

Title 388 WAC

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

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DISPOSITION OF CHAPTERS FORMERLY
CODIFIED IN THIS TITLEChapter 388-07
ABBREVIATIONS

388-07-005 Acronyms. [Statutory Authority: RCW 74.08.090, 89-12-078 (Order 2807), § 388-07-005, filed 6/7/89; 81-01-013 (Order 1572), § 388-07-005, filed 12/8/80; Order 1044, § 388-07-005, filed 8/14/75; Order 615, § 388-07-005, filed 10/7/71; Order 523, § 388-07-005, filed 3/31/71, effective 5/1/71.] Repealed by 99-24-054, filed 11/29/99, effective 12/30/99. Statutory Authority: RCW 74.08.090.

Chapter 388-08
PRACTICE AND PROCEDURE—FAIR HEARING

388-08-001 Complaint. [Regulation 23.10, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.

388-08-00101 Fair hearing—Definitions. [Order 768, § 388-08-00101, filed 1/10/73.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.

388-08-002 Fair hearing—Statutory basis. [Statutory Authority: RCW 34.04.020 and 74.08.090, 81-17-069 (Order 1695), § 388-08-002, filed 8/19/81; Order 768, § 388-08-002, filed 1/10/73; Order 524, § 388-08-002, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-002, filed 4/1/68; Regulation 23.20, filed 10/13/66, effective 11/13/66; Regulation 23.20, filed 1/24/64.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.

388-08-00201 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 Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90.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 Repealed by Order 286, filed 4/1/68.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 Repealed by Order 286, filed 4/1/68.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 Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90.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 Repealed by Order 286, filed 4/1/68.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; Regu-

lation 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 Application of chapter 388-08 WAC. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-410, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-410, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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.
- 388-08-413 Application for an adjudicative proceeding. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-413, filed 7/26/99, effective 8/26/99. 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.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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.
- 388-08-425 Administrative law judge (ALJ)—Authority—Application of law—Assignment—Disqualification. [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.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-428 Representation. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-428, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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.
- 388-08-431 Prehearing conference. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-431, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-434 Notice of hearing. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-434, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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).
- 388-08-437 Filing and service of papers. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-437, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-437, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-440 Vacating an order of dismissal for reason of default or withdrawal. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-440, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-440, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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.
- 388-08-446 Subpoenas. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-446, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-449 Teleconference hearing. [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.] Repealed by 00-

