including an organizational chart showing the relationship between the contractor, management company and all related organizations. The department may request additional information or clarification.

(2) Acceptance of a management agreement may not be construed as a determination that all management fees or costs are allowable in whole or in part. Management fees or costs not disclosed or approved in conformity with chapter 74.46 RCW and this section are unallowable. When necessary for the health and safety of medical care recipients, the department may waive the sixty-day or thirty-day advance notice requirement of RCW 74.46.280 in writing.

(3) Management fees are allowable only for necessary, nonduplicative services that are of the nature and magnitude that prudent and cost-conscious management would pay. Costs of services, facilities, supplies and employees furnished by the management company are subject to RCW 74.46.220.

(4) Allowable fees for all general management services of any kind referenced in this section, including corporate or business entity management and management fees not allocated to specific services, are subject to any applicable cost center limit established in chapter 74.46 RCW.

(5) Central office costs, owner's compensation, and other fees or compensation, including joint facility costs, for general administrative and management services, including management expense not allocated to specific services, shall be subject to any cost center limit established by chapter 74.46 RCW.

(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 or management company shall be considered compensation.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-535, filed 9/25/98, effective 10/1/98. 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 388-96-536 Does the department limit the allowable compensation for an owner or relative of an

(1999 Ed.)

owner? (1) The department shall limit total compensation of an owner or relative of an owner 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 limit set out in chapter 74.46 RCW.

(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) If the service provided would require licensed staff, e.g., RN, then the same license standard must be met when performed by an owner, relative or other administrative personnel.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-536, filed 9/25/98, effective 10/1/98.]

WAC 388-96-540 Will the department allow the cost of an administrator-in-training? (1) The department shall not allow costs of an administrator-in-training for the purpose of setting the operations component prospective payment rate allocation.

(2) The department shall pay the costs of an approved administrator-in-training program by an add-on to the current prospective payment rate, unless the operations cost center is at or above the median cost limit for the facility's peer group reduced or increased under chapter 74.46 RCW.

(3) 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.

(4) 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.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-540, filed 9/25/98, effective 10/1/98.]

WAC 388-96-542 Home office or central office. (1) The department shall audit the home office or central office whenever a nursing facility receiving such services is audited.

(2)(a) Assets used in the provision of services by or to a nursing facility, but not located on the premises of the nursing facility, shall not be included in net invested funds or in the calculation of property payment for the nursing facility.

(b) The nursing facility may allocate depreciation, interest expense, and operating lease expense for the home office, central office, and other off-premises assets to the cost of the services provided to or by the nursing facility on a reasonable statistical basis approved by the department.

[Title 388 WAC—p. 359]

(c) The allocated costs of (b) of this subsection may be included in the cost of services in such cost centers where such services and related costs are appropriately reported.

(3) Home office or central office costs must be allocated and reported in conformity with the department-approved JCAD methodology as required by WAC 388-96-534.

(4) Home office or central office costs are subject to the limitation specified in RCW 74.46.410.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(1), RCW 74.46.270 and 74.46.800. 98-20-023, § 388-96-542, filed 9/25/98, effective 10/1/98.]

WAC 388-96-553 Capitalization. The following costs shall be capitalized:

(1) Expenditures for depreciable assets with historical cost in excess of seven hundred fifty dollars per unit and a useful life of more than one year from the date of purchase;

(2) Expenditures and costs for depreciable assets with historical cost of seven hundred fifty dollars or less per unit if either:

(a) The depreciable asset was acquired in a group purchase where the total cost exceeded seven hundred fifty dollars; or

(b) The depreciable asset was part of the initial equipment or stock of the nursing home; and

(3) Expenditures for any change, including repairs with a cost in excess of seven hundred fifty dollars that increases the useful life of the depreciable asset by two years or more.

[Statutory Authority: RCW 74.46.310, [74.46.]320 and [74.46.]330. 97-17-040, § 388-96-553, filed 8/14/97, effective 9/14/97. 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 depreciable assets with historical cost of seven 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 depreciable asset was acquired in a group purchase where the total cost exceeded seven hundred fifty dollars; or

(b) The depreciable asset was part of the initial equipment or stock of the nursing home.

(3) Expenditures for and costs of building and other real property items, components and improvements, whether for leased or owner-operated facilities, of seven hundred and fifty dollars or less.

(4) 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.

(5) 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 com-

pensations 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 74.46.310, [74.46.]320 and [74.46.]330. 97-17-040, § 388-96-554, filed 8/14/97, effective 9/14/97. 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 388-96-559 Cost basis of land and depreciation base. (1) For all partial or whole rate periods after December 31, 1984 unless otherwise provided or limited by this chapter or by this section, chapter 388-96 WAC or chapter 74.46 RCW, 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) If the land and depreciable assets of a newly constructed nursing facility were never used in or as a nursing facility before being purchased from the builder, the cost basis and the depreciation base shall be the lesser of:

(a) Documented actual cost of the builder; or

(b) The approved amount of the certificate of need issued to the builder.

When the builder is unable or unwilling to document its costs, the cost basis and the depreciation base shall be the approved amount of the certificate of need.

(5) 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.

(6) 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.

(7) 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 (9) 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.

(8) For new or replacement building construction or for substantial building additions requiring the acquisition of land and which commenced to operate on or after July 1, 1997, the department shall determine allowable land costs of the additional land acquired for the new or replacement construction or for substantial building additions to be the lesser of:

(a) The contractor's or lessor's actual cost per square foot; or

(b) The square foot land value as established by an appraisal that meets the latest publication of the *Uniform Standards of Professional Appraisal Practice (USPAP)* and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). The department shall obtain a USPAP appraisal that meets FIRREA first from:

(i) An arms'-length lender that has accepted the ordered appraisal; or

(ii) If the department is unable to obtain from the arms'-length lender a lender-approved appraisal meeting USPAP and FIRREA standards or if the contractor or lessor is unable or unwilling to provide or cause to be provided a lender-approved appraisal meeting USPAP and FIRREA standards, then:

(A) The department shall order such an appraisal; and

(B) The contractor shall immediately reimburse the department for the costs incurred in obtaining the USPAP and FIRREA appraisal.

(9) Except as provided for in subsection (8) of this section, 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.

(10)(a) Subsection (9) 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 (9) 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 statu-

tory 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 (9) of this section to apply without exception to acquisitions occurring on or after July 18, 1984, except as provided in subsections (10)(b) and (11) 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.

(11)(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 (10) 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 (11)(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.

(12) 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 74.46.360, 97-17-040, § 388-96-559, filed 8/14/97, effective 9/14/97. 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) Except for new buildings, major remodels and major repair projects as defined in subsection (3) of this section, 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. 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 con-

tractor 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) Effective July 1, 1997, for depreciable assets acquired on or after July 1, 1997 including new facilities, major remodels, and major repair projects that begin operating on or after July 1, 1997, the department shall use the most current edition of *Estimated Useful Lives of Depreciable Hospital Assets* published by the American Hospital Publishing, Inc., to determine the useful life of depreciable assets, new building, major remodels, and major repair projects; provided that, the shortest life that may be used for new buildings is thirty years. New building, major remodels, and major repair projects are those projects that meet or exceed the expenditure minimum established by the department of health pursuant to chapter 70.38 RCW.

(4) Contractors shall depreciate building improvements other than major remodels and major repairs defined in subsection (3) of this section over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

(5) 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 in accordance with American Hospital Association guidelines.

(6) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

[Statutory Authority: RCW 74.46.310, [74.46.]320 and [74.46.]330. 97-17-040, § 388-96-565, filed 8/14/97, effective 9/14/97. 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 388-96-572 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

(1999 Ed.)

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 388-96-580 Operating leases of office equipment. (1) 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.

(2) The department shall pay office equipment rental costs in the operations component rate allocation. 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.

(3) The department shall not pay for depreciation of leased office equipment.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-580, filed 9/25/98, effective 10/1/98. 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. Unallowable costs listed in subsection (2) of this section represent a partial summary of such costs, in addition to those unallowable under chapter 74.46 RCW and this chapter.

(2) The department shall include, but not limit, unallowable costs to the following:

(a) Costs in excess of limits or violating principles set forth in this chapter;

(b) Costs resulting from transactions or the application of accounting methods circumventing principles set forth in this chapter;

(c) 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 at least three documented attempts by the contractor to obtain payment demonstrating that the effort devoted to collecting the bad debts of Title XIX recipients is the same devoted by the contractor to collect the bad debts of non-Title XIX recipients;

(d) 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;

(e) 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;

(f) All interest costs not specifically allowed in this chapter or chapter 74.46 RCW;

(g) Increased costs resulting from a series of transactions between the same parties and involving the same assets, e.g., sale and lease back, successive sales or leases of a single facility or piece of equipment.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-585, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.190, [74.46.]460 and [74.46.]800. 97-17-040, § 388-96-585, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-585, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-585, filed 9/12/95, effective 10/13/95. 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 payment rates. The department, as provided in chapter 74.46 RCW and this chapter, shall determine, adjust, or update prospective Medicaid payment rates for nursing facility services provided to medical care recipients. Each rate, subject to the principles of this chapter and chapter 74.46 RCW, represents a nursing facility's maximum compensation for one resident day of care provided a medical care recipient determined by the department to both require and be eligible to receive nursing facility care.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322. 98-20-023, § 388-96-704, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-704, filed 9/12/95, effective 10/13/95. 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 388-96-708 Reinstatement of beds previously removed from service under chapter 70.38 RCW—Effect on prospective payment rate. (1) After removing beds from service (banked) under the provisions of chapter 70.38 RCW the contractor may bring back into service beds that were previously banked.

(2) When the contractor returns to service beds banked under the provisions of chapter 70.38 RCW, the department will recalculate the contractor's prospective payment rate allocations based on the facility's anticipated resident occupancy level following the increase in licensed bed capacity.

(3) The effective date of the recalculated prospective rate for beds returned to service:

(a) Between the first and the fifteenth of a month, shall be the first of the month in which the banked beds returned to service; or

(b) Between the sixteenth and the end of a month, shall be the first of the month following the month in which the banked beds returned to service.

(4) The recalculated prospective payment rate shall comply with all the provisions of rate setting contained in chapter 74.46 RCW or in this chapter, including all lids and maximums unless otherwise specified in this section.

(5) The recalculated prospective Medicaid payment rate shall be subject to adjustment if required by RCW 74.46.421.

[Statutory Authority: 1998 c 322 § 19(11). 98-20-023, § 388-96-708, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-708, filed 7/16/96, effective 8/16/96.]

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 chapter 74.46 RCW and in this chapter, including all lids and maximums, unless otherwise specified in this section.

(3) The revised prospective payment rate shall be effective the first of a month determined as follows:

(a) When the contractor complies with subsection (1)(b) and (c) of this section and the effective date of the licensed bed 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 licensed bed 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 licensed bed reduction occurs.

(b) The department shall revise a nursing facility's prospective rate to reflect a reduction in licensed beds as follows:

(i) The department shall use the reduced total number of licensed beds to determine occupancy used to calculate the direct care, therapy care, support services and operations rate component allocations. If actual occupancy from the rate base cost report is:

(A) At or over eighty-five percent before the reduction and remains at or above eighty-five percent, there will be no change to the component allocations;

(B) Less than eighty-five percent before the reduction and changes to at or above eighty-five percent, then recompute the components using actual rate based resident days; or

(C) Less than eighty-five percent before the reduction and remains below eighty-five percent, then recompute the components using the change in resident days from the rate base cost report resulting from the reduced number of licensed beds used to calculate the eighty-five percent.

(ii) To determine occupancy used to calculate the property and return on investment (ROI) rate component allocations, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease in licensed bed capacity as long as the occupancy for the reduced number of beds is at or above eighty-five percent and in no case shall the department use less than eighty-five percent occupancy of the facility's reduced licensed bed capacity.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(11) and RCW 74.46.800.98-20-023, § 388-96-709, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.510.97-17-040, § 388-96-709, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18.95-19-037 (Order 3896), § 388-96-709, filed 9/12/95, effective 10/13/95. 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 payment rate for new contractors. (1) The department shall establish an initial prospective Medicaid payment rate for a new contractor as defined under WAC 388-96-026 within sixty days following the new contractor's application and approval for a license to operate the facility under chapter 18.51 RCW. The rate shall take effect as of the effective date of the contract, except as provided in this section, and shall comply with all the provisions of rate setting contained in chapter 74.46 RCW and in this chapter, including all lids and maximums set forth.

(2) Except for quarterly updates per RCW 74.46.501(7)(c), the rate established for a new contractor as defined in WAC 388-96-026 (1)(a) or (b) shall remain in effect for the nursing facility until the rate can be reset effective July 1

(1999 Ed.)

using the first cost report for that facility under the new contractor's operation containing at least six months' data from the prior calendar year, regardless of whether reported costs for facilities operated by other contractors for the prior calendar year in question will be used to cost rebase their July 1 rates. The new contractor's rate thereafter shall be cost rebased only as provided in this chapter and chapter 74.46 RCW.

(3) To set the initial prospective Medicaid payment 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 nursing facility 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 (3)(b) of this section and available to the department on the day the new contractor began participating in the Medicaid payment rate system at the facility, rank from the highest to the lowest the component rate allocation in direct care, therapy care, support services, and operations cost centers and based on this ranking:

(i) Determine the middle of the ranking and then identify the rate immediately above the median for each cost center identified in subsection (3)(c) of this section. The rate immediately above the median will be known as the "selected rate" for each cost center;

(ii) Set the new contractor's nursing facility component rate allocation for therapy care, support services, and operations at the "selected rate";

(iii) Set the direct care rate using data from the direct care "selected" rate facility identified in (c) of this subsection as follows:

(A) The cost per case mix unit shall be the rate base allowable case mixed direct care cost per patient day for the direct care "selected" rate facility, whether or not that facility is held harmless under WAC 388-96-728 and 388-96-729, divided by the facility average case mix index per WAC 388-96-741;

(B) The cost per case mix unit determined under (c)(iii)(A) of this subsection shall be multiplied by the Medicaid average case mix index per WAC 388-96-740. The product shall be the new contractor's direct care rate under case mix; and

(C) The department shall not apply RCW 74.46.506(5)(k) to any direct care rate established under subsection (5)(e) or (f) of this section. A new contractor whose direct care rate was established under subsection (5)(e) or (f) of this section is not eligible to be paid by a "hold harmless" rate as determined under RCW 74.46.506(5)(k);

(iv) Set the property rate in accordance with the provisions of this chapter and chapter 74.46 RCW; and

(v) Set the return on investment rate in accordance with the provisions of this chapter and chapter 74.46 RCW. In computing the financing allowance, the department shall use for direct care, therapy care, support services and operations cost centers the rates set pursuant to subsection (3)(c)(i), (ii) and (iii) of this section.