- 18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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.
- 388-08-452 Rules of evidence. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-452, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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.
- 388-08-461 Contents of orders. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-461, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-462 Corrected decision. [Statutory Authority: RCW 34.05.020 and 74.08.090. 96-20-010, § 388-08-462, filed 9/20/96, effective 10/21/96.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-464 Petition for review—Response to petition—Disqualification of review judge. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-464, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-464, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-466 Procedure on review by review judge. [Statutory Authority: RCW 34.05.020 and 74.08.090. 96-20-010, § 388-08-466, filed 9/20/96, effective 10/21/96.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-470 Reconsideration. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-470, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-470, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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.
- 388-08-515 Notice to limited-English-speaking parties. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-515, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-515, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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.
- 388-08-525 Interpreters. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-525, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-535 Group hearing. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-535, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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).
- 388-08-545 Continuance. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-545, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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).
- 388-08-555 Separate hearing regarding disclosure of investigative and intelligence files. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-555, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-555, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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).
- 388-08-565 Computation of time. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-565, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-575 Judicial review of final adjudicative order. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-575, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-575, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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).
- 388-08-585 Equitable estoppel. [Statutory Authority: Chapter 74.50 RCW. 95-23-029 (Order 3915), § 388-08-585, filed 11/8/95, effective 12/9/95.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 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 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.
- 388-08-600 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.
- 388-08-610 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.
- Reviser's note:** Later promulgation, see chapter 388-02 WAC.
- Chapter 388-09**
- PRACTICE AND PROCEDURE—ADMINISTRATIVE HEARING—CHILD WELFARE AGENCY**
- 388-09-010 Administrative hearing—Child welfare agency—Denial, suspension, revocation, or nonrenewal of license. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-09-010, filed 2/17/84; Order 525, § 388-09-010, filed 3/31/71, effective 5/1/71; Order 285, § 388-09-010, filed 4/1/68.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-09-020 Administrative hearing—Applicability of chapter 388-08 WAC. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-09-020, filed 2/17/84; Order 525, § 388-09-020, filed 3/31/71, effective 5/1/71; Order 285, § 388-09-020, filed 4/1/68.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-09-030 Administrative hearing—Appearance and practice before department—Who may appear. [Order 525, § 388-09-030, filed 3/31/71, effective 5/1/71; Order 285, § 388-09-030, filed 4/1/68.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-09-040 Time limit for rendering decision. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-09-040, filed 2/17/84.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- Chapter 388-10**
- PROTECTION OF HUMAN RESEARCH SUBJECTS**
- 388-10-010 Purpose. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-010, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- 388-10-020 Definitions. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-020, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- 388-10-030 Statement of policy. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-030, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- 388-10-040 Implementation. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-040, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- 388-10-050 General applicability. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-050, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- 388-10-060 Documentation of research proposals and review dispositions. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-060, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- 388-10-070 Human research review guidelines. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-070, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- Reviser's note:** Later promulgation, see chapter 388-04 WAC.
- Chapter 388-12**
- PUBLIC ASSISTANCE—PURPOSE—OBJECTIVES**
- 388-12-010 Major purpose and objectives of public assistance—Purpose. [Regulation 2.10, filed 1/25/67; Regulation 2.10, filed 6/17/67, 1/24/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-020 Major purpose and objectives of public assistance—Objectives. [Regulation 2.20, filed 1/25/67; Regulation 2.20, filed 6/17/64, 1/24/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-030 Methods of administering public assistance. [Regulation 2.30, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-040 Coordination with other community agencies. [Regulation 2.40, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-050 Cooperation with private child placing or child caring agencies and institutions. [Regulation 2.50, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-060 Services to recipient's family. [Regulation 2.60, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- Chapter 388-16**
- SOCIAL SERVICES IN PUBLIC ASSISTANCE**
- 388-16-010 Aid to families with dependent children services—Purposes and objectives. [Regulation 3.11, filed 7/27/67; Regulation 3.11, filed 1/25/67, 6/14/66, 6/17/64; Regulation 3.12, filed 6/14/66, 6/17/64.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-015 Aid to families with dependent children services—Definitions. [Order 527, § 388-16-015, filed 3/31/71, effective 5/1/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-020 Aid to families with dependent children services—Rights of applicants and recipients. [Order 527, § 388-16-020, filed 3/31/71, effective 5/1/71; Regulation 3.12, filed 7/27/67; Regulation 3.12, filed 1/25/67, 6/14/66, 6/17/64; Regulation 3.122, filed 6/14/66.] Repealed by Order 1088, filed 1/19/76.
- 388-16-050 Aid to families with dependent children services—Eligible persons. [Order 729, § 388-16-050, filed 10/27/72; Order 670, § 388-16-050, filed 4/14/72; Order 527, § 388-16-050, filed 3/31/71, effective 5/1/71; Regulation 3.14, filed 7/27/67.] Repealed by Order 1088, filed 1/19/76.
- 388-16-055 Aid to families with dependent children services—Services for eligible persons. [Order 729, § 388-16-055, filed 10/27/72; Order 670, § 388-16-055, filed 4/14/72.] Repealed by Order 1088, filed 1/19/76.
- 388-16-060 Aid to families with dependent children services—Defined service families—Services provided. [Order 527, § 388-16-060, filed 3/31/71, effective 5/1/71; Regulation 3.141, filed 7/27/67; Regulation 3.141, filed 5/17/67, 1/25/67, 6/14/66.] Repealed by Order 1088, filed 1/19/76.
- 388-16-070 Aid to families with dependent children services—Intake services and initial social studies. [Regulation 3.142, filed 7/27/67; Regulation 3.142, filed 1/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-075 Aid to families with dependent children services—Community planning. [Regulation 3.143, filed 7/27/67; Regulation 3.1421, filed 1/25/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-080 Aid to families with dependent children services—Continued care cases. [Regulation 3.144, filed 7/27/67; Regulation 3.143, filed 1/25/67, 6/14/66.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-110 Aid to families with dependent children services—Duration of service. [Order 527, § 388-16-110, filed 3/31/71, effective 5/1/71; Regulation 3.145, filed 7/27/67; Regulation 3.144, filed 1/25/67, 6/14/66.] Repealed by Order 1088, filed 1/19/76.
- 388-16-115 AFDC services—Family planning services. [Order 1204, § 388-16-115, filed 4/1/77; Order 1088, § 388-16-115, filed 1/19/76; Order 527, § 388-16-115, filed 3/31/71, effective 5/1/71; Order 364, § 388-16-115, filed 7/9/69.] Repealed by Order 1238, filed 8/31/77.
- 388-16-120 Services standards. [Regulation 3.15, filed 7/27/67; Regulation 3.17 (part), filed 6/14/66, 6/17/64.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-150 Selection of best qualified staff—Assignment by county administrators. [Regulation 3.16, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-160 Aid to families with dependent children service case—Definition. [Regulation 3.17, filed 7/27/67; Regulation 3.19, filed 1/25/67, 6/14/66, 6/17/69.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-170 Recording of services. [Regulation 3.18, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.