(d) Any subsequent revisions to the rate component allocations of the sample members will not impact a "selected rate" component allocation of the initial prospective rate established for the new contractor under this subsection.

(4) For the WAC 388-96-026 (1)(a) or (b) new contractor, the department shall establish rate component allocations for:

(a) Direct care, therapy care, support services and operations cost centers based on the "selected rates" as determined under subsection (3)(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 and chapter 74.46 RCW 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 and chapter 74.46 RCW using the "selected rates" established under subsection (3)(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.

(5) The initial prospective payment rate for a new contractor as defined under WAC 388-96-026 (1)(a) or (b) shall be established under subsections (3) and (4) of this section. If the WAC 388-96-026 (1)(a) or (b) contractor's initial rate:

(a) Was set before January 1, 1997, and the contractor does not have six months or greater of cost report data for 1996, the October 1, 1998, rate will be set using the contractor's 1997 cost report. Its July 1, 1999, and July 1, 2000, rates will not be cost rebased;

(b) Was set between January 1, 1997, and June 30, 1997, the October 1, 1998, rate will be set using the contractor's 1997 cost report. Its July 1, 1999, and July 1, 2000, rates will not be cost rebased;

(c) Was set between July 1, 1997, and June 30, 1998, the October 1, 1998, rate will be the revised initial sample based rate using October 1, 1998, rate data for direct care, therapy care, support services, and operations, and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property rate. The financing allowance will be revised. The contractor's July 1, 1999, rate will be rebased using 1998 cost report data. Its July 1, 2000, rate will not be cost rebased;

(d) Was set between July 1, 1998, and September 30, 1998, the October 1, 1998, rate will be the revised initial sample based rate using October 1, 1998, rate data for direct care, therapy care, support services, and operations, and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property rate. The financing allowance will be revised. The July 1, 1999, rate will be revised in the same manner using July 1, 1999, rate data. The July 1, 2000, rate will be rebased using 1999 cost report data;

(e) Is set between October 1, 1998, and June 30, 1999, the initial rate is set in accordance with subsections (3) and (4) of this section. The July 1, 1999, rate will be the revised initial sample based rate using July 1, 1999, rate data for direct care, therapy care, support services, and operations, and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property rate. The financing allowance will be revised. The July 1, 2000, rate will be rebased using 1999 cost report data; or

(f) Is set between July 1, 1999, and June 30, 2000, the initial rate is set in accordance with subsections (3) and (4) of this section. The July 1, 2000, rate will be the revised initial sample based rate using July 1, 2000, rate data for direct care, therapy care, support services, and operations, and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property rate. The financing allowance will be revised.

(6) For the WAC 388-96-026 (1)(c) new contractor, the initial prospective payment rate shall be the last prospective payment rate the department paid to the Medicaid contractor operating the nursing facility immediately prior to the effective date of the new Medicaid contract or assignment. If the WAC 388-96-026 (1)(c) contractor's initial rate:

(a) Was set before January 1, 1997, and the new contractor does not have a cost report containing at least six months' data from 1996, its October 1, 1998, rate will be set by using twelve months of cost report data derived from the old contractor's data and the new contractor's data for the 1996 cost report year and its July 1, 1999, and July 1, 2000, rates will not be cost rebased;

(b) Was set between January 1, 1997, and September 30, 1998, its October 1, 1998, rate will be set by using the old contractor's 1996 twelve months' cost report data and its July 1, 1999, and July 1, 2000, rates will not be cost rebased; or

(c) Is set on or after October 1, 1998, its July 1, 1999, and July 1, 2000, rates will not be cost rebased.

(7) A prospective payment rate set for all new contractors shall be subject to adjustments for economic trends and conditions as authorized and provided in this chapter and in chapter 74.46 RCW. For the WAC 388-96-026 (1)(a) or (b) new contractor, to adjust the October 1, 1998, payment rate for economic trends and conditions, the department shall apply a 2.96 percent inflation factor to direct care, therapy care, support services, and operations rate components.

(8) For a WAC 388-96-026 (1)(a), (b) or (c), the Medicaid case mix index and facility average case mix index shall be determined in accordance with this chapter and chapter 74.46 RCW.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(11) and RCW 74.46.800. 98-20-023, § 388-96-710, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-710, filed 9/12/95, effective 10/13/95. 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 nursing facility's Medicaid payment rate for services provided to medical care recipients will be determined, adjusted and updated prospectively as provided in this chapter and in chapter 74.46 RCW.

(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) 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. 98-20-023, § 388-96-713, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-713, filed 9/12/95, effective 10/13/95. 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 388-96-718 Public process for determination of rates. (1) The purpose of this section is to describe the manner in which the department will comply with the federal Balanced Budget Act of 1997, Section 4711 (a)(1), codified at 42 U.S.C. 1396a (a)(13)(A).

(2) For all material changes to the methodology for determining nursing facility Medicaid payment rates occurring after October 1, 1997, and requiring a Title XIX state plan amendment to be submitted to and approved by the Health Care Financing Administration under applicable fed-

(1999 Ed.)

eral laws, the department shall follow the following public process:

(a) The proposed estimated initial payment rates, the proposed new methodologies for determining the payment rates, and the underlying justifications shall be published. Publication shall be:

(i) In the Washington State Register; or

(ii) In the Seattle Times and Spokane Spokesman Review newspapers.

(b) The department shall maintain and update as needed a mailing list of all individuals and organizations wishing to receive notice of changes to the nursing facility Medicaid payment rate methodology, and all materials submitted for publication shall be sent postage prepaid by regular mail to such individuals and organizations. Individuals and organizations wishing to receive notice shall notify the department in writing.

(c) Nursing facility providers, their associations, nursing facility Medicaid beneficiaries, representatives of providers or beneficiaries, and other concerned members of the public shall be given a reasonable opportunity to review and comment on the proposed estimated rates, methodologies and justifications. The period allowed for review and comment shall not be less than thirty calendar days after the date of the Washington State Register containing the published material or the date the published material has appeared in both the Seattle Times and the Spokane Spokesman Review.

(d) If, after receiving and considering all comments, the department decides to move ahead with any change to its nursing facility Medicaid payment rate methodology, it shall adopt needed further changes in response to comments, if any, and shall publish the final estimated initial rates, final rate determination methodologies and justifications. Publication shall be:

(i) In the Washington State Register; or

(ii) In the Seattle Times and Spokane Spokesman Review newspapers.

(e) Unless an earlier effective date is required by state or federal law, implementation of final changes in methodologies and commencement of the new rates shall not occur until final publication has occurred in the Register or in both designated newspapers. The department shall not be authorized to delay implementation of, or to alter, ignore or violate requirements of, state or federal laws in response to public process comments.

(f) Publication of proposed estimated initial payment rates and final estimated initial payment rates shall be deemed complete once the department has published:

(i) The statewide average proposed estimated initial payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year, including the change from the existing statewide average payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year; and

(ii) The statewide average final estimated initial payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year, including the change from the existing statewide average payment rate weighted by adjusted Medicaid resident days

[Title 388 WAC—p. 367]

for all Medicaid facilities from the most recent cost report year.

(3) Nothing in this section shall be construed to prevent the department from commencing or completing the public process authorized by this section even though the proposed changes to the methodology for determining nursing facility Medicaid payment rates are awaiting federal approval, or are the subject of pending legislative, gubernatorial or rule-making action and are yet to be finalized in statute and/or regulation.

(4)(a) Neither a contractor nor any other interested person or organization shall challenge, in any administrative appeals or exception procedure established in rule by the department under the provisions of chapter 74.46 RCW, the adequacy or validity of the public process followed by the department in proposing or implementing a change to the payment rate methodology, regardless of whether the challenge is brought to obtain a ruling on the merits or simply to make a record for subsequent judicial or other review. Such challenges shall be pursued only in courts of proper jurisdiction as may be provided by law.

(b) Any challenge to the public process followed by the department that is brought in the course of an administrative appeals or exception procedure shall be dismissed by the department or presiding officer, with prejudice to further administrative review and record-making, but without prejudice to judicial or other review as may be provided by law.

(5) The public process required and authorized by this section shall not apply to any change in the payment rate methodology that does not require a Title XIX state plan amendment under applicable federal laws, including but not limited to:

(a) Prospective or retrospective changes to nursing facility payment rates or to methodologies for establishing such rates ordered by a court or administrative tribunal, after exhaustion of all appeals by either party as may be authorized by law, or the expiration of time to appeal; or

(b) Changes to nursing facility payment rates for one or more facilities resulting from the application of authorized payment rate methodologies, principles or adjustments, including but not limited to: partial or phased-in termination or implementation of rate methodologies; scheduled cost rebasing; quarterly or other updates to reflect changes in case mix or other private or public source data used to establish rates; adjustments for inflation or economic trends and conditions; rate funding for capital improvements or new requirements imposed by the department; changes to resident-specific or exceptional care rates; and changes to correct errors or omissions by the contractor or the department.

[Statutory Authority: RCW 74.46.800, 74.09.500 and 74.08.090. 98-19-062, § 388-96-718, filed 9/16/98, effective 10/17/98.]

WAC 388-96-723 How often will the department compare the state-wide weighted average payment rate for all nursing facilities with the state-wide weighted average payment rate identified in the Biennial Appropriations Act? (1) On a monthly basis, the department will compare the state-wide weighted average payment rate for all nursing facilities with the state-wide weighted average payment rate identified in the Biennial Appropriations Act.

[Title 388 WAC—p. 368]

To determine the state-wide weighted average payment rate, the department shall use total billed Medicaid days and total billed Medicaid dollars.

(2) Under RCW 74.46.421, the department must implement a reduction in all nursing facilities' component rates any time its comparison indicates that the state-wide weighted average payment rate for all nursing facilities:

(a) Exceeds the state-wide weighted average payment rate identified in the Biennial Appropriations Act; or

(b) Is likely to exceed the state-wide weighted average payment rate identified in the Biennial Appropriations Act.

[Statutory Authority: RCW 74.46.421 and 74.46.800. 98-20-023, § 388-96-723, filed 9/25/98, effective 10/1/98.]

WAC 388-96-724 How much advance notice will a nursing facility receive of a rate reduction? (1) The department will notify the nursing facility at least twenty-eight calendar days in advance of the effective date of a reduction taken under RCW 74.46.421.

(2) The rate reduction taken under RCW 74.46.421 will be effective the first day of the month following the twenty-eight calendar day advance notice.

[Statutory Authority: RCW 74.46.421 and 74.46.800. 98-20-023, § 388-96-724, filed 9/25/98, effective 10/1/98.]

WAC 388-96-725 After the rate reductions when will a nursing facility's rates return to their previous level?

(1) The rate reductions to all nursing facilities' component rates taken in accordance with RCW 74.46.421 will not be reversed.

(2) If after a reduction a nursing facility is eligible to receive an increase in a component rate for some unrelated change, e.g., a change in the Medicaid case mix index causes the direct care rate to increase, the department must apply the increase to the rate reduced by application of RCW 74.46.421.

(3) Reductions made under RCW 74.46.421 are cumulative. When a monthly comparison indicates that the state-wide weighted average payment rate for all nursing facilities will exceed or exceeds the state-wide weighted average payment rate identified in the Biennial Appropriations Act, under RCW 74.46.421, the department must reduce the component rates for all nursing facilities without reversing any previous reductions or forgoing any future reductions.

[Statutory Authority: RCW 74.46.421 and 74.46.800. 98-20-023, § 388-96-725, filed 9/25/98, effective 10/1/98.]

WAC 388-96-726 If a nursing facility's component rates are below the state-wide weighted average payment rate identified in the Biennial Appropriations Act, will the department reduce the facility's component rates when it makes a rate reduction under RCW 74.46.421?

(1) Even if an individual nursing facility's component rates are below the state-wide weighted average payment rate identified in the Biennial Appropriations Act, the department must reduce the nursing facility's component rates as required under RCW 74.46.421.

(2) The department shall not exempt any nursing facility from a component rates reduction required by RCW 74.46.421 in any circumstance, e.g., billed Medicaid days,

(1999 Ed.)

under-spending of the biennial appropriation for nursing facility rates, etc.

[Statutory Authority: RCW 74.46.421 and 74.46.800. 98-20-023, § 388-96-726, filed 9/25/98, effective 10/1/98.]

WAC 388-96-728 How will the nursing facility's "hold harmless" direct care rate be determined? For October 1, 1998, through June 30, 2000, under RCW 74.46.506 (5)(k), the "hold harmless" direct care rate is the nursing facility's nursing service component rate in effect on June 30, 1998, adjusted as follows:

(1) Subtract allowable therapy costs from the cost report year used to set the facility's June 30, 1998, nursing services rate; and

(2) Add all exceptional care offsets made to reported costs from the cost report year 1997.

The department shall adjust the therapy costs and exceptional care offsets for economic trends and conditions used to set the facility's June 30, 1998, rate.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 25 and RCW 74.46.800. 98-20-023, § 388-96-728, filed 9/25/98, effective 10/1/98.]

WAC 388-96-729 When will the department use the "hold harmless rate" to pay for direct care services? For October 1, 1998, through June 30, 2000, under RCW 74.46.506 (5)(k), the department will use the higher of the "hold harmless" direct care rate determined under WAC 388-96-728 or the direct care rate determined in accordance with RCW 74.46.506 (1) through (5)(g), to pay for direct care services.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 25 and RCW 74.46.800. 98-20-023, § 388-96-729, filed 9/25/98, effective 10/1/98.]

WAC 388-96-738 What default case mix group and weight must the department use for case mix grouping when there is no minimum data set resident assessment for a nursing facility resident? (1) When a resident:

(a) Dies before the facility completes the resident's initial assessment, the department must assign the assessment to the special care case mix group - SSB. The department must use the case mix weight assigned to the special care case mix group - SSB;

(b) Is discharged to an acute care facility before the nursing facility completes the resident's initial assessment, the department must assign the assessment to the special care case mix group - SSB. The department must use the case mix weight assigned to the special care case mix group - SSB; or

(c) Is discharged for a reason other than those noted above before the facility completes the resident's initial assessment, the department must assign the assessment to the case mix group BC1 with a case mix weight of 1.000.

(2) If the resident assessment is untimely as defined in RCW 74.46.501 and as defined by federal regulations, then the department must assign the case to the default case mix group of BC1 which has a case mix weight of 1.000.

(1999 Ed.)

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 22, 24 and 25 and RCW 74.46.800. 98-20-023, § 388-96-738, filed 9/25/98, effective 10/1/98.]

WAC 388-96-739 How will the department determine which resident assessments are Medicaid resident assessments? The department must identify a Medicaid resident assessment through the review of the minimum data set (MDS) payer source code. If the nursing facility codes the payer source as "Medicaid per diem," regardless of whether any other payer source codes are checked, then the department will count the case as a Medicaid resident assessment.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 22, 24 and 25 and RCW 74.46.800. 98-20-023, § 388-96-739, filed 9/25/98, effective 10/1/98.]

WAC 388-96-740 What will the department use as the Medicaid case mix index when a facility does not meet the ninety percent minimum data set (MDS) threshold as identified in RCW 74.46.501? (1) If the nursing facility is newly Medicaid certified after the quarter which will serve as the basis for the Medicaid case mix index, then the department must use the industry average Medicaid case mix index for the quarter specified in RCW 74.46.501 (7)(c) as the facility's Medicaid average case mix index.

(2) If the nursing facility does not meet the ninety percent MDS threshold for any other reason, then the department must use the facility's prior quarterly Medicaid case mix index less five percent as the Medicaid case mix index.

(3) For October 1, 1998, through December 31, 1998, when the nursing facility's MDS data for April 1, 1998, through June 30, 1998, used to determine the nursing facility's direct care rate does not meet the ninety percent MDS threshold for any other reason, the department shall use the nursing facility's prior quarterly Medicaid case mix index as the Medicaid case mix index.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 22, 24 and 25 and RCW 74.46.800. 98-20-023, § 388-96-740, filed 9/25/98, effective 10/1/98.]

WAC 388-96-741 When the nursing facility does not have facility average case mix indexes for the four quarters specified in RCW 74.46.501 (7)(b) for determining the cost per case mix unit, what will the department use to determine the nursing facility's cost per case mix unit? If the nursing facility:

(1) Is newly Medicaid certified after the four quarters specified in RCW 74.46.501 (7)(b), then the department must use the industry average case mix index for those four quarters as the facility's average case mix index.

(2) Existed during at least one of the four quarters and met the ninety percent threshold for at least one of the four quarters specified in RCW 74.46.501 (7)(b), then the department must use the facility's average case mix index for the quarter(s) that the facility met the ninety percent threshold.

(3) Existed during at least one of the four quarters and did not meet the ninety percent threshold for any of the four quarters, then the department must use the industry average case mix index as the facility's average case mix index.

[Title 388 WAC—p. 369]

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 22, 24 and 25 and RCW 74.46.800. 98-20-023, § 388-96-741, filed 9/25/98, effective 10/1/98.]

WAC 388-96-742 When will the department use licensed beds to compute the ninety percent minimum data set (MDS) threshold rather than a nursing facility's quarterly average census? The department will use the number of licensed beds to compute the ninety percent threshold of MDS data when:

(1) The reported census as a result of data entry errors exceeds the number of current licensed beds; or

(2) There is a significant discrepancy between the reported census and the number of current licensed beds. If the census is fifty percent of the number of licensed beds, a significant discrepancy exists.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 22, 24 and 25 and RCW 74.46.800. 98-20-023, § 388-96-742, filed 9/25/98, effective 10/1/98.]

WAC 388-96-744 How will the department set the therapy care rate and determine the median cost limit per unit of therapy? (1) For a nursing facility that does not report units of therapy for the applicable cost report year, the department will set its nursing facility therapy care rate at \$0.00 until units of therapy are submitted.

(2) After the nursing facility reports its units of therapy, the department will pay the nursing facility a rate beginning the effective date of the rate year, e.g., July 1.

(3) In a rebase year the nursing facility's units of therapy must be reported in the cost report used to rebase the rate. If reported later than the cost report due date, the department shall exclude the nursing facility's therapy costs from the array of costs use to set the median cost limit per unit of therapy.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 26 and RCW 74.46.800. 98-20-023, § 388-96-744, filed 9/25/98, effective 10/1/98.]

WAC 388-96-746 How much therapy consultant expense for each therapy type will the department allow to be added to the total allowable one-on-one therapy expense? (1) The department will multiply the actual patient days when greater than eighty-five percent or patient days at eighty-five percent occupancy by both:

(a) A nursing facility's adjusted therapy consulting costs per patient day; and

(b) The median adjusted therapy consulting cost plus ten percent.

The lesser of (a) or (b) of this subsection will be reasonable therapy consulting costs that the department shall add to the total allowable one-on-one therapy expense used to calculate the therapy care rate.

(2) To determine the median adjusted therapy consulting cost per type of therapy, the department shall:

(a) Divide Medicaid nursing facilities in the state into two peer groups:

(i) Those facilities located within a metropolitan statistical area; and

(ii) Those not located in a metropolitan statistical area. Metropolitan statistical areas and nonmetropolitan statistical

areas shall be as determined by the United States Office of Management and Budget or other applicable federal office.

(b) Array the facilities in each peer group from highest to lowest based on their therapy consulting cost per patient day for each type of therapy.

(c) Determine the median total cost for therapy consulting per patient day costs by MSA and non-MSA peer group and add ten percent to that median cost.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 26 and RCW 74.46.800. 98-20-023, § 388-96-746, filed 9/25/98, effective 10/1/98.]

WAC 388-96-747 Constructed, remodeled or expanded facilities. (1) When a facility is constructed, remodeled, or expanded after obtaining a certificate of need or exemption from the requirements for certificate of need for the replacement of existing nursing home beds pursuant to RCW 70.38.115 (13)(a), the department shall determine actual and allocated allowable land cost and building construction cost. Payment 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 (2) and (7) 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.

(2) 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 payment;

(i) Other items included by the Marshall and Swift Valuation Service when deriving the calculator method costs.

(3) The department shall allow such construction costs, at the lower of actual costs or the maximums derived from the sum of the basic construction cost limit plus the common use area limit which corresponds to the type, class and number of total nursing home beds for the new construction, remodel or expansion. The maximum limits shall be calculated using the most current cost criteria contained in the *Marshall and Swift Valuation Service* and shall be adjusted forward to the midpoint date between award of the construction contract and completion of construction.

(4) When some or all of a nursing facility's common-use areas are situated in a basement, the department shall exclude some or all of the per-bed allowance 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 limits determined in accordance with subsection (3) of this section. In lieu of the excluded amount, the department shall add an amount calculated using the calculator method guidelines for basements in nursing homes published in the *Marshall and Swift Valuation Service*.

(5) 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;

(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; or

(c) Land value for new or replacement building construction or substantial building additions requiring the acquisition of land that commenced to operate on or after July 1, 1997, determined in accordance with RCW 74.46.360 (2) and (3).

(6) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsections (1) and (7) 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 its financial impact with the request.

(7) If a capitalized addition or retirement of an asset will result in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement, the department shall use the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity as long as the occupancy for the increased number of beds is at or above eighty-five percent. Subject to the provisions of this chapter and chapter 74.46 RCW, in no case shall the department use less than eighty-five percent occupancy of the facility's increased licensed bed capacity. If a capitalized addition, replacement, or retirement results in a decreased licensed bed capacity, WAC 388-96-709 will apply.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(12) and RCW 74.46.800. 98-20-023, § 388-96-747, filed 9/25/98, effective 10/1/98.]

WAC 388-96-757 Payment for veterans' homes. Payment rates to nursing facilities operated by the state of Washington, department of veterans' affairs shall be determined in (1999 Ed.)

accordance with chapter 74.46 RCW and this chapter as for all other facilities.

[Statutory Authority: RCW 74.09.120 and 74.46.800. 98-20-023, § 388-96-757, filed 9/25/98, effective 10/1/98; 93-19-074 (Order 3634), § 388-96-757, filed 9/14/93, effective 10/15/93.]

WAC 388-96-760 Upper limits to the payment rate.

The average payment 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 payment rate for the same time period. The department will pay public facilities rendering such services free of charge or at a nominal charge 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 payment rate and supporting computations and documentation. The contractor shall immediately inform the department if its payment rate does exceed customary charges for comparable services. If necessary, the department will adjust the payment rate in accordance with RCW 74.46.531.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322, RCW 74.46.800 and 74.09.120. 98-20-023, § 388-96-760, filed 9/25/98, effective 10/1/98. 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 388-96-762 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; and

(f) Other reasons exist which are deemed sufficient by the department.

[Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-762, filed 7/16/96, effective 8/16/96. 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 388-96-766 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 388-96-771 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.

[Title 388 WAC—p. 372]

(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 388-96-776 Add-ons to the payment rate—Capital improvements. (1) The department shall grant an add-on to a payment 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 74.46.431(12); 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 exemption from the requirements for certificate of need for the replacement of existing nursing facility beds pursuant to RCW 70.38.115 (13)(a) or capitalized additions or renovations for the removal of physical plant waivers.

(3) Rate add-ons granted pursuant to subsection (1) or (2) of this section shall be limited in total amount each fiscal

(1999 Ed.)

year to the total current legislative appropriation, if any, specifically made to fund the Medicaid share of such rate add-ons for the fiscal year. Rate add-ons are subject to the provisions of RCW 74.46.421.

(4) When physical plant improvements made under subsection (1) or (2) of this section 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 the purpose 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 RCW 74.46.330 and as applicable to that specific completed and fully utilized phase.

(5) 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 (9) of this section using the date the class was improved.

(6) The department shall not add on construction fees as defined in WAC 388-96-747 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.

(7) 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 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 RCW 74.46.360;

(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.

(8) 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.

(9) 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.

(10) 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 calendar 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 calendar days from the date of receipt of notification, the department shall deny the request for failure to complete.

(11) 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 (9) of this section 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 (9) of this section; or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection (9) of this section even though the physical plant improvements may be completed and fully utilized prior to that date.

(12) The department shall respond, in writing, not later than sixty calendar days after receipt of a complete request.

(13) 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.

(14) When any physical plant improvements made under subsection (1) or (2) of this section 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 and chapter 74.46 RCW.

(15) All rate components to fund the Medicaid share of nursing facility new construction or refurbishing projects costing in excess of one million two hundred thousand dollars, or projects requiring state or federal certificate of need approval, shall be based upon a minimum facility occupancy of eighty-five percent for the direct care, therapy care, support services, operations and property cost centers, and the return on investment (ROI) rate component, during the initial rate period in which the adjustment is granted. These same component rates shall be based upon a minimum facility occupancy of eighty-five percent for all rate periods after the initial rate period.

(16) When a capitalized addition or replacement results in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement:

(a) The department shall for:

(i) Property, use the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity; and

(ii) The financing allowance, multiply the net invested funds by ten percent and divide by the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity; and

(b) The anticipated resident occupancy for the increased number of beds must be at or above eighty-five percent. In all cases the department shall use at least eighty-five percent occupancy of the facility's increased licensed bed capacity.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(12) and RCW 74.46.800. 98-20-023, § 388-96-776, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.465. 97-17-040, § 388-96-776, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-776, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-776, filed 9/12/95, effective 10/13/95. 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 388-96-901 Disputes. (1) If a contractor wishes to contest the way in which a statute or department rule relating to the nursing facility Medicaid payment system was applied to the contractor by the department, the contractor shall pursue the administrative review process prescribed in WAC 388-96-904.

(a) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW subject to administrative review under WAC 388-96-904 include but are not limited to:

- (i) Determining a nursing facility payment rate;
- (ii) Calculating a nursing facility settlement;
- (iii) Imposing a civil fine on the nursing facility;
- (iv) Suspending payment to a nursing facility; or
- (v) Refusing to contract with a nursing facility.

(b) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW not subject to administrative review under WAC 388-96-904 include but are not limited to those taken under the authority of RCW 74.46.421 and sections of this chapter implementing RCW 74.46.421.

(2) The administrative review process prescribed in WAC 388-96-904 shall not be used to contest or review unrelated or ancillary department actions, whether review is sought to obtain a ruling on the merits of a claim or to make a record for subsequent judicial review or other purpose. If an issue is raised that is not subject to review under WAC 388-96-904, the presiding office shall dismiss such issue with prejudice to further review under the provisions of WAC 388-96-904, but without prejudice to other administrative or judicial review as may be provided by law. Unrelated or ancillary actions not eligible for administrative review under WAC 388-96-904 include but are not limited to:

(a) Challenges to the adequacy or validity of the public process followed by department in proposing or making a change to the nursing facility Medicaid payment rate methodology, as required by 42 U.S.C. 1396a (a)(13)(A) and WAC 388-96-718;

(b) Challenges to the nursing facility Medicaid payment system that are based in whole or in part on federal laws, regulations, or policies;

(c) Challenges to a contractor's rate that are based in whole or in part of federal laws, regulations, or policies;

(d) Challenges to the legal validity of a statute or regulation;

(e) Issues relating to case mix accuracy review of minimum data set (MDS) nursing facility resident assessments, which shall be limited to separate administrative review under the provisions of WAC 388-96-905;

(f) Quarterly rate updates to reflect changes in a facility's resident case mix; and

(g) Issues relating to any action of the department affecting a Medicaid beneficiary or provider that were not commenced by the office of rates management, aging and adult services administration, for example, entitlement to or payment for durable medical equipment or other services.

(3) If a contractor wishes to challenge the legal validity of a statute or regulation relating to the nursing facility Medicaid payment system, or wishes to bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.

[Statutory Authority: RCW 74.46.780 as amended by 1998 c 322 § 41. 98-20-023, § 388-96-901, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-901, filed 9/12/95, effective 10/13/95. 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 388-96-904 Administrative review—Adjudicative proceeding. (1) Contractors seeking to appeal or take exception to an action or determination of the department, under authority of this chapter or chapter 74.46 RCW, relating to the contractor's payment rate, audit or settlement, or otherwise affecting the level of payment to the contractor, or seeking to appeal or take exception to any other adverse action taken under authority of this chapter or chapter 74.46 RCW eligible for administrative review under this section, shall request an administrative review conference in writing within twenty-eight calendar days after receiving notice of the department's action or determination. The department shall deem the contractor to have received the department's notice five calendar days after the date of the notification letter, unless proof of the date of receipt of the department's notification letter exists, in which case the actual date of receipt shall be used to determine timeliness of the contractor's request for an administrative review conference. The contractor's request for administrative review shall:

(a) Be signed by the contractor or by a partner, officer, or authorized employee of the contractor;

(b) State the particular issues raised; and

(c) Include all necessary supporting documentation or other information.

(2) After receiving a request for administrative review conference that meets the criteria in subsection (1) of this section, the department shall schedule an administrative review conference. The conference may be conducted by telephone.

(3) At least fourteen calendar days prior to the scheduled date of the administrative review conference, the contractor must supply any additional or supporting documentation or information upon which the contractor intends to rely in presenting its case. In addition, the department may request at any time prior to issuing a determination any documentation or information needed to decide the issues raised, and the contractor must comply with such a request within fourteen calendar days after it is received. The department may extend this period up to fourteen additional calendar days for good cause shown if the contractor requests an extension in writing received by the department before expiration of the initial

fourteen-day period. The department shall dismiss issues that cannot be decided or resolved due to a contractor's failure to provide requested documentation or information within the required period.