- 388-16-180 Complementary services. [Regulation 3.19, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-190 Homemaker service. [Regulation 3.191, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-200 Special services for self-support. [Regulation 3.192, filed 7/27/67.] Repealed by Order 392, filed 10/15/69.
- 388-16-210 Aid to families with dependent children services—Day care and in-home care (baby-sitting) services. [Order 1001, § 388-16-210, filed 1/14/75; Order 925, § 388-16-210, filed 4/15/74; Order 828, § 388-16-210, filed 7/26/73; Order 720, § 388-16-210, filed 9/28/72; Order 692, § 388-16-210, filed 6/29/72; Order 611, § 388-16-210, filed 9/23/71; Order 551, § 388-16-210, filed 4/1/71; Order 527, § 388-16-210, filed 3/31/71, effective 5/1/71; Emergency Order 569, § 388-16-210, filed 5/25/71; Order 439, § 388-16-210, filed 4/15/70; Order 425, § 388-16-210, filed 1/21/70; Order 392, § 388-16-210, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-213 Standards of in-home care. [Order 828, § 388-16-213, filed 7/26/73.] Repealed by Order 1088, filed 1/19/76.
- 388-16-215 Standards of in-home care—Payment standards for day care and in-home care. [Order 1052, § 388-16-215, filed 9/10/75; Order 907, § 388-16-215, filed 2/14/74; Order 720, § 388-16-215, filed 9/28/72; Order 692, § 388-16-215, filed 6/29/72; Order 611, § 388-16-215, filed 9/23/71; Order 527, § 388-16-215, filed 3/31/71, effective 5/1/71; Order 425, § 388-16-215, filed 1/21/70; Order 392, § 388-16-215, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-220 Standards of in-home care—Summer camperships—Standards for purchase. [Order 576, § 388-16-220, filed 7/8/71; Order 527, § 388-16-220, filed 3/31/71, effective 5/1/71; Order 460, § 388-16-220, filed 6/17/70.] Repealed by Order 1088, filed 1/19/76.
- 388-16-225 Purchase of child welfare services—Agency—Licensing—Federal requirements. [Order 784, § 388-16-225, filed 3/30/73.] Repealed by Order 1238, filed 8/31/77.
- 388-16-300 Personal service in alternate care living arrangement—Purposes and objectives. [Order 318, § 388-16-300, filed 11/27/68.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-305 Personal service in alternate care—Definition. [Order 933, § 388-16-305, filed 5/15/74; Order 527, § 388-16-305, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-305, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.
- 388-16-310 Personal service in alternate care—Persons eligible. [Order 933, § 388-16-310, filed 5/15/74; Order 527, § 388-16-310, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-310, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.
- 388-16-315 Personal service in alternate care—Plan for services and supervision. [Order 933, § 388-16-315, filed 5/15/74; Order 527, § 388-16-315, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-315, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.
- 388-16-320 Personal service in alternate care living arrangement—Acceptance of plan for person referred by mental hospital. [Order 318, § 388-16-320, filed 11/27/68.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-325 Personal service in alternate care—Services provided. [Order 933, § 388-16-325, filed 5/15/74; Order 527, § 388-16-325, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-325, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.
- 388-16-330 Personal service in alternate care living arrangement—Standards for administration. [Order 318, § 388-16-330, filed 11/27/68.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-335 Congregate care—Definition. [Order 965, § 388-16-335, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-336 Congregate care—Eligible persons. [Order 965, § 388-16-336, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-337 Congregate care—Determination of need. [Order 965, § 388-16-337, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-338 Congregate care—Placement in facility. [Order 965, § 388-16-338, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-339 Congregate care—Absence or discharge. [Order 965, § 388-16-339, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-340 Congregate care—Payment—Standards—Procedures. [Order 1017, § 388-16-340, filed 4/14/75; Order 965, § 388-16-340, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-341 Congregate care—Application. [Order 965, § 388-16-341, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-342 Congregate care—Services to be provided by operator. [Order 965, § 388-16-342, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-343 Congregate care—Agreement. [Order 965, § 388-16-343, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-400 Adult services—Objectives. [Order 625, § 388-16-400, filed 11/11/71; Order 527, § 388-16-400, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-400, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-402 Adult services—Eligible persons. [Order 933, § 388-16-402, filed 5/15/74; Order 625, § 388-16-402, filed 11/11/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-405 Adult services—Rights of applicant, recipient and beneficiary. [Order 933, § 388-16-405, filed 5/15/74; Order 527, § 388-16-405, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-405, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-410 Adult services—Entry services. [Order 933, § 388-16-410, filed 5/15/74; Order 625, § 388-16-410, filed 11/11/71; Order 527, § 388-16-410, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-410, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-415 Adult services—Ongoing services. [Order 933, § 388-16-415, filed 5/15/74; Order 527, § 388-16-415, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-415, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-425 Chore services for adult without minor child in home—Objective—Definition—Eligible persons. [Order 933, § 388-16-425, filed 5/15/74; Order 601, § 388-16-425, filed 9/8/71.] Repealed by Order 1088, filed 1/19/76. Later promulgation, see WAC 388-16-42501.
- 388-16-42501 Chore services—Objective—Definition—Eligible persons. [Order 1088, § 388-16-425 (codified as WAC 388-16-42501), filed 1/19/76. Formerly WAC 388-16-425.] Repealed by Order 1238, filed 8/31/77.
- 388-16-430 Chore services—Standards for determining need. [Order 1088, § 388-16-430, filed 1/19/76; Order 933, § 388-16-430, filed 5/15/74; Order 601, § 388-16-430, filed 9/8/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-435 Chore services for adult without minor child in home—Standards for payment of cost—FICA tax. [Order 933, § 388-16-435, filed 5/15/74; Order 692, § 388-16-435, filed 6/29/72; Order 649, § 388-16-435, filed 2/9/72; Order 601, § 388-16-435, filed 9/8/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-440 Chore services for adult without minor child in home—Continuing eligibility. [Order 601, § 388-16-440, filed 9/8/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-450 Homemaker service to adults—Purpose and objectives. [Order 933, § 388-16-450, filed 5/15/74; Order 527, § 388-16-450, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-450, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-455 Homemaker services—Policies for providing. [Order 1088, § 388-16-455, filed 1/19/76; Order 933, § 388-16-455, filed 5/15/74; Order 527, § 388-16-455, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-455, filed 10/15/69.] Repealed by Order 1238, filed 8/31/77.
- 388-16-460 Homemaker service—Definition and purpose. [Order 1088, § 388-16-460, filed 1/19/76; Order 608, § 388-16-460, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-462 Homemaker services—Payment. [Order 1088, § 388-16-462, filed 1/19/76; Order 608, § 388-16-462, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-464 Homemaker services—Staff. [Order 1088, § 388-16-464, filed 1/19/76; Order 608, § 388-16-464, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-466 Homemaker service for families with children—Conditions and limitations when provided. [Order 608, § 388-16-466, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.