(4) The department shall, within sixty calendar days after conclusion of the conference, render a determination in writing addressing the issues raised. If the department is waiting for additional documentation or information promised by or requested from the contractor pursuant to subsection (3) of this section, the sixty-day period shall not commence until the department's receipt of such documentation or information or until expiration of the time allowed to provide it. The determination letter shall include a notice of dismissal of all issues which cannot be decided due to a contractor's failure to provide documentation or information promised or requested.

(5) A contractor seeking further review of a determination issued pursuant to subsection (4) of this section shall apply for an adjudicative proceeding, in writing, signed by one of the individuals authorized by subsection (1) of this section, within twenty-eight calendar days after receiving the department's administrative review conference determination letter. A review judge or other presiding officer employed by the department's board of appeals shall conduct the adjudicative proceeding.

The department shall deem the contractor to have received the department's determination five calendar days after the date of the administrative review determination letter, unless proof of the date of receipt of the letter exists, in which case the actual date of receipt shall be used to determine timeliness of the contractor's application for an adjudicative proceeding. The contractor shall attach to its application for an adjudicative proceeding the department's administrative review conference determination letter. A contractor's application for an adjudicative proceeding shall be addressed to the department's board of appeals.

(6) Except as authorized by subsection (7) of this section, the scope of an adjudicative proceeding shall be limited to the issues specifically raised by the contractor at the administrative review conference and addressed on the merits in the department's administrative review conference determination letter. The contractor shall be deemed to have waived all issues or claims that could have been raised by the contractor relating to the challenged determination or action, but which were not pursued at the conference and not addressed in the department's administrative review conference determination letter. In its request for an adjudicative proceeding or as soon as practicable, the contractor must specify its issues.

(7) If the contractor wishes to have further review of any issue not addressed on its merits, but instead dismissed in the department's administrative review conference determination letter, for failure to supply needed, promised, or requested additional information or documentation, or because the department has concluded the request was untimely or otherwise procedurally defective, the issue shall be considered by the presiding officer for the purpose of upholding the department's dismissal, reinstating the issue and remanding for further agency staff action, or reinstating the issue and rendering a decision on the merits.

(8) An adjudicative proceeding shall be conducted in accordance with this chapter, chapter 388-08 WAC and chapter 34.05 RCW. In the event of a conflict between hearing requirements in chapter 74.46 RCW and chapter 388-96 WAC specific to the nursing facility Medicaid payment system on the one hand and general hearing requirements in chapter 34.05 RCW and chapter 388-08 WAC on the other hand, the specific requirements of chapter 74.46 RCW and chapter 388-96 WAC shall prevail. The presiding officer assigned by the department's board of appeals to conduct an adjudicative proceeding and who conducts the proceeding shall render the final agency decision.

(9) At the time an adjudicative proceeding is being scheduled for a future time and date certain, or at any appropriate stage of the prehearing process, the presiding officer shall have authority, upon the motion of either party or the presiding officer's own motion, to compel either party to identify specific issues remaining to be litigated.

(10) If the presiding officer determines there is no material issue(s) of fact to be resolved in a case, the presiding officer shall have authority, upon the motion of either party or the presiding officer's own motion, to decide the issue(s) presented without convening or conducting an in-person evidentiary hearing. In such a case, the decision may be reached on documentation admitted to the record, party admissions, written or oral stipulation(s) of facts, and written or oral argument.

(11) The board of appeals shall issue an order dismissing an adjudicative proceeding requested under subsection (5) of this section, unless within two hundred seventy calendar days after the board of appeals receives the application for an adjudicative proceeding:

(a) All issues have been resolved by a written settlement agreement between the contractor and the department signed by both and filed with the board of appeals; or

(b) An adjudicative proceeding has been held for all issues not resolved and the evidentiary record, including all rebuttal evidence and post-hearing or other briefing, is closed.

This time limit may be extended one time thirty additional calendar days for good cause shown upon the motion of either party made prior to the expiration of the initial two hundred seventy day period. It shall be the responsibility of the contractor to request that hearings be scheduled and ensure that settlement agreements are signed and filed with the board of appeals in order to comply with the time limit set forth in this subsection.

(12) Any party dissatisfied with a decision or an order of dismissal of the board of appeals may file a petition for reconsideration within ten calendar days after the decision or order of dismissal is served on such party. The petition shall state the specific grounds upon which relief is sought. The time for seeking reconsideration may be extended by the presiding officer for good cause upon motion of either party. The presiding officer shall rule on a petition for reconsideration and may seek additional argument, briefing, testimony, or other evidence if deemed necessary. Filing a petition for reconsideration shall not be a requisite for seeking judicial review; however, if a petition is filed by either party, the

agency decision shall not be deemed final until a ruling is made by the presiding officer.

(13) A contractor dissatisfied with a decision or an order of dismissal of the board of appeals may file a petition for judicial review pursuant to RCW 34.05.570(3) or other applicable authority.

[Statutory Authority: RCW 74.46.780 as amended by 1998 c 322 § 41. 98-20-023, § 388-96-904, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-904, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-904, filed 9/12/95, effective 10/13/95. 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, effective 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.]

WAC 388-96-905 Case mix accuracy review of MDS nursing facility resident assessments. (1) The department shall perform periodic nursing facility on-site accuracy reviews of minimum data set (MDS) assessments of nursing facility residents, for the purpose of verifying the accuracy of facility case mix data used to establish and update Medicaid payment rates, and for other purposes the department may deem appropriate.

(2) Contractors, their representatives, and authorized nursing facility personnel may ask questions and raise concerns with the quality assurance nurse (QAN) or other designated department representative at the time a case mix accuracy review is conducted. Contractors, their representatives and authorized nursing facility personnel should attempt to resolve any differences and provide additional documentation, information or clarification prior to the case mix accuracy review exit conference.

(3) Upon completing a case mix accuracy review, the QAN shall hold an exit conference to inform the facility of the QAN's observations and preliminary findings. MDS inaccuracies, if any, will be identified and the findings that substantiate these inaccuracies shall be described.

(4) Within five working days after the case mix accuracy review exit conference is held, the nursing facility district manager (DM) for the facility's district shall send the case mix accuracy review decision letter to the nursing facility administrator at the facility address. The case mix accuracy review decision letter shall be sent certified mail, return receipt requested, shall describe in detail the QAN's findings, and shall identify the:

(a) Resident assessments that were reviewed;

(b) RUG-III or other applicable case mix grouping that was determined for the resident assessments reviewed;

(c) Changes in assigned classification, if any, that were made for residents whose assessments were reviewed;

(d) Right of the contractor to appeal any disagreement with the case mix accuracy review decision to the department's case mix accuracy review administrator or his or her delegate:

(i) Where to send an appeal request; and

(ii) The time limit for requesting an appeal.

(5) If the contractor intends to appeal the DM's case mix accuracy review decision letter, the appeal request must be in writing and mailed to the department's case mix accuracy administrator within ten calendar days after receipt of the case mix accuracy review decision letter. The appeal request letter shall:

(a) Be signed by the contractor or by a partner, officer, or authorized employee of the contractor;

(b) State the particular issue(s) raised, including any explanation or basis for disagreeing with the department's findings or actions.

(6) Prior to the informal administrative hearing, the case mix accuracy review administrator shall have no involvement in the case mix accuracy review decision.

(7) Upon receiving a timely appeal request, the administrator shall review any documentation and information submitted with the request, and contact the contractor by telephone to schedule an informal administrative hearing. The purpose of this informal hearing is to give the contractor one opportunity to present information which might warrant modification or deletion of resident-specific accuracy findings resulting from the case mix accuracy review. The scope of the informal administrative hearing shall be limited to clinical issues of resident need and assessment. Nonclinical issues beyond the scope of appeal include, but are not limited to:

(a) Any remedies or negative actions imposed by the department to rectify practices or inaccuracies;

(b) Alleged inconsistencies in the accuracy review process;

(c) Challenges to the authority or adequacy of the case mix accuracy review process; and

(d) Payment rate issues or other adverse actions subject to review under WAC 388-96-904.

(8) On or before the informal hearing date, the contractor must submit all necessary supporting documentation or other information to the case mix accuracy review administrator. The administrator may request additional information or documentation from the contractor at any time before issuing the final, informal hearing decision. The contractor shall provide all information or documentation within the time limits established by this section, or by the administrator. In the event that the contractor fails to submit the required documentation for a claim or issue within the specified time limits, the accuracy review administrator shall dismiss the claim or issue with prejudice.

(9) The informal case mix accuracy review administrative hearing shall be conducted in person, unless both the contractor and the department agree that it can be conducted by telephone.

(10) Within ten days after the informal administrative hearing or within ten days after receipt of any additional information or documentation requested, whichever is later, the case mix accuracy review administrator shall send the appeal decision in writing to the nursing facility administrator at the facility address. The appeal decision letter shall be sent regular mail and shall:

(a) Be the final agency decision of the department;

(b) Be based on the independent judgment of the case mix accuracy review administrator who conducted the informal administrative hearing and reviewed all information and documentation; and

(c) Recite the right of the contractor to seek judicial review under the state's Administrative Procedure Act (chapter 34.05 RCW).

(11) A contractor dissatisfied with the final agency decision issued by the case mix accuracy review administrator may file a petition for judicial review pursuant to RCW 34.05.570(3) or other applicable authority.

[Statutory Authority: RCW 74.46.780 as amended by 1998 c 322 § 41 and RCW 74.46.800, 98-20-023, § 388-96-905, filed 9/25/98, effective 10/1/98.]

**Chapter 388-97 WAC
NURSING HOMES**

WAC

**SUBCHAPTER I
LICENSE AND OPERATIONS
DEFINITIONS**

388-97-005

Definitions.

NURSING HOME LICENSE

388-97-010

License—Application.

388-97-015

License—Qualification.

388-97-020

Nursing home fees.

388-97-025

License capacity.

388-97-030

Change of ownership.

388-97-035

Change in administrator or director of nursing services.

388-97-040

Name of nursing home.

388-97-045

License relinquishment upon closure.

388-97-050

License denial, modification, nonrenewal, revocation.

RESIDENT RIGHTS

388-97-055

Resident representative and decision making.

388-97-060

Informed consent.

388-97-065

Advance directives.

388-97-070

Resident rights.

388-97-075

Nursing home practices—Resident restraint and prevention of abuse.

QUALITY OF LIFE

388-97-080

Quality of life.

ASSESSMENT AND PLANS OF CARE

388-97-085

Resident assessment.

388-97-090

Comprehensive care planning.

388-97-095

Dementia care unit.

388-97-100

Discharge planning.

388-97-105

Relocation due to decertification, license revocation closure, evacuation.

QUALITY OF CARE

388-97-110

Quality of care.

NURSING SERVICES

388-97-115

Nursing services.

DIETARY SERVICES

388-97-120

Dietary services.

PHYSICIAN SERVICES

388-97-125

Physician services.

SPECIALIZED HABILITATIVE AND REHABILITATIVE SERVICES

388-97-130

Specialized rehabilitative and rehabilitative services.

PHARMACY SERVICES

388-97-135

Pharmacy services.

INFECTION CONTROL

388-97-140

Infection control.

388-97-145 Early identification of persons with active tuberculosis.
 388-97-150 Surveillance and management of tuberculosis.
 388-97-155 Care of residents with active tuberculosis.

ADMINISTRATION

388-97-160 General administration.
 388-97-165 Staff and equipment.
 388-97-170 Staff development.
 388-97-175 Medical director.
 388-97-180 Clinical records.
 388-97-185 Disaster and emergency preparedness.
 388-97-190 Quality assessment and assurance.
 388-97-195 Policies and procedures.
 388-97-200 Criminal history disclosure and background inquiries.

MISCELLANEOUS SERVICES

388-97-205 Laundry services.
 388-97-210 Respite services.
 388-97-215 Adult day or night care.
 388-97-220 Dialysis services.

MEDICAID-CERTIFIED NURSING FACILITIES

388-97-225 Nursing facility care.
 388-97-230 Discrimination prohibited.
 388-97-235 Medical eligibility for nursing facility care.
 388-97-240 Nursing facility admission.
 388-97-245 Pre-admission screening.
 388-97-250 Identification screening for current residents.
 388-97-255 Pre-admission screening and annual resident review (PASARR).
 388-97-260 PASARR determination and appeal rights.
 388-97-265 Utilization review.
 388-97-270 Individual transfer and discharge rights, procedures, appeals.
 388-97-275 Resident assessment instrument.
 388-97-280 Discharge or leave of a nursing facility resident.

SUBCHAPTER II PHYSICAL ENVIRONMENT ALL FACILITIES

388-97-295 General.
 388-97-300 Fire standards and approval.
 388-97-305 Other standards.
 388-97-310 IMR exceptions to physical plant requirements.
 388-97-315 Emergency power.
 388-97-320 Space and equipment.
 388-97-325 Resident care unit.
 388-97-330 Resident rooms.
 388-97-335 Resident room equipment.
 388-97-340 Resident toilet and bathing facilities.
 388-97-345 Dining and resident activities.
 388-97-350 Optional rooms and areas.
 388-97-355 Food service areas.
 388-97-360 Lighting.
 388-97-365 Safety.
 388-97-370 Water supply.
 388-97-375 Pest control.
 388-97-380 Maintenance and repair.
 388-97-385 Sewage and liquid waste disposal.

NEW CONSTRUCTION

388-97-390 General.
 388-97-395 Design requirements.
 388-97-400 Approval of plans.
 388-97-405 Exemptions.
 388-97-410 State building code.
 388-97-415 Electrical codes and standards.
 388-97-420 Elevator codes.
 388-97-425 Local codes and ordinances.
 388-97-430 Administration and public areas.
 388-97-435 Resident care unit.
 388-97-440 Resident rooms.
 388-97-445 Resident room equipment.
 388-97-450 Resident toilet and bathing facilities.
 388-97-455 Required miscellaneous rooms and areas.
 388-97-460 Optional rooms and areas.
 388-97-465 General design requirements.
 388-97-470 Heating, ventilation, and air conditioning system.
 388-97-475 Electrical.
 388-97-480 Plumbing, fixtures.

KEY:

Deemed sections are indicated by a statement at the beginning of the section and by the use of small capitalized print within the section. Deeming means the state requirement is similar to the cited federal requirement and if the federal requirement is met, the facility is deemed to meet the state requirement.

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

(1999 Ed.)

(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, non-renewal, 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 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 incapacitated 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

(1999 Ed.)

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, NEGLIGENCE, 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, NEGLECT 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, NEGLECT, 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, NEGLECT 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

(1999 Ed.)

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.]

[Title 388 WAC—p. 390]

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.

(1999 Ed.)

[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 rec-

ipes 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 PHY-

SICIAN'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

(1999 Ed.)

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 of 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) Medic-aid-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:

(1999 Ed.)

(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; or

(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

(1999 Ed.)

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 representa-

tive, 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 admission. (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 authorize nursing facility services and payment for Medicaid-eligible persons effective the date:

(a) Of the request for a department long-term care assessment; or

(b) Nursing facility care actually begins, whichever is later.

(1999 Ed.)

(5) The department shall not reimburse a nursing facility for any care rendered before the date the nursing facility makes a request to the department for an assessment.

(6) A nursing facility shall not collect payment from a Medicaid-eligible person, or that person's family or representative for any services provided prior to the date the nursing facility makes a request to the department for an assessment.

[Statutory Authority: 1995 c 18, RCW 18.51.070, 74.42.620 and 74.42.056. 95-24-019 (Order 3922), § 388-97-240, filed 11/22/95, effective 12/23/95. 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:

(1999 Ed.)

(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

(1999 Ed.)

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) Medic-aid-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 stor-

age 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

(1999 Ed.)

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;

[Title 388 WAC—p. 408]

(2) Lighting levels are appropriate to the task, support the independent functioning of the resident, provide a home-like 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

(1999 Ed.)

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

(1999 Ed.)

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 infringe 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 eight 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 bed-side 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

[Title 388 WAC—p. 412]

(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.]

(1999 Ed.)

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:

[Title 388 WAC—p. 413]

(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 ¹ 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 ²	Yes	No
TB isolation room anteroom	NN	2	12 ³	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

^{1/} 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.

^{2/} Temporary imbalance at resident rooms as caused by intermittent toilet room or bathroom exhaust fans is permissible.

^{3/} 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 ¹	Task Light ²
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 of 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.]

(1999 Ed.)

Chapter 388-98 WAC NURSING HOME LICENSURE PROGRAM ADMINISTRATION

WAC

388-98-001	Definitions.
388-98-003	Remedies.
388-98-010	List of qualified receivers.
388-98-015	Duties and powers of receiver.
388-98-020	Termination of receivership.
388-98-300	Temporary management.
388-98-320	Temporary managers—Application.
388-98-330	Duties and powers of temporary manager.
388-98-340	Termination of temporary management.
388-98-700	Stop placement—Informal review.
388-98-750	Notice and hearing rights.
388-98-810	Civil penalty fund.
388-98-830	Notification of response time.
388-98-870	Separate violations.
388-98-890	Reporting.

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.

(8) "Emergency transfer" means a department order to immediately transfer specified residents or all residents from a nursing home to safe settings.

(9) "Highest practicable physical, mental, or psychosocial well being" means the highest level of functioning and well being possible to be achieved for a resident limited by the resident's presenting functional status and potential for improvement or reduced rate of degeneration. Highest practi-

able is not a diagnostic, prospective, delineating determination made without aggressive, competent efforts to halt degenerative processes and to achieve or restore independent free choice functioning. It is achieved through functional assessment and aggressive, competent addressing of the individual's physical, mental, and psychosocial needs.

(10) "Licensed nursing home" means a nursing home licensed under chapter 18.51 RCW.

(11) "Licensee" means an individual, partnership, corporation, or other legal entity licensed to operate a nursing home or a person subject to licensure as determined by the department. This does not include an employee of a licensee or person unless that employee is an owner of five percent or more of the licensed entity assets.

(12) "Licensee's agent" means the designated nursing home administrator, or an individual designated to perform managerial functions in the administrator's absence.

(13) "Officer" means an individual appointed as an officer of a corporation.

(14) "Owner of five percent or more of the assets of a nursing home" means:

(a) In the case of a sole proprietorship, the owner, or if owned as community property, the owner and owner's spouse;

(b) In the case of a corporation, the owner of at least five percent of the capital stock of a corporation; or

(c) In the case of other types of business entities, the owner of a beneficial interest in at least five percent of the capital assets of an entity.

(15) "Partner" means an individual in a partnership owning or operating a nursing home.

(16) "Plan of correction" means a written statement specifying:

(a) How the nursing home will correct the cited deficiencies;

(b) The date by which the correction will be made; and

(c) Who is responsible for assuring the correction.

(17) "Reasonable time" means a period of time determined by the department and noted in the plan of correction. In determining the length of time for correction of each deficiency, the department considers:

(a) The gravity of the deficiency, including the severity and immediacy of the actual or potential harm to residents;

(b) The required financial and personnel resources necessary to correct the deficiency; and

(c) The minimum amount of time practicably required to correct the deficiency.

(18) "Receivership" means a court action resulting in the removal of a nursing home's current operator and the appointment of a substitute operator to temporarily manage and operate the nursing home.

(19) "Retaliate":

(a) Retaliate against a resident means an act including, but not limited to:

(i) Verbal or physical harassment or abuse;

(ii) Nonmedically indicated social, dietary, or mobility restriction;

(iii) Lessening of the level of care not medically appropriate;

(iv) A nonvoluntary relocation within a nursing home without appropriate medical, psychosocial, or nursing justification;

(v) Neglect or negligent treatment;

(vi) Withholding of privileges; or

(vii) Infringement on a resident's rights as described in WAC 248-14-247 and chapter 74.42 RCW.

(b) Retaliate against an employee means an act including, but not limited to, harassment, firing, demotion, disciplinary action, or nonvoluntary reassignment or rescheduling occurring as a result of employee actions described in section 220, chapter 18.51 RCW.

(c) A rebuttable presumption is raised that retaliation has occurred if a condition described in subsection 388-98-001 (14)(a) of this section definition occurs within one year of the resident's actions described in WAC 388-98-800 (2)(i).

(20) "Severity" means the seriousness of a deficiency as determined by the:

(a) Actual or potential negative outcomes for residents or resident rights violations; or

(b) Extent to which the resident's highest practicable physical, mental, or psychosocial well being is compromised or threatened.

(21) "Scope" means the frequency, incidence, or extent of the occurrence of a deficiency.

(22) "Stop placement" means action instituted by the department prohibiting nursing home admissions, readmissions, and transfers of patients.

(23) "Temporary management" means the department temporarily appoints a substitute manager or operator with authority to hire, terminate, or reassign staff, obligate current facility revenues, alter procedures as appropriate, or otherwise manage the facility as necessary to:

(a) Correct deficiencies; or

(b) Close the facility in a safe and orderly manner.

(24) "Termination" means a department decision to:

(a) Terminate or not renew a nursing home's Medicaid certification and contract; or

(b) Recommend the federal Health Care Financing Administration terminate or not renew a nursing home's Medicaid and/or Medicare certification and contracts.

[Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-001, filed 12/15/89, effective 1/15/90. Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-001, filed 10/9/87. Statutory Authority: RCW 18.51.070. 83-24-030 (Order 2052), § 388-98-001, filed 12/1/83. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-001, filed 6/25/80.]

WAC 388-98-003 Remedies. (1) The department may suspend, revoke, or refuse to renew a license, and/or assess civil monetary penalties when the department finds the licensee or partner, officer, director, or owner of five percent or more of the assets of the nursing home, licensee's agent, employee or individual providing nursing home care or services:

(a) Operates or operated a nursing home without a license or under a revoked or suspended license;

(b) Knowingly or with reason to know makes a false statement of a material fact in the application for license, in attached data, or in matters under department investigation;

(c) Refuses to allow department representatives or agents to inspect required books, records, and files or portions of the nursing home premises;

(d) Willfully prevents, interferes with, or attempts to impede the work of authorized department representatives and the lawful enforcement under provisions of this chapter or chapter 74.42 RCW;

(e) Willfully prevents or interferes with department representatives in the preservation of evidence of violations of provisions under this chapter or chapter 74.42 RCW;

(f) Fails to report patient abuse or neglect in violation of chapter 70.124 RCW;

(g) Fails to pay a civil monetary penalty the department assesses under this chapter within ten days after assessment becomes final;

(h) Retaliates against a patient or employee participating in proceedings specified under RCW 18.51.220; or

(i) Discriminates against Medicaid recipients as prohibited under RCW 74.42.055.

(2) When the department finds:

(a) A licensee or partner, officer, director, or owner of five percent or more of the assets of the nursing home, licensee's agent, employee, or individual providing nursing home care or services fails or refuses to comply with the requirements under chapter 18.51 or 74.42 RCW; or

(b) A Medicaid contractor licensee fails or refuses to comply with the Medicaid requirements of Title XIX of the Social Security Act, as amended; then

(c) The department may impose any or all of the following remedies:

(i) Suspend, revoke, or refuse to renew a license;

(ii) Order stop placement;

(iii) Assess civil monetary penalties;

(iv) Deny payment to a nursing home for Medicaid residents admitted after notice to deny payment. Medicaid recipients shall not assume responsibility for payment when the department takes action under this subsection;

(v) Appoint temporary management as provided under section 300 of this chapter; and

(vi) Petition the court to establish receivership.

(3) The criteria set forth in this subsection implement the requirement under section 8, chapter 372, Laws of 1989, that the department establish criteria for the imposition of remedies. These criteria apply to the imposition of remedies under subsection (2) of this section for deficiencies directly impacting a nursing home resident's well being. The criteria do not substitute for standards set forth in section 8, chapter 372, Laws of 1989 for the mandatory imposition of stop placement and denial of payment.

CRITERIA

Deficiency

(a) Actual or threatened harm or injury exists which minimally compromises or could compromise resident well being:

(i) Limited or isolated in scope

Required Remedy
Plan of Correction
Optional Remedy
Civil fine of \$500-\$1000

CRITERIA

Deficiency

(ii) Moderate to systemic in scope

Required Remedy
Plan of Correction
Optional Remedy
Civil fine of \$500-\$1500

(b) Actual or threatened harm or injury exists which moderately compromises or could compromise resident well being:

(i) Limited or isolated in scope

Required Remedy
Plan of Correction
Optional Remedy
Civil fine of \$1000-\$2000

(ii) Moderate in scope

Required Remedy
Civil fine of \$1000-\$3000

(iii) Systemic in scope

Required Remedies
Stop Placement
Termination
Optional Remedies
Civil fine of \$1000-\$3000 per day
License Revocation
Denial of payment for new Medicaid admissions
Dept. on-site monitoring

(iv) Uncorrected; or repeated after correction within 15-months:

(A) Limited or isolated in scope

Required Remedy
Civil fine of \$1500-\$2000

Optional Remedy
Civil fine of \$1500-\$2000 per day

(B) Moderate in scope

Required Remedy
Civil fine of \$2000-\$3000

Optional Remedies
Stop Placement
Termination
Denial of payment for new Medicaid admissions
Civil fine of \$1000 per day
Dept. on-site monitoring

(C) Systemic in scope

Required Remedies
Stop Placement
Termination
Civil fine of \$2000-\$3000
Optional Remedies
Civil fine of \$2000-\$3000 per day
License Revocation
Denial of payment for new Medicaid admissions
Dept. on-site monitoring

CRITERIA		CRITERIA	
	<u>Deficiency</u>		<u>Deficiency</u>
(c)	Actual or threatened harm or injury existed which seriously compromised resident well being. The threat has been removed.	<u>Required Remedy</u> Civil fine of \$1500-3000 <u>Optional Remedy</u> Civil fine of \$1500-\$3000 per day	Civil fine of \$3000 per day More severe optional remedies listed in (d)(ii) may also be selected.
(d)	Actual or threatened harm or injury exists which seriously compromises or could compromise resident well being:		
(i)	Limited or isolated in scope	<u>Required Remedies</u> Termination Stop Placement <u>Optional Remedies</u> Civil fine of \$1500-\$3000 per day Denial of payment for new Medicaid admissions Emergency transfer of individual residents Temporary management or receivership Dept. on-site monitoring License Revocation	(e) <u>Emergency Crisis</u> Health and safety of a large percentage of the population is imminently threatened due to events such as: Structural damage Staff Walkout Natural disaster (not subject to optional remedies)
(ii)	Moderate to systemic in scope	<u>Required Remedies</u> Termination Stop Placement License Revocation <u>Optional Remedies</u> Civil fine of \$2500-\$3000 per day License Suspension Emergency closure or patient transfer Temporary management or receivership Denial of payment for new Medicaid admissions Dept. on-site monitoring	<u>Required Remedies</u> Emergency closure or emergency resident transfer <u>Optional Remedies</u> A civil fine of \$3000 per day Termination License Revocation or suspension
(iii)	Uncorrected; or repeated after correction within 15 months:		
(A)	Limited or isolated in scope	<u>Required Remedies</u> Termination Stop Placement License Revocation Civil fine of \$2000-\$3000 <u>Optional Remedies</u> Civil fine of \$2000-\$3000 per day More severe optional remedies listed in (d)(i) may also be selected.	(4) Civil monetary penalties shall become due twenty days after the licensee is served with a notice of the penalty, unless the licensee requests a hearing. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest accrues beginning thirty days after the department serves the licensee with notice of the penalty. [Statutory Authority: 1989 c 372, 90-06-031 (Order 2943), § 388-98-003, filed 3/1/90, effective 4/1/90.]
(B)	Moderate to systemic in scope	<u>Required Remedies</u> Termination Stop Placement License Revocation Civil fine of \$3000 <u>Optional Remedies</u>	(4) Civil monetary penalties shall become due twenty days after the licensee is served with a notice of the penalty, unless the licensee requests a hearing. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest accrues beginning thirty days after the department serves the licensee with notice of the penalty. [Statutory Authority: 1989 c 372, 90-06-031 (Order 2943), § 388-98-003, filed 3/1/90, effective 4/1/90.]

WAC 388-98-010 List of qualified receivers. (1) The department may recruit individuals, partnerships, and corporations interested in serving as a receiver of a nursing home. Recruitment may be by personal letters, telephone, radio or television announcements, or advertisements in publications determined suitable by the department.

(2) Individuals, partnerships, or corporations interested in being appointed as a receiver shall complete designated sections of a nursing home license application.

(3) Individuals, partnerships, or corporations with experience in providing long-term health care and a history of satisfactory nursing home operation may submit a receiver application to the department at any time. Applicants shall be subject to the criteria established for licensees found in WAC 248-14-080, except the department may waive the requirement for having sixty days to review the application.

(4) The department shall maintain a list of potential receivers. The department shall add names of applicants to the list upon receipt of applications properly completed by applicants.

(5) The department shall not consider as a receiver any person, partnership, or corporation which:

- (a) Is the licensee, administrator, or partner, officer, director, managing employee, or owner of five percent or more of the assets of the nursing home subject to receivership;
- (b) Is affiliated with the nursing home subject to receivership;
- (c) Has a financial interest in the nursing home before the time of appointment; or
- (d) Has owned or operated a nursing home ordered into receivership or temporary management in any state.