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

Chapter 388-17

SENIOR CITIZENS SERVICES PROGRAM

- 388-17-010 Legal basis for senior citizens services program. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-020 Definitions. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 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.
- 388-17-100 Rights and responsibilities of applicants and recipients. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-120 Eligibility for senior citizens services—Application. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 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.
- 388-17-160 Income and resources. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-180 Fee schedule. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-200 Services provided by the senior citizens services program. [Order 1174, § 388-17-200, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
- 388-17-220 Mental health training program. [Order 1174, § 388-17-220, filed 11/30/76.] Repealed by 78-05-077 (Order

- 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
- 388-17-240 Volunteer programs. [Order 1174, § 388-17-240, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
- 388-17-500 Local area agency on aging contracts—Administrative review process. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-510 Area agency on aging plan—Administrative review process. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.

Chapter 388-18

LONG-TERM CARE OMBUDSMAN PROGRAM

- 388-18-010 Purpose. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-010, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-020 Definitions. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-020, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-030 Duties—State ombudsman. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-030, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-040 Duties—Local ombudsman. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-040, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-050 Duties—Certified volunteer ombudsmen. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-050, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-060 Certification procedures for volunteer ombudsmen. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-060, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-070 Access to residents, facilities, and records. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-070, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-080 Reporting requirements. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-080, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-090 Facility entry—Report and identification—Disclosure of purpose. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-090, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-100 Privacy during ombudsman visits. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-100, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-110 Confidentiality of information. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-110, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-120 Referrals. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-120, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-130 Posting requirements. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-130, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.

Chapter 388-19 SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

- 388-19-005 Description of WIC program. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-005, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-005, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-050.
- 388-19-015 Authorized foods. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-015, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-015, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-060.
- 388-19-020 Food vendor participation. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-020, filed 6/6/90, effective 7/7/90; 88-18-022 (Order 2681), § 388-19-020, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-020, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-070.
- 388-19-025 Food vendor contracts. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-025, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-025, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-080.
- 388-19-030 Food vendor monitoring. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-030, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-030, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-090.
- 388-19-035 Food vendor sanctions. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-035, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-035, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-100.
- 388-19-040 Notice of adverse action to WIC food vendor—Denial of food vendor application, contract nonrenewal. [Statutory Authority: RCW 43.20A.550. 88-14-037 (Order 2638), § 388-19-040, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-110.
- 388-19-045 WIC food vendor—Administrative review—Contract dispute resolution. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-045, filed 6/6/90, effective 7/7/90; 88-18-022 (Order 2681), § 388-19-045, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-045, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-120.
- 388-19-050 WIC contractor—Continued participation pending contract dispute resolution. [Statutory Authority: RCW 43.20A.550. 88-18-022 (Order 2681), § 388-19-050, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-050, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-130.

Chapter 388-20

EXCEPTION TO RULE

- 388-20-010 Rules—Applicability. [Statutory Authority: RCW 74.08.090. 83-14-028 (Order 1976), § 388-20-010, filed 6/30/83; Order 773, § 388-20-010, filed 2/16/73; Order 528, § 388-20-010, filed 3/31/71, effective 5/1/71; Order 348, § 388-20-010, filed 5/28/69; Regulation 4.00 (part), filed 12/31/65, effective 2/1/66; Regulation 4.00, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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 388-24**
AID TO FAMILIES WITH DEPENDENT CHILDREN—FOSTER CARE ELIGIBILITY
- 388-24-005 Organization of chapter. [Regulation 6.00, filed 12/21/64, effective 2/1/65; Regulation 6.00, filed 1/24/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-010 Aid to blind—Summary of eligibility conditions. [Order 618, § 388-24-010, filed 10/27/71; Order 530, § 388-24-010, filed 3/31/71, effective 5/1/71; Regulation 6.11, filed 6/30/67; Regulation 6.11, filed 6/3/65, 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-015 Aid to blind—Blindness defined. [Order 530, § 388-24-015, filed 3/31/71, effective 5/1/71; Regulation 6.121, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-020 Aid to blind—Publicly soliciting alms defined. [Order 530, § 388-24-020, filed 3/31/71, effective 5/1/71; Regulation 6.122, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-025 Aid to blind—Determining blindness. [Order 530, § 388-24-025, filed 3/31/71, effective 5/1/71; Regulation 6.13, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-030 Factors—Authorization procedure for determining blindness. [Regulation 6.131, filed 1/24/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-032 Factors—Services. [Order 530, § 388-24-032, filed 3/31/71, effective 5/1/71.] Repealed by Order 917, filed 3/14/74.
- 388-24-040 Aid to families with dependent children—Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 88-09-039 (Order 2621), § 388-24-040, filed 4/15/88; 85-18-041 (Order 2275A), § 388-24-040, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-040, filed 11/2/83. Statutory Authority: RCW 43.20A.550. 82-17-007 (Order 1856), § 388-24-040, filed 8/6/82. Statutory Authority: RCW 74.08.090. 82-09-034 (Order 1792), § 388-24-040, filed 4/14/82; 82-01-009 (Order 1728), § 388-24-040, filed 12/4/81; 81-10-012 (Order 1644), § 388-24-040, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-040, filed 10/23/79. Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-24-040, filed 9/18/78; Order 1004, § 388-24-040, filed 1/24/75; Order 987, § 388-24-040, filed 12/16/74; Order 829, § 388-24-040, filed 7/26/73; Order 618, § 388-24-040, filed 10/27/71; Order 597, § 388-24-040, filed 9/1/71; Order 530, § 388-24-040, filed 3/31/71, effective 5/1/71; Order 441, § 388-24-040, filed 4/15/70; Order 365, § 388-24-040, filed 7/9/69; Order 319, § 388-24-040, filed 11/27/68; Emergency Order 305, filed 9/20/68; Order 291, § 388-24-040, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.21, filed 8/29/66; Regulation 6.21, filed 12/31/65, 7/13/65, 6/3/65 and 6/17/64, effective 8/1/64; Regulation 6.21, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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.
- 388-24-044 effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1540.
- 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 388-245-2020, 388-245-2030, 388-245-2040 and 388-245-2050.
- 388-24-045 Aid to families with dependent children—Sub-categories of AFDC. [Order 441, § 388-24-045, filed 4/15/70; Order 365, § 388-24-045, filed 7/9/69; Regulation 6.211, filed 8/29/66; Regulation 6.211, filed 12/31/65.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-050 Aid to families with dependent children—Assistance unit. [Statutory Authority: RCW 74.04.660. 93-19-038 (Order 3631), § 388-24-050, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090. 91-12-044 (Order 3188), § 388-24-050, filed 6/4/91, effective 7/5/91; 88-24-009 (Order 2731), § 388-24-050, filed 11/30/88; 88-09-039 (Order 2621), § 388-24-050, filed 4/15/88; 85-18-041 (Order 2275A), § 388-24-050, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-050, filed 11/2/83; 81-10-012 (Order 1644), § 388-24-050, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-050, filed 10/23/79. Statutory Authority: RCW 74.08.090. 78-12-027 (Order 1357), § 388-24-050, filed 11/15/78. Statutory Authority: RCW 74.08.090. 78-06-074 (Order 1297), § 388-24-050, filed 5/3/78, 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.
- 388-24-052 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.
- 388-24-055 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.
- 388-24-060 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).
- 388-24-065 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.
- 388-24-070 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 1118, § 388-24-090, filed 5/13/76; Order 829, § 388-24-090, filed 7/26/73; Order 748, § 388-24-090, filed 12/7/72; Order 609, § 388-24-090, filed 9/22/71; Order 597, § 388-24-090, filed 9/1/71; Order 530, § 388-24-090, filed 3/31/71, effective 5/1/71; Order 496, § 388-24-090, filed 11/25/70, effective 1/1/71; Order 447, § 388-24-090, filed 5/14/70, effective 6/15/70; Order 319, § 388-24-090, filed 11/27/68; Emergency Order 305, filed 9/20/68; Regulation 6.231, filed 8/29/66, effective 2/1/66; Regulation 6.231, filed 12/31/65, 6/17/64, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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.
- 388-24-2070 Aid to families with dependent children-foster care—Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2070, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2100 Aid to families with dependent children-foster care—Assistance unit. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2100, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2150 Aid to families with dependent children-foster care—Requirements. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2150, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2200 Aid to families with dependent children-foster care—Standards and requirements. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2200, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2250 Aid to families with dependent children-foster care—Income and nonexempt resources. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2250, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2350 Aid to families with dependent children-foster care—Medical care. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2350, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2430 Aid to families with dependent children-foster care—Nonprofit agency placement. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2430, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.

Chapter 388-26
AID TO FAMILIES WITH DEPENDENT CHILDREN AND
CONTINUING GENERAL ASSISTANCE—ELIGIBILITY—
COMMON CONDITIONS

- 388-26-010 Factors common to two or more programs. [Regulation 7.00, filed 1/24/64.] Repealed by Order 531, filed 3/31/71, effective 5/1/71.
- 388-26-020 Age—Policies and procedures. [Regulation 7.10, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-26-025 Age determination—Specific considerations. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-025, filed 9/17/87; Order 917, § 388-26-025, filed 3/14/74; Order 531, § 388-26-025, filed 3/31/71, effective 5/1/71; Regulation 7.11, filed 7/27/67; Regulation 7.11, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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.]