(6) The department may recommend a receiver to the court. In making the recommendation, one or more of the following factors may be considered:

(a) Potential receiver's willingness to serve as a receiver for the nursing home in question;

(b) Amount and quality of the potential receiver's experience in long term care;

(c) Quality of care, as determined by prior survey reports, provided under the potential receiver's supervision or management;

(d) Potential receiver's prior performance as a receiver;

(e) How soon potential receiver is available to act as a receiver;

(f) Potential receiver's familiarity and past compliance with state and federal regulations applicable to nursing homes;

(g) Potential receiver's economic potential and interest in operating the nursing home on a permanent basis; and

(h) Preference may be given to potential receivers expressing an interest in the permanent operation of the nursing home.

[Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-010, filed 12/15/89, effective 1/15/90. Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-010, filed 3/2/88.]

WAC 388-98-015 Duties and powers of receiver. (1)

The receiver shall protect the health, security, and welfare of the residents for the duration of the receivership. The receiver shall perform all acts reasonably necessary to ensure residents' needs are met. Such acts may include, but are not limited to:

(a) Correcting deficiencies cited by the department;

(b) Hiring, directing, managing, and discharging all consultants and employees for just cause, discharging the administrator of the nursing home, recognizing collective bargaining agreements, and settling labor disputes;

(c) Receiving and expending in a prudent and business-like manner all revenues and financial resources of the home, provided that priority shall be given to debts and expenditures directly related to providing care and meeting residents' needs;

(d) Making necessary purchases, repairs, and replacements, provided that expenditures for purchases, repairs, or replacements in excess of five thousand dollars are approved by the court;

(e) Entering into contracts necessary for the operation of the nursing home: *Provided That*, contracts extending beyond the period of receivership shall be approved by the court;

(f) Preparing all reports required by the department;

(g) Planning with residents and their guardians, family, or significant others, required relocation;

(h) Meeting regularly with staff, residents, and residents' families to inform them of:

(i) Plans for correcting the deficiencies;

(ii) Progress achieved in correction;

(iii) Plans for facility closure and relocation; or

(iv) Plans for continued operation of the nursing home including the identity of the permanent operator.

(1999 Ed.)

(2) The receiver shall consult the court in cases of extraordinary or questionable debts incurred prior to the receiver's appointment and shall not have the power to close the home or sell any of the nursing home's assets without prior court approval.

(3) The receiver shall comply with applicable state and federal laws and regulations. If the nursing home is certified and is providing care to medical assistance clients, the receiver shall become the Medicaid contractor for the duration of the receivership period.

[Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-015, filed 12/15/89, effective 1/15/90. Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-015, filed 3/2/88.]

WAC 388-98-020 Termination of receivership. (1)

After receivership is established, the department may recommend to the court that all residents be relocated and the nursing home closed when:

(a) Problems exist in the physical condition of the premises which cannot be corrected in an economically prudent manner; or

(b) The department determines the former operator or owner:

(i) Is unwilling or unable to manage the nursing home in a manner ensuring residents' health, safety, and welfare; and

(ii) Has not entered into an enforceable agreement to sell the nursing home within three months of the court's decision to grant receivership.

(2) The department may recommend to the court an alternate receiver be appointed:

(a) When the receiver is no longer willing to serve as a receiver; or

(b) If a receiver is not making acceptable progress in correcting the deficiencies in the nursing home.

[Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-020, filed 12/15/89, effective 1/15/90. Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-020, filed 3/2/88.]

WAC 388-98-300 Temporary management. (1) When the department appoints a temporary manager, the:

(a) Department shall order the licensee to cease operating the nursing home;

(b) Department shall order the licensee to turn over to the temporary manager possession and control of the nursing home including, but not limited to, all patient care records, financial records, and other records necessary for continued operation of the nursing home while temporary management is in effect; and

(c) Temporary manager shall have authority to temporarily relocate some or all residents if the:

(i) Temporary manager determines the resident's health, security, or welfare is jeopardized; and

(ii) Department concurs with the temporary manager's determination that relocation is necessary.

(2) The department's authority to order temporary management is discretionary in all cases.

[Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-300, filed 12/15/89, effective 1/15/90.]

WAC 388-98-320 Temporary managers—Application. (1) The department may recruit individuals, partnerships, and corporations interested in serving as a temporary nursing home manager.

(2) Individuals, partnerships, or corporations interested in being appointed as a temporary manager shall complete and submit to the department designated sections of a nursing home license application.

(3) Individuals, partnerships, or corporations with experience in providing long-term health care and a history of satisfactory nursing home operation may submit an application to the department at any time. Applicants shall be subject to the criteria established for licensees found in WAC 248-14-080, except the department may waive the requirement for having sixty days to review the application.

(4) The department shall not consider as a temporary manager a person, partnership, or corporation which:

(a) Is the licensee, administrator, or partner, officer, director, managing employee, or owner of five percent or more of the assets of the nursing home subject to temporary management;

(b) Is affiliated with the nursing home subject to temporary management; or

(c) Has owned or operated a nursing home ordered into temporary management or receivership in any state.

(5) The department, in appointing a temporary manager, may consider one or more of the following factors:

(a) Potential temporary manager's willingness to serve as a temporary manager for the nursing home in question;

(b) Amount and quality of the potential temporary manager's experience in long-term care;

(c) Quality of care, as determined by prior survey reports, provided under the potential temporary manager's supervision or management;

(d) Potential temporary manager's prior performance as a temporary manager or receiver;

(e) How soon the potential temporary manager is available to act as a temporary manager;

(f) Potential temporary manager's familiarity and past compliance with state and federal regulations applicable to nursing homes.

[Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-320, filed 12/15/89, effective 1/15/90.]

WAC 388-98-330 Duties and powers of temporary manager. (1) The temporary manager shall protect the health, security, and welfare of the residents for the duration of the temporary management. The temporary manager shall perform all acts reasonably necessary to ensure residents' needs are met. Such acts may include, but are not limited to:

(a) Correcting department-cited deficiencies;

(b) Hiring, directing, managing, and discharging all consultants and employees for just cause, discharging the administrator of the nursing home, recognizing collective bargaining agreements, and settling labor disputes;

(c) Receiving and expending in a prudent and business-like manner all current revenues of the home provided priority shall be given to debts and expenditures directly related to providing care and meeting residents' needs;

(d) Making necessary purchases, repairs, and replacements, provided such expenditures in excess of five thousand dollars are approved by the department;

(e) Entering into contracts necessary for the operation of the nursing home;

(f) Preparing all department-required reports;

(g) Planning required relocation with residents and residents' guardians, family, or significant others;

(h) Meeting regularly with and informing staff, residents, and residents' families of:

(i) Plans for correcting the deficiencies;

(ii) Progress achieved in correction;

(iii) Plans for facility closure and relocation; or

(iv) Plans for continued operation of the nursing home including the identity of the permanent operator.

(2) The temporary manager shall make a detailed monthly accounting of all expenditures and liabilities to the department and to the owner of the nursing home.

(3) The temporary manager shall comply with all applicable state and federal laws and regulations. If the nursing home is certified and is providing care to medical assistance clients, the temporary manager shall become the Medicaid contractor for the duration of the temporary management period.

(4) The temporary manager shall be responsible and liable only for the temporary manager's gross negligence, intentional wrongdoing, or breach of fiduciary duty to either the nursing home residents or the current or former licensee or nursing home owner.

[Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-330, filed 12/15/89, effective 1/15/90.]

WAC 388-98-340 Termination of temporary management. (1) The department shall terminate temporary management:

(a) After three months unless good cause is shown to continue the temporary management. Good cause for continuing the temporary management exists when returning the nursing home to its former operator would subject residents to a threat to health, safety, or welfare;

(b) When all residents are transferred and the nursing home is closed;

(c) When deficiencies threatening residents' health, safety, or welfare are eliminated and the former operator or owner agrees to department-specified conditions regarding the continued facility operation; or

(d) When a new, licensed operator assumes control of the nursing home.

(2) The department may appoint an alternate temporary manager:

(a) When the temporary manager is no longer willing to serve as a temporary manager;

(b) If a temporary manager is not making acceptable progress in correcting the nursing home deficiencies or in closing the nursing home; or

(c) If the department determines the temporary manager is not operating the nursing home in a financially responsible manner.

[Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-340, filed 12/15/89, effective 1/15/90.]

WAC 388-98-700 Stop placement—Informal review.

A nursing home licensee shall have the right to an informal review to present written evidence refuting the deficiencies cited as the basis for a stop placement. If an informal review is desired, the nursing home shall request the informal review, in writing, within ten days of the effective date of the stop placement. The request shall be made to the director, nursing home services, aging and adult services administration. The right to an informal review is in addition to the licensee's right to a hearing, as provided in section 750.

[Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-700, filed 12/15/89, effective 1/15/90. Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-700, filed 10/9/87. Statutory Authority: RCW 18.51.070. 83-24-030 (Order 2052), § 388-98-700, filed 12/1/83.]

WAC 388-98-750 Notice and hearing rights. (1) This subsection shall apply to the department's imposition of the following remedies:

- (a) License suspension, revocation, or nonrenewal;
- (b) Stop placement;
- (c) Civil monetary penalty;
- (d) Denial of payment;
- (e) Appointment of a temporary manager;
- (f) Emergency transfer of residents; and
- (g) Emergency closure.

(2) The department's notice of a decision to impose a remedy is governed by RCW 18.51.065 and 43.20A.XXX and section 96, chapter 175, laws of 1989. The licensee's or agent's right to an adjudicative proceeding is in the same law.

(a) A person contesting any decision described in subsection (1) of this section shall within twenty 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, P.O. Box 2465, Olympia, WA 98504; and

(ii) Include in or with the application:

- (A) A specific statement of the issue and law involved;
- (B) The grounds for contesting the department decision;

and

(C) A copy of the contested department decision.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW); RCW 18.51.065 and 43.20A.XXX; and section 96, chapter 175, Laws of 1989; this section; and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

(3) When a licensee fails to pay a fine when due under this chapter, the department may:

- (a) Withhold an amount equal to the fine plus interest, if any, from the licensee's Medicaid payment;
- (b) Suspend the licensee's nursing home license. Such license suspension shall continue until the fine is paid; or
- (c) Impose an additional civil monetary penalty, under WAC 388-98-003 (1)(g).

[Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-750, filed 12/15/89, effective 1/15/90.]

WAC 388-98-810 Civil penalty fund. The department shall use civil penalties, collected under RCW 18.51.060 (4)(a) or chapter 74.42 RCW, for the following purposes listed in order of priority:

(1) Issue a relocation allowance to the Medicaid-funded nursing home resident who must relocate because the department finds the resident's nursing home deficient to the point decertification occurs. The department may issue the resident a relocation allowance for the following purposes:

(a) Transportation to review potential relocation sites, including a nursing home, a congregate care facility, an adult family home, or independent housing;

(b) Cost of sending personal belongings to the resident's new location, including a residential setting or the resident's own residence; and

(c) Cost of obtaining or reestablishing independent housing when the resident is able to relocate to the resident's own residence. The department shall issue a relocation allowance if the resident meets the conditions for issuing a nursing home discharge allowance, as described under WAC 388-15-145. If the discharge allowance maximum of four hundred dollars does not sufficiently cover relocation costs, the department shall issue the relocation allowance in addition to the discharge allowance.

(2) Reimburse the Medicaid-funded nursing home resident for personal funds lost due to negligence or malfeasance by nursing home staff where the resident resides. The department shall use the civil penalty fund only if the resident's personal funds cannot be recovered from the nursing home or other responsible party; and

(3) Pay the cost of maintaining the Medicaid-funded nursing home resident in the resident's nursing home which lost its Medicaid certification until the:

(a) Resident is relocated; or

(b) Nursing home corrects the deficiencies causing the facility's decertification; and

(c) Department reinstates the nursing home Medicaid certification.

[Statutory Authority: RCW 18.51.070. 90-12-048 (Order 2990), § 388-98-810, filed 5/31/90, effective 7/1/90.]

WAC 388-98-830 Notification of response time. (1)

Department findings shall be documented in writing and presented to the licensee or licensee's agent.

(2) The department shall obtain a plan of correction from the licensee or licensee's agent.

(a) The department may require the licensee or licensee's agent to submit an acceptable plan of correction during the survey or complaint investigation for a specific deficiency presenting an immediate danger of death or serious physical harm to any resident in the nursing home or a substantial probability that death or serious physical harm would result. Such deficiency shall be abated or eliminated as soon as possible within twenty-four hours from notification to the licensee or licensee's agents.

(b) A licensee or licensee's agent participating in the Medicare or Medicaid program shall submit a complete and acceptable plan of correction during the exit interview when there are fewer than sixty days from the exit interview to the Medicare or Medicaid certification expiration date.

(c) All licensees or licensees' agents choosing to submit a complete plan of correction during the exit interview may do so.

(d) The licensee or licensee's agent not submitting a plan of correction at the exit interview shall submit a complete plan of correction by the time and date specified by the department. The department may allow the licensee or licensee's agent up to ten calendar days from the exit conference to submit an acceptable plan of correction for deficiencies presenting neither an immediate danger nor a substantial probability of death or serious physical harm. Such deficiency shall be corrected within a reasonable time determined by the department. In no event shall the time for correction exceed sixty days.

(e) When deficiencies involve facility alterations, physical plant plan development, construction review, or certificate of need, an interim plan of correction stating the steps planned and approximate time schedule is acceptable. Updated plans shall be submitted as agreed to and as progress occurs.

(3) Upon licensee's or licensee's agent's written petition, the department shall determine whether or not to grant a request for an extended correction time. Such a petition must be received by the department at the earliest possible date prior to the expiration of the correction time originally approved. The burden of proof is on the licensee or licensee's agent to show good cause for not being able to comply with the original correction time.

(4) The department shall notify the licensee or licensee's agent when the plan of correction is unacceptable. The licensee or licensee's agent shall return the revised plan of correction to the department by the date specified by the department.

[Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-830, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-830, filed 6/25/80.]

WAC 388-98-870 Separate violations. (1) Each separate finding of a violation of a statute, rule, or regulation shall constitute a separate violation.

(2) Following the notification of a deficiency described in WAC 388-98-800 (4), (5), or (6), each day upon which the same deficiency is present, or a substantially similar action occurs, shall constitute a separate violation subject to the assessment of a separate penalty.

[Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-870, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-870, filed 6/25/80.]

WAC 388-98-890 Reporting. All civil fines assessed against a nursing home which relate to the activities and responsibilities of a licensed nursing home administrator as defined in WAC 248-14-235 shall be reported to the professional licensing division, business and professions administration. The report shall include the name of the person, name of the facility, amount of fine, and date of fine.

[Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-890, filed 6/25/80.]