- 388-26-235 tive 7/1/70; Regulation 7.56, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
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; Regulation 8.153, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-080 Monthly cost of basic requirements—Maximums—Person in own home—Person in medical institution. [Order 1131, § 388-28-080, filed 7/8/76; Order 963, § 388-28-080, filed 8/19/74; Order 902, § 388-28-080, filed 1/29/74; Order 650, § 388-28-080, filed 2/9/72; Order 561, § 388-28-080, filed 5/5/71; Order 521, § 388-28-080, filed 3/2/71; Regulation 8.20, filed 7/27/67; Regulation 8.20, filed 8/29/66, 3/31/66, 12/31/65, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-085 Monthly cost of basic requirements as adjusted for maximum grant limitations—Food. [Order 561, § 388-28-085, filed 5/5/71; Order 521, § 388-28-085, filed 3/2/71; Order 375, § 388-28-085, filed 8/7/69; Regulation 8.21, filed 7/27/67; Regulation 8.21, filed 2/23/67, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-090 Monthly cost of basic requirements as adjusted for maximum grant limitations—Clothing. [Order 561, § 388-28-090, filed 5/5/71; Order 521, § 388-28-090, filed 3/2/71; Order 375, § 388-28-090, filed 8/7/69; Regulation 8.22, filed 7/27/67; Regulation 8.22, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-095 Monthly cost of basic requirements as adjusted for maximum grant limitations—Personal maintenance and necessary incidentals. [Order 561, § 388-28-095, filed 5/5/71; Order 521, § 388-28-095, filed 3/2/71; Order 375, § 388-28-095, filed 8/7/69; Regulation 8.23, filed 7/27/67; Regulation 8.23, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-098 Increases in monthly standards for basic requirements. [Order 927, § 388-28-098, filed 4/15/74.] Repealed by Order 963, filed 8/19/74. This section was repealed before publication in WAC.
- 388-28-100 Monthly standards for basic requirements—AFDC and continuing general assistance. [Order 1234, § 388-28-100, filed 8/31/77; Order 1145, § 388-28-100, filed 8/26/76; Order 1101, § 388-28-100, filed 2/25/76; Order 1040, § 388-28-100, filed 8/7/75; Order 993, § 388-28-100, filed 12/31/74; Order 963, § 388-28-100, filed 8/19/74 (§ 388-28-100 was repealed by Order 930, filed 4/25/74 and filed as amended by subsequent orders); Order 902, § 388-28-100, filed 1/29/74; Order 823, § 388-28-100, filed 7/26/73; Order 744, § 388-28-100, filed 11/30/72; Order 724, § 388-28-100, filed 10/12/72; Order 650, § 388-28-100, filed 2/9/72.] Repealed by Order 1241, filed 9/23/77.
- 388-28-105 Increases in monthly standards for basic requirements—Shelter. [Order 561, § 388-28-105, filed 5/5/71; Order 521, § 388-28-105, filed 3/2/71; Order 375, § 388-28-105, filed 8/7/69; Regulation 8.241, filed 7/27/67; Regulation 8.241, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-110 Monthly cost of basic requirements—Home ownership. [Order 375, § 388-28-110, filed 8/7/69; Regulation 8.242, filed 7/27/67; Regulation 8.242, filed 2/23/67, 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-115 Monthly cost of basic requirements as adjusted for maximum grant limitations—Supplied shelter. [Order 521, § 388-28-115, filed 3/2/71; Regulation 8.243, filed 1/24/64.] Repealed by Order 604, filed 9/22/71.
- 388-28-125 Monthly cost of basic requirements as adjusted for maximum grant limitations—Household maintenance—Utilities—Household supplies. [Order 521, § 388-28-125, filed 3/2/71; Order 375, § 388-28-125, filed 8/7/69; Regulation 8.251, filed 7/27/67; Regulation 8.251, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-130 Fuel for space heating. [Order 521, § 388-28-130, filed 3/2/71; Order 375, § 388-28-130, filed 8/7/69; Regula-