[Title 388 WAC—p. 424]

Chapter 388-110 WAC

CONTRACTED RESIDENTIAL CARE SERVICES: ASSISTED LIVING SERVICES, ENHANCED ADULT RESIDENTIAL CARE, AND ADULT RESIDENTIAL CARE

WAC

PART I

ALL CONTRACTED RESIDENTIAL CARE SERVICES

388-110-005	Authority.
388-110-010	Scope and applicability.
388-110-020	Definitions.
388-110-030	Contract application.
388-110-040	Contract qualifications.
388-110-050	Change of contractor.
388-110-060	Resident rights.
388-110-070	General service standards.
388-110-080	Social and recreational activities.
388-110-090	Administration.
388-110-100	Transfer and discharge, social leave, and bed hold.
388-110-110	Caregiver education and training requirements.
388-110-120	Resident personal funds.

PART II

ASSISTED LIVING SERVICES

388-110-140	Assisted living services facility structural requirements.
388-110-150	Assisted living service standards.
388-110-170	Education and training requirements.
388-110-180	Nurse delegation training and registration.
388-110-190	Performance of delegated nursing care tasks.
388-110-200	Nurse delegation—Penalties.
388-110-210	Client service eligibility.

PART III

ENHANCED ADULT RESIDENTIAL CARE

388-110-220	Enhanced adult residential care service standards.
388-110-230	Client eligibility.

PART IV

ADULT RESIDENTIAL CARE

388-110-240	Adult residential care service standards.
388-110-250	Client service eligibility.

PART V

REMEDIES FOR ASSISTED LIVING, ENHANCED ADULT RESIDENTIAL CARE, AND ADULT RESIDENTIAL CARE

388-110-260	Remedies.
388-110-270	Notice, hearing rights, effective dates relating to imposition of remedies.
388-110-280	Dispute resolution.

PART I

ALL CONTRACTED RESIDENTIAL CARE SERVICES

WAC 388-110-005 Authority. The following rules are adopted under RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, 74.39A.080, 74.39A.170, and 18.88A.210 through 18.88A.240.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-005, filed 5/8/96, effective 6/8/96.]

WAC 388-110-010 Scope and applicability. (1) These rules apply only to boarding homes licensed under chapter 18.20 RCW, or boarding homes located within the boundaries of a federally recognized Indian reservation and licensed by a tribe, that contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care.

(2) Only services provided to or on behalf of the assisted living services, enhanced adult residential care, or adult resi-

dential care resident, and paid for fully or partially by the department shall be subject to these rules.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-010, filed 5/8/96, effective 6/8/96.]

WAC 388-110-020 Definitions. (1) "Adult residential care" is a package of services, including personal care services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and IV of this chapter.

(2) "Aging in place" means being in a care environment that can accommodate a resident's progressive disability or changing needs without relocating. For aging in place to occur, needed services are adjusted to meet the changing needs of the resident.

(3) "Applicant" means the individual, partnership, corporation or other entity which has applied for a contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care to state funded residents in a licensed boarding home.

(4) "Assisted living services" is a package of services, including personal care and limited nursing services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and II of this chapter. Assisted living services include housing for the resident in a private apartment-like unit.

(5) "Boarding home" means the same as the definition found in RCW 18.20.020(2), or a boarding home located within the boundaries of a federally recognized Indian reservation and licensed by the tribe.

(6) "Caregiver" means any person responsible for providing direct personal care services to a resident and may include but is not limited to the contractor, employee, volunteer, or student.

(7) "Case manager" means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

(8) "Contractor" means the individual, partnership, corporation, or other entity which contracts with the department to provide assisted living services, enhanced adult residential care, or adult residential care to state funded residents in a licensed boarding home.

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

(10) "Dignity" means the quality or condition of being esteemed and respected in such a way as to validate the self-worth of the resident.

(11) "Enhanced adult residential care" is a package of services, including personal care and limited nursing services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and III of this chapter.

(12) "Frail elder or vulnerable adult" means the same as the definition found in RCW 74.34.020 or 43.43.830.

(13) "Homelike" means an environment having the qualities of a home, including privacy, comfortable surroundings, and the opportunity to modify one's living area to suit one's individual preferences. A homelike environment provides

(1999 Ed.)

residents with an opportunity for self-expression, and encourages interaction with the community, family and friends.

(14) "Independence" means free from the control of others and being able to assert one's own will, personality and preferences.

(15) "Individuality" means the quality of being unique; the aggregate of qualities and characteristics that distinguishes one from others. Individuality is supported by modifying services to suit the needs or wishes of a specific individual.

(16) "Limited nursing services" means the same as the definition found in WAC 246-316-265.

(17) "Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs as defined in WAC 388-15-202(38). Personal care services do not include assistance with tasks that must be performed by a licensed health professional.

(18) "Resident" means a person residing in a boarding home for whom services are paid for, in whole or in part, by the department under a contract for assisted living services, enhanced adult residential care, or adult residential care. "Resident" includes former residents when examining complaints about admissions, re-admissions, transfers or discharges. For decision-making purposes, the term "resident" includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-020, filed 5/8/96, effective 6/8/96.]

WAC 388-110-030 Contract application. (1) In order to apply for a contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care, an applicant shall:

(a) Have a valid boarding home license for the facility at which the contracted services will be provided;

(b) Complete and submit a contract application on department provided forms at least sixty days before the requested effective date for the contract; and

(c) Provide information regarding any facilities the applicant, and any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated with in the last ten years.

(2) Within sixty days of the receipt of the application the department shall approve a contract, refuse to enter into a contract, or request additional information the department deems relevant from the applicant. The department may extend the sixty days to allow the applicant to supply or clarify information requested by the department. The department shall conduct an on-site review of the contracting facility before issuing a contract.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-030, filed 5/8/96, effective 6/8/96.]

WAC 388-110-040 Contract qualifications. (1) The department shall consider separately and jointly as applicants each person and entity named in the application for a contract for assisted living services, enhanced adult residential care,

or adult residential care. If the department finds any person or entity unqualified, the department shall deny the contract.

(2) In making a determination whether to grant a contract, the department shall review:

(a) The information in the application; and

(b) Other documents and information the department deems relevant, including inspection and complaint investigation findings for each facility with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant has been affiliated.

(3) The applicant and the facility for which a contract is sought shall comply with all requirements established by chapter 74.39A RCW and this chapter. The department may deny a contract for noncompliance with any such requirements.

(4) The department shall deny a contract if an applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant applying for a contract has a history of significant noncompliance with federal or state regulations in providing care or services to frail elders, vulnerable adults or children. The department shall consider, at a minimum, the following as a history of significant noncompliance requiring denial of a contract:

(a) Revocation or suspension of a license for the care of children, frail elders or vulnerable adults;

(b) Enjoined from operating a facility for the care of children, frail elders or vulnerable adults; or

(c) Termination, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults.

(5) The department shall deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830 or 43.43.842;

(b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830 or 43.43.842;

(c) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused, neglected, or exploited any minor or vulnerable adult;

(e) Found in any dependency action under chapter 13.34 RCW to have sexually assaulted, neglected, exploited, or physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor.

(6) The department may deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has:

(a) Obtained or attempted to obtain a license or contract by fraudulent means or misrepresentation;

(b) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to contract with the department;

(c) Had sanction, corrective or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children, frail elders or vulnerable adults;

(d) A poor credit history;

(e) Engaged in the illegal use of drugs or the excessive use of alcohol;

(f) Operated a facility for the care of children or adults without a license;

(g) Failed to meet financial obligations as the obligations fell due in the normal course of business;

(h) Misappropriated property of residents;

(i) Filed for bankruptcy, reorganization, or receivership;

(j) Been denied a license or license renewal to operate a facility that was licensed for the care of children, frail elders or vulnerable adults;

(k) Relinquished or returned a license in connection with the operation of any facility for the care of children, frail elders or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license; or

(l) Had resident trust funds or assets of an entity providing care to children, frail elders or vulnerable adults seized by the IRS or a state entity for failure to pay income or payroll taxes.

[Statutory Authority: RCW 74.39A.010, 74.39A.020 and 74.39A.080. 96-21-050, § 388-110-040, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-040, filed 5/8/96, effective 6/8/96.]

WAC 388-110-050 Change of contractor. (1) A change of contractor occurs when there is a substitution of the individual contractor or contracting entity ultimately responsible for the daily operational decisions of the assisted living service, enhanced adult residential care, or adult residential care, or a substitution of control of such contracting entity.

(a) Events which constitute a change of contractor 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) Assisted living services, enhanced adult residential care, or adult residential care contract rights and responsibilities are transferred by the initial contractor to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility are 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 contractor is a corporation and, whether by a single transaction or multiple transactions within any contin-

uous 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 contractor or the contracting entity.

(b) The contractor does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the assisted living, enhanced adult residential care, or adult residential care facility 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 facility contractor 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 contractor is contemplated, the current contractor 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 contractor and prospective contractor;

(b) Name and address of the facility being transferred; and

(c) Date of proposed transfer.

(3) The operation or ownership of an assisted living services, enhanced adult residential care, or adult residential care contract shall not be transferred until the new operator has entered into a contract with the department. The new contractor shall comply with contract application requirements in WAC 388-110-030.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-050, filed 5/8/96, effective 6/8/96.]

WAC 388-110-060 Resident rights. (1) The contractor shall comply with all requirements of chapter 70.129 RCW, Long-term care resident rights. The contractor shall promote and protect the resident's exercise of all rights granted under that law.

(2) The contractor shall provide care and services in compliance with the federal Patient self determination act and with applicable state statutes related to surrogate and health care decision making, including chapters 7.70, 70.122, 11.88, 11.92 and 11.94 RCW.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-060, filed 5/8/96, effective 6/8/96.]

WAC 388-110-070 General service standards. The contractor shall:

(1) Ensure residents have control over their time, space and lifestyle to the extent that the health, safety and well-being of other residents is not disturbed;

(1999 Ed.)

(2) Promote the resident's right to exercise decision making and self-determination to the fullest extent possible;

(3) Follow the informed consent process as required in chapter 7.70 RCW, when applicable, in the development of the negotiated service agreement;

(4) Provide services for residents in a manner and in an environment that encourages maintenance or enhancement of each resident's quality of life, and promotes the resident's privacy, dignity, choice, independence, individuality, and decision-making ability; and

(5) Provide a safe, clean and comfortable homelike environment, allowing residents to use their personal belongings to the extent possible.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-070, filed 5/8/96, effective 6/8/96.]

WAC 388-110-080 Social and recreational activities.

(1) The contractor shall provide social and recreational activities that provide and promote opportunities for the resident to participate in ongoing and varied activities based on the resident's choice and consistent with identified resident needs and functional ability.

(2) The contractor shall support the participation of residents and the resident council, if there is one, in the development of recreational and activity programs that reflect the needs and choices of the residents.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-080, filed 5/8/96, effective 6/8/96.]

WAC 388-110-090 Administration. The contractor shall:

(1) Maintain substantial compliance with all requirements of chapter 18.20 RCW, Law for boarding homes and chapter 246-316 WAC, Boarding homes;

(2) Ensure all facility staff are knowledgeable about chapter 70.129 RCW, Long-term care resident rights;

(3) Provide residents, prior to move-in, a copy of the facility's admission agreement which clearly specifies the range of services the facility is able to provide to residents;

(4) Not require a resident to sign any admission contract or agreement that purports to waive any rights of the resident;

(5) Develop and implement a grievance procedure and process which is responsive to resident's complaints;

(6) Post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number;

(7) Comply with all federal and state statutory and regulatory requirements regarding nondiscrimination in all aspects of the facility's operation;

(8) Ensure resident rooms or resident units are not located in a separate unit within a facility that has exiting doors that restrict egress from the unit, such as, but not limited to automatic locking and unlocking exiting doors, unless the contractor is already providing services to residents in such a unit under a contract with the department for assisted living services, adult residential care, or enhanced adult residential care on the effective date of this chapter;

(9) Encourage residents and the resident council, if there is one, to provide input to the facility about residents' preferences for food choices, taking into account the cultural and religious needs of residents;

(10) Ensure all instances of suspected abuse, neglect, exploitation, or abandonment are reported to the department, as required in chapter 74.34 RCW, and to the local law enforcement agency;

(11) Not have any sexual contact with any resident and shall ensure that facility staff and students not have sexual contact with any resident;

(12) Notify the department within five business days when there is a change in the facility administrator; and

(13) Permit department representatives to enter the facility without prior notification in order to monitor the contract requirements under this chapter and to conduct complaint investigations, including but not limited to observing and interviewing residents, and accessing resident records.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-090, filed 5/8/96, effective 6/8/96.]

WAC 388-110-100 Transfer and discharge, social leave, and bed hold. The contractor shall:

(1) Comply with chapter 70.129 RCW and chapter 246-316 WAC pertaining to transfer and discharge (move-out);

(2) Include the department's case manager in the development of a relocation or discharge (move-out) plan, and have the case manager approve the plan before any notice required under subsection (1) of this section is issued to the resident, except in an emergency;

(3) Note an absence in a resident's record when a resident will be absent from the facility for more than seventy-two consecutive hours;

(4) Not be required to discharge (move-out) and readmit a resident for absences less than thirty-one consecutive days;

(5) Obtain department approval for payment for social leave in excess of fifteen consecutive days; and

(6) Retain a bed or unit for a resident hospitalized or temporarily placed in a nursing home for up to thirty days when the resident is likely to return, but if as part of the negotiated service agreement it is determined prior to the end of the thirty days that the resident will not return to the facility, the facility may discharge (move-out) the resident in accordance with subsections (1) and (2) above and release the bed or unit.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-100, filed 5/8/96, effective 6/8/96.]

WAC 388-110-110 Caregiver education and training requirements. (1) The contractor shall ensure that:

(a) All caregivers hired on or after July 1, 1996 successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsection (2) below;

(b) All caregivers hired prior to July 1, 1996 successfully complete the department designated fundamentals of caregiving training prior to March 1, 1997, unless he or she meets the requirements in subsection (2) below; and

[Title 388 WAC—p. 428]

(c) All caregivers complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:

(i) Topics include but are not limited to residents' rights, personal care, dementia, mental illness, developmental disabilities, depression, medication assistance, communication skills, alternatives to restraints, and activities for residents;

(ii) Caregivers must receive a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(2) A caregiver who has successfully completed training as a registered or licensed practical nurse, a physical or occupational therapist, a nursing assistant certified, a home health aide from a Medicare-certified home health agency or who has successfully completed a department approved adult family home training, or department approved personal care training from an area agency on aging or its subcontractor, is exempt from the fundamentals of caregiving training in subsection (1) above if the caregiver successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (1) above.