- 388-28-133 tion 8.252, filed 7/27/67; Regulation 8.252, filed 2/23/67, 1/24/64.] Repealed by Order 650, filed 2/9/72. Maximums to monthly standards for basic requirements. [Order 1234, § 388-28-133, filed 8/31/77; Order 1145, § 388-28-133, filed 8/26/76; Order 1040, § 388-28-133, filed 8/7/75; Order 963, § 388-28-133, filed 8/19/74; Order 927, § 388-28-133, filed 4/15/74; Order 902, § 388-28-133, filed 1/29/74; Order 823, § 388-28-133, filed 7/26/73; Order 721, § 388-28-133, filed 9/28/72; Order 650, § 388-28-133, filed 2/9/72; Order 561, § 388-28-133, filed 5/5/71.] Repealed by Order 1241, filed 9/23/77.
- 388-28-134 Additional monthly allowance for noninstitutionalized adult recipient of continuing general assistance. [Order 1052, § 388-28-134, filed 10/9/75; Order 917, § 388-28-134, filed 3/14/74; Order 823, § 388-28-134, filed 7/26/73; Order 721, § 388-28-134, filed 9/28/72.] Repealed by Order 1234, filed 8/31/77.
- 388-28-135 Standards for requirements—Transportation—Old age and aid to blind assistance only. [Order 442, § 388-28-135, filed 4/15/70; Order 375, § 388-28-135, filed 8/7/69; Regulation 8.26, filed 7/27/67, 2/23/67, 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-136 Cost standards for requirements—Person in medical institution. [Order 1145, § 388-28-136, filed 8/26/76; Order 1052, § 388-28-136, filed 9/10/75; Order 1017, § 388-28-136, filed 4/14/75.] Repealed by Order 1241, filed 9/23/77.
- 388-28-137 Cost standards for requirements—Person in congregate care facility. [Order 1234, § 388-28-137, filed 8/31/77; Order 1145, § 388-28-137, filed 8/26/76; Order 1076, § 388-28-137, filed 12/17/75; Order 1052, § 388-28-137, filed 9/10/75; Order 1017, § 388-28-137, filed 4/14/75.] Repealed by Order 1241, filed 9/23/77.
- 388-28-138 Cost standards for requirements—Maternity home care. [Order 1234, § 388-28-138, filed 8/31/77; Order 1116, § 388-28-138, filed 4/28/76.] Repealed by Order 1241, filed 9/23/77.
- 388-28-140 Monthly standards for basic requirements—AFDC—Child living with relative not in need. [Order 1234, § 388-28-140, filed 8/31/77; Order 1145, § 388-28-140, filed 8/26/76; Order 1052, § 388-28-140, filed 9/10/75; Order 1007, § 388-28-140, filed 2/13/75; Order 976, § 388-28-140, filed 10/28/74; Order 902, § 388-28-140, filed 1/29/74; Order 823, § 388-28-140, filed 7/26/73; Order 650, § 388-28-140, filed 2/9/72; Order 375, § 388-28-140, filed 8/7/69; Order 346, § 388-28-140, filed 4/16/69; Regulation 8.27, filed 7/27/67; Regulation 8.27, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-142 Monthly standards for basic requirements—AFDC—Child in need of specialized education or training. [Order 1234, § 388-28-142, filed 8/31/77; Order 1052, § 388-28-142, filed 9/10/75; Order 823, § 388-28-142, filed 7/26/73; Order 650, § 388-28-142, filed 2/9/72; Order 561, § 388-28-142, filed 5/5/71; Order 521, § 388-28-142, filed 3/2/71; Order 346, § 388-28-142, filed 4/16/69.] Repealed by Order 1241, filed 9/23/77.
- 388-28-150 Standards for additional requirements under specified circumstances. [Order 1176, § 388-28-150, filed 12/23/76; Order 650, § 388-28-150, filed 2/9/72; Regulation 8.30, filed 7/27/67; Regulation 8.30, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-155 Standards for additional requirements under specified circumstances—Child care expenses for employed person. [Order 1236, § 388-28-155, filed 8/31/77.] Repealed by 78-06-086 (Order 1303), filed 6/2/78. Statutory Authority: RCW 74.04.510 and 74.08.090.
- 388-28-160 Standards for additional requirements under specified circumstances—Board. [Order 823, § 388-28-160, filed 7/26/73; Order 650, § 388-28-160, filed 2/9/72; Order 521, § 388-28-160, filed 3/2/71; Order 375, § 388-28-160, filed 8/7/69; Regulation 8.311, filed 7/27/67; Regulation 8.311, filed 2/23/67, 1/24/64.] Repealed by Order 1052, filed 9/10/75.
- 388-28-165 Standards for additional requirements under specified circumstances—Restaurant meals. [Order 1234, § 388-28-165, filed 8/31/77; Order 1145, § 388-28-165, filed 8/26/76; Order 1052, § 388-28-165, filed 9/10/75; Order 823, § 388-28-165, filed 7/26/73; Order 650, § 388-28-165, filed 2/9/72; Order 521, § 388-28-165, filed 3/2/71; Order 375, § 388-28-165, filed 8/7/69; Regulation 8.312, filed 7/27/67; Regulation 8.312, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-170 Standards for additional requirements under specified circumstances—Daily restaurant meals. [Order 1234, § 388-28-170, filed 8/31/77; Order 1145, § 388-28-170, filed 8/26/76; Order 1052, § 388-28-170, filed 9/10/75; Order 902, § 388-28-170, filed 1/29/74; Order 823, § 388-28-170, filed 7/26/73; Order 650, § 388-28-170, filed 2/9/72; Order 375, § 388-28-170, filed 8/7/69; Regulation 8.313, filed 7/27/67; Regulation 8.313, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-180 Standards for additional requirements under specified circumstances—Home delivered meals (meals-on-wheels). [Order 650, § 388-28-180, filed 2/9/72; Regulation 8.315, filed 7/27/67; Regulation 8.315, filed 12/21/64, effective 2/1/65.] Repealed by Order 1241, filed 9/23/77.
- 388-28-185 Standards for additional requirements under specified circumstances—Personal and household service in own home—Adult without minor children in household. [Order 393, § 388-28-185, filed 10/15/69; Regulation 8.32, filed 12/21/64, effective 2/1/65; Regulation 8.32, filed 1/24/64.] Repealed by Order 601, filed 9/8/71.
- 388-28-190 Standards for additional requirements under specified circumstances—Determination of need for service. [Order 393, § 388-28-190, filed 10/15/69; Regulation 8.321, filed 3/21/67; Regulation 8.321, filed 12/21/64.] Repealed by Order 601, filed 9/8/71.
- 388-28-195 Standards for additional requirements under specified circumstances—Cost standard. [Order 393, § 388-28-195, filed 10/15/69; Regulation 8.322, filed 3/21/67; Regulation 8.322, filed 12/24/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
- 388-28-200 Monthly cost of basic requirements as adjusted for maximum grant limitations—Computation of payment for personal and household services in kind. [Order 561, § 388-28-200, filed 5/5/71; Order 521, § 388-28-200, filed 3/2/71; Regulation 8.323, filed 12/21/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
- 388-28-205 Standards for additional requirements under specified circumstances—Old age and survivors insurance tax. [Regulation 8.324, filed 12/21/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
- 388-28-210 Standards for additional requirements under specified circumstances—Personal and household service in own home for adult without minor children in household—Continuing eligibility for services. [Order 403, § 388-28-210, filed 11/24/69; Order 375, § 388-28-210, filed 8/7/69; Regulation 8.325, filed 7/27/67; Regulation 8.325, filed 12/24/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
- 388-28-220 Standards for additional requirements under specified circumstances—Transportation to state of legal residence. [Order 969, § 388-28-220, filed 9/13/74; Order 650, § 388-28-220, filed 2/9/72; Regulation 8.33, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-225 Standards for additional requirements under specified circumstances—Food for guide dog. [Order 1234, § 388-28-225, filed 8/31/77; Order 1145, § 388-28-225, filed 8/26/76; Order 1052, § 388-28-225, filed 9/10/75; Order 902, § 388-28-225, filed 1/29/74; Order 823, § 388-28-225, filed 7/26/73; Order 650, § 388-28-225, filed 2/9/72; Order 375, § 388-28-225, filed 8/7/69; Order 268, § 388-28-225, filed 12/5/67; Regulation 8.34, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-230 Standards for additional requirements under specified circumstances—Telephone. [Order 650, § 388-28-230, filed 2/9/72; Regulation 8.35, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-235 Standards for additional requirements under specified circumstances—Laundry. [Order 1234, § 388-28-235, filed 8/31/77; Order 1145, § 388-28-235, filed 8/26/76; Order 1052, § 388-28-235, filed 9/10/75; Order 823, § 388-28-235, filed 7/26/73; Order 650, § 388-28-235, filed 2/9/72; Order 268, § 388-28-235, filed 12/5/67; Regulation 8.36, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-245 Standards for additional requirements under specified circumstances—Housekeeping service in household with minor children. [Order 650, § 388-28-245, filed 2/9/72; Order 375, § 388-28-245, filed 8/7/69; Order 268, § 388-28-245, filed 12/5/67; Regulation 8.38, filed 12/21/64, effective 2/1/65; Regulation 8.38, filed 1/24/64.] Repealed by Order 1088, filed 1/19/76.