(3) Caregivers are exempt from attending the fundamentals of caregiving or modified fundamentals of caregiving trainings if they successfully pass the department's challenge test for the class they are required to take. The caregiver has only one opportunity to take the challenge test. If the caregiver does not successfully pass the challenge test, then he/she must attend the fundamentals of caregiving or modified fundamentals of caregiving trainings as required.

(4) Contractors who meet the prescribed criteria may be approved by the department to provide the department's designated caregiver training programs within the facility.

(5) Volunteers are exempt from the training requirements listed above unless they provide unsupervised direct personal care to residents.

(6) The contractor shall document that caregivers have met the education and training requirements.

[Statutory Authority: RCW 74.39A.010 and 74.39A.020. 97-19-020, § 388-110-110, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 74.39A.010, 74.39A.020 and 74.39A.080. 96-21-050, § 388-110-110, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-110, filed 5/8/96, effective 6/8/96.]

WAC 388-110-120 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 department or to the individual or probate jurisdiction administering the resident's estate no later than forty-five calendar days after the date of the resident's death:

(a) When the personal funds of the deceased resident shall be paid to the state of Washington, those funds and the final accounting shall be made payable to the secretary,

(1999 Ed.)

department of social and health services, and sent to the office of financial recovery, estate recovery unit, P.O. Box 9501, Olympia, Washington 98507-9501, or such address as may be directed by the department in the future;

(b) The check and final accounting accompanying the payment shall contain the name and social security number of the deceased individual from whose personal funds account the monies are being paid; and

(c) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(2) In situations where the resident is absent from the facility for an extended time without notifying the facility, and the resident's whereabouts is unknown:

(a) The facility shall make a reasonable effort to find the missing resident; and

(b) If the resident cannot be located after ninety days, the facility shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The 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 change of contractor of the facility business, the contractor shall:

(a) Provide each resident with a written accounting of any personal funds held by the facility;

(b) Provide the new contractor 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 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-120, filed 5/8/96, effective 6/8/96.]

PART II ASSISTED LIVING SERVICES

WAC 388-110-140 Assisted living services facility structural requirements. (1) In a boarding home with an assisted living services contract, each resident shall have a private apartment-like unit with a private bathroom. Each unit shall have at least the following:

(a) In an existing facility, an individual unit with a minimum of one hundred eighty square feet including counters, closets and built-ins, and excluding the bathroom. In a new facility, an individual unit with a minimum of two hundred twenty square feet including counters, closets and built-ins, and excluding the bathroom;

(b) A separate private bathroom, which includes a sink, toilet, and a shower or bathtub. In a new facility, a minimum of fifty percent of resident bathrooms shall be wheelchair accessible and have a roll-in shower;

(c) A lockable entry door;

(d) A kitchen area equipped, at a minimum, with a refrigerator, a microwave oven or stovetop, and a counter or table for food preparation. In a new facility, a kitchen area must also be equipped with a sink and counter area, and storage space for utensils and supplies; and

(e) A living area wired for telephone and, where available in the geographic location, wired for television service.

(1999 Ed.)

(2) In a new facility, the contractor shall provide a private accessible mailbox in which the resident may receive mail.

(3) The contractor shall provide homelike smoke-free common areas with sufficient space for socialization designed to meet resident needs. Common areas shall be available for resident use at any time provided such use does not disturb the health or safety of other residents. When possible, access to outdoor areas shall be made available to all residents.

(4) The contractor shall provide a space for residents to meet with family and friends outside the resident's living unit.

(5)(a) For purposes of this section, a new facility is:

(i) A new building to be used as a boarding home or part of a boarding home, for which plans are submitted to the department of health for construction review, as required by WAC 246-316-070, on or after the effective date of this chapter; or

(ii) An addition, modification, or alteration to an existing building, for which plans are submitted to the department of health for construction review, as required by WAC 246-316-070, on or after the effective date of this chapter.

(b) All facilities that are not new facilities under subsection (5)(a) of this section, are existing facilities. An existing building, or portion thereof, that is converted to boarding home use shall be considered an existing facility unless there is an addition, modification or alteration to the existing building.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-140, filed 5/8/96, effective 6/8/96.]

WAC 388-110-150 Assisted living service standards.

(1) The contractor shall ensure that both the physical environment and the delivery of assisted living services are designed to enhance autonomy in ways which reflect personal and social values of dignity, privacy, independence, individuality, choice and decision-making of residents. The contractor shall provide the resident services in a manner which:

(a) Makes the services available in a homelike environment for residents with a range of needs and preferences;

(b) Facilitates aging in place by providing flexible services in an environment that accommodates and supports the resident's individuality;

(c) Supports managed risk which includes the resident's right to take responsibility for the risks associated with decision-making; and

(d) Develops a formal written, negotiated plan to decrease the probability of a poor outcome when a resident's decision or preference places the resident or others at risk, leads to adverse consequences, or conflicts with other residents' rights or preferences.

(2) Building on the department's assessment and service plan completed before admission, the contractor shall complete a negotiated service agreement within thirty days of move-in. The contractor shall involve the following persons in the negotiation and renegotiation of the agreement:

(a) The resident to the greatest extent practicable;

(b) Appropriate facility staff;

(c) The department's case manager; and

(d) If the resident chooses, the resident's family or any other person the resident wants included.

(3) The contractor shall ensure the negotiated service agreement:

(a) Includes recognition of the resident's capabilities and choices, and defines the division of responsibility in the implementation of services;

(b) Addresses, at a minimum, the following elements: assessed health care needs; social needs and preferences; personal care tasks; and if applicable, limited nursing and medication services, including frequency of service and level of assistance;

(c) Is signed and approved by the resident, the contractor, and the department case manager; and

(d) Includes the date the agreement was approved.

(4) The contractor shall provide the resident and case manager with a copy of the agreement, and place a copy in the resident's record.

(5) The contractor shall update the agreement when there are changes in the services the resident needs and wants to receive. At a minimum, the contractor shall review and update the negotiated service agreement semiannually.

(6) The contractor shall provide personal care services based on the resident's negotiated service agreement.

(7) The contractor shall provide the range of services required to meet the increasing or changing needs of residents as they age in place to the maximum extent permitted by the boarding home regulations.

(8) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.

(9) The contractor shall provide written policies and procedures that ensure the facility will provide limited nursing services and will allow additional on-site health care services to the maximum extent allowed under chapter 246-316 WAC, and if requested, shall assist the resident to obtain the additional on-site health care services.

(10) If requested or needed by the resident, the contractor shall assist the resident to obtain, arrange, and coordinate services such as: transportation to medical services and recreational activities; ancillary services for medically related care (e.g., physician, pharmacist, mental health services, physical or occupational therapy, hospice, home health care, podiatry); barber/beauty services; and other services necessary to support and assist the resident in maintaining as much independence as possible.

(11) The contractor shall make available and offer at no additional cost to the resident generic personal care items needed by the resident such as soap, shampoo, toilet paper, toothbrush, toothpaste, deodorant, sanitary napkins, and disposable razors. This does not include items covered by medical coupons or preclude residents from choosing to purchase their own personal care items.

(12) The contractor shall provide all residents with access to an on-site washing machine and dryer for resident use.

(13) The contractor shall make beverages and snacks available to residents.

(14) The contractor shall develop written policies and procedures to be followed by staff and shared with residents

which illustrate how employees shall deliver services to residents while ensuring resident's privacy, dignity, choice, independence, individuality and decision-making ability.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-150, filed 5/8/96, effective 6/8/96.]

WAC 388-110-170 Education and training requirements. (1) Any administrator hired after the effective date of this chapter shall have completed forty hours of training regarding assisted living services, resident rights, and the social model of services within the first six months of employment. All administrators shall have ten hours of continuing education credits per calendar year.

(2) The contractor shall provide and document a minimum of five hours of training for all staff regarding assisted living services, resident rights, the social model of services, and service planning for residents.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-170, filed 5/8/96, effective 6/8/96.]

WAC 388-110-180 Nurse delegation training and registration. Before performing any delegated nursing task, facility staff must:

(1) Be a nursing assistant certified or registered under chapter 18.88A RCW; and

(2) Attend and successfully complete department designated core delegation training.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-180, filed 5/8/96, effective 6/8/96.]

WAC 388-110-190 Performance of delegated nursing care tasks. (1) Facility staff who have been delegated a nursing care task in compliance with requirements established by the nursing care quality assurance commission shall perform the task:

(a) In compliance with all requirements and protocols established by the commission in WAC 246-840-910 through 246-840-980;

(b) Only for the specific resident who was the subject of the delegation; and

(c) Only with the resident's consent.

(2) The delegated authority to perform the nursing care task is not transferrable to another nurse assistant.

(3) Facility staff may consent to perform a delegated nursing care task, and shall be responsible for their own actions with regard to the decision to consent to the performance of the delegated task.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-190, filed 5/8/96, effective 6/8/96.]

WAC 388-110-200 Nurse delegation—Penalties. The department shall impose a civil fine on any contractor that knowingly performs or knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to chapter 18.79 RCW and chapter 246-840 WAC as follows:

(a) Two hundred fifty dollars for the first time the department finds an unlawful delegation;

(b) Five hundred dollars for the second time the department finds an unlawful delegation; and

(c) One thousand dollars for the third time or more the department finds an unlawful delegation.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-200, filed 5/8/96, effective 6/8/96.]

WAC 388-110-210 Client service eligibility. The contractor shall provide assisted living services only to persons eligible for COPEs level of services under WAC 388-15-202 through 388-15-205 and WAC 388-15-600 through 388-15-620 as determined by the department or the department's designee.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-210, filed 5/8/96, effective 6/8/96.]

PART III ENHANCED ADULT RESIDENTIAL CARE

WAC 388-110-220 Enhanced adult residential care service standards. (1) The contractor shall complete a negotiated service agreement within thirty days of move-in with participation from the resident and the department's case manager, consistent with the general service standards set forth in WAC 388-110-070.

(2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.

(3) The service agreement shall support the principles of dignity, privacy, choice in decision making, individuality, and independence.

(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.

(5) The contractor shall provide personal care services based on the resident's negotiated service agreement.

(6) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.

(7) The contractor shall allow a maximum of two residents per room.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-220, filed 5/8/96, effective 6/8/96.]

WAC 388-110-230 Client eligibility. The contractor shall provide enhanced adult residential care services only to persons eligible for COPEs level of services under WAC 388-15-202 through 388-15-205 and WAC 388-15-600 through 388-15-620 as determined by the department or the department's designee.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-230, filed 5/8/96, effective 6/8/96.]

(1999 Ed.)

PART IV ADULT RESIDENTIAL CARE

WAC 388-110-240 Adult residential care service standards. (1) The contractor shall complete a negotiated service agreement within thirty days of move-in with participation from the resident and the department's case manager, consistent with the general service standards set forth in WAC 388-110-070.

(2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.

(3) The service agreement shall support the principles of dignity, privacy, choice in decision making, individuality, and independence.

(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.

(5) The contractor shall provide personal care services based on the resident's negotiated service agreement.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-240, filed 5/8/96, effective 6/8/96.]

WAC 388-110-250 Client service eligibility. The contractor shall provide adult residential care services only to persons eligible for community-based services under WAC 388-15-562, 388-15-610, or 388-15-830 as determined by the department or the department's designee.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-250, filed 5/8/96, effective 6/8/96.]

PART V REMEDIES FOR ASSISTED LIVING, ENHANCED ADULT RESIDENTIAL CARE, AND ADULT RESIDENTIAL CARE

WAC 388-110-260 Remedies. (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that a contractor of assisted living services, enhanced adult residential care services, or adult residential care services has:

(a) Failed or refused to comply with the applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a contract or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2)(a) For failure or refusal to comply with any applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW or of this chapter, the department may provide consultation and shall allow the contractor a reasonable opportunity to correct before imposing remedies under subsection (3)(a)

unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department shall impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department shall take into account the severity of the impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department may impose include:

- (i) Refusal to enter into a contract;
- (ii) Imposition of reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;
- (iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;
- (iv) Suspension, termination, or refusal to renew a contract; or
- (v) Order stop placement of persons under the contract.

(b) When the department orders stop placement, the facility shall not admit any person under the contract until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when the department determines that:

- (i) The violations necessitating the stop placement have been corrected; and
 - (ii) The provider exhibits the capacity to maintain adequate care and service.
- (c) Conditions the department may impose on a contract include, but are not limited to the following:
- (i) Correction within a specified time;
 - (ii) Training related to the violations; and
 - (iii) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents.

(d) When a contractor fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from the contract payment.

[Statutory Authority: RCW 74.39A.010, 74.39A.020 and 74.39A.080. 96-21-050, § 388-110-260, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-260, filed 5/8/96, effective 6/8/96.]

WAC 388-110-270 Notice, hearing rights, effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 74.39A RCW, except that orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending any hearing.

(2) Civil monetary penalties shall become due twenty eight days after the contractor is served with a notice of the penalty unless the contractor requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the penalty becomes due ten days after a

final decision in the department's favor is issued. Interest shall accrue beginning thirty days after the department serves the contractor with notice of the penalty at a rate of one percent per month in accordance with RCW 43.20B.695.

(3) A person contesting any decision by the department to impose a remedy shall within twenty-eight 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, PO Box 2465, Olympia, WA 98504; and
- (b) Include in or with the application:
 - (i) The grounds for contesting the department decision; and
 - (ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-270, filed 5/8/96, effective 6/8/96.]

WAC 388-110-280 Dispute resolution. (1) When a contractor disagrees with the department's finding of a violation under this chapter, the contractor shall have the right to have the violation reviewed under the department's dispute resolution process. Requests for review shall be made to the department within ten days of receipt of the written finding of a violation.

(2) When requested by a contractor, the department shall expedite the dispute resolution process to review violations upon which a department order imposing contract suspension, stop placement, or a contract condition is based.

(3) Orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending dispute resolution.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-280, filed 5/8/96, effective 6/8/96.]

Chapter 388-150 WAC

MINIMUM LICENSING REQUIREMENTS FOR CHILD DAY CARE CENTERS

WAC	
388-150-005	Authority.
388-150-010	Definitions.
388-150-020	Scope of licensing.
388-150-040	Local ordinances and codes.
388-150-050	Waivers.
388-150-060	Dual licensure.
388-150-070	Application and reapplication for licensing—Investigation.
388-150-080	Licensed capacity.
388-150-085	Initial license.
388-150-090	License denial, suspension, or revocation.
388-150-092	Civil penalties.
388-150-093	Civil penalties—Amount of penalty.
388-150-094	Civil penalties—Posting of notice of penalty.
388-150-095	Civil penalties—Unlicensed programs.
388-150-096	Civil penalties—Separate violations.
388-150-097	Civil penalties—Penalty for nonpayment.
388-150-098	Probationary license.
388-150-100	Activity program.