- 388-28-250 Standards for additional requirements under specified circumstances—Cost of participating in supplemental medical insurance benefits (SMIB) under Title XVIII-B of the Social Security Act. [Emergency Order 290, § 388-28-250, filed 5/1/68; Regulation 8.39, filed 8/29/66.] Repealed by Order 292, filed 6/12/68.
- 388-28-251 Winterizing homes. [Order 1045, § 388-28-251, filed 8/14/75.] Repealed by Order 1241, filed 9/23/77.
- 388-28-260 Requirements of person in boarding home—Continuing general assistance. [Order 1234, § 388-28-260, filed 8/31/77; Order 1145, § 388-28-260, filed 8/26/76; Order 1052, § 388-28-260, filed 9/10/75; Order 902, § 388-28-260, filed 1/29/74; Order 823, § 388-28-260, filed 7/26/73; Order 731, § 388-28-260, filed 10/27/72; Order 650, § 388-28-260, filed 2/9/72; Order 521, § 388-28-260, filed 3/2/71; Order 375, § 388-28-260, filed 8/7/69; Regulation 8.411, filed 7/27/67; Regulation 8.411, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-270 Requirements of person in boarding home—Clothing—Aid to blind, disability assistance, old age assistance, general assistance-unemployable. [Order 521, § 388-28-270, filed 3/2/71; Regulation 8.412, filed 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-275 Requirements of person in boarding home—Personal maintenance and necessary incidentals—Aid to blind, disability assistance, old age assistance, general assistance-unemployable. [Order 521, § 388-28-275, filed 3/2/71; Regulation 8.413, filed 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-280 Requirements of person with other living arrangements—Transportation. [Regulation 8.414, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-285 Requirements of person in boarding home—Additional requirements. [Order 917, § 388-28-285, filed 3/14/74; Order 375, § 388-28-285, filed 8/7/69; Regulation 8.415, filed 7/27/67; Regulation 8.415, filed 8/29/66, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-290 Requirements of person with other living arrangement—Institutional living arrangement. [Order 375, § 388-28-290, filed 8/7/69; Regulation 8.42, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-28-292 Adult family home—Care defined. [Order 455, § 388-28-292, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-293 Adult family home—Determination of need for care and placement. [Order 455, § 388-28-293, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-294 Adult family home care—Cost standards. [Order 1234, § 388-28-294, filed 8/31/77; Order 1145, § 388-28-294, filed 8/26/76; Order 1052, § 388-28-294, filed 9/10/75; Order 963, § 388-28-294, filed 8/19/74; Order 902, § 388-28-294, filed 1/29/74; Order 823, § 388-28-294, filed 7/26/73; Order 731, § 388-28-294, filed 10/27/72; Order 650, § 388-28-294, filed 2/9/72; Order 552, § 388-28-294, filed 4/1/71; Order 455, § 388-28-294, filed 5/18/70.] Repealed by Order 1241, filed 9/23/77.
- 388-28-295 Adult family home—Standards for payment approval. [Order 455, § 388-28-295, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-296 Adult family home—Standards for home and sponsor. [Order 455, § 388-28-296, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-297 Adult family home—Services to be provided. [Order 455, § 388-28-297, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-298 Adult family home—Application for approval for payment—Home study. [Order 635, § 388-28-298, filed 1/13/72; Order 455, § 388-28-298, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-300 Property rights and entitlements. [Statutory Authority: RCW 74.08.090, 85-18-042 (Order 2276), § 388-28-300, filed 8/30/85; Order 1241, § 388-28-300, filed 9/23/77; Order 445, § 388-28-300, filed 4/28/70; Regulation 8.50, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-305 Property rights and entitlements—Rights inherent in relationship. [Order 942, § 388-28-305, filed 6/26/74; Order 703, § 388-28-305, filed 8/11/72; Order 445, § 388-28-305, filed 4/28/70; Regulation 8.51, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
- 388-28-315 Property rights and entitlements—Support for dependent children—Parents' responsibility. [Order 942, § 388-28-315, filed 6/26/74; Order 703, § 388-28-315, filed 8/11/72; Order 619, § 388-28-315, filed 10/27/71; Order 481, § 388-28-315, filed 9/29/70, effective 11/1/70; Regulation 8.521, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
- 388-28-320 Property rights and entitlements—Absent parent's responsibility—Liability—Recovery. [Order 942, § 388-28-320, filed 6/26/74; Order 703, § 388-28-320, filed 8/11/72; Order 481, § 388-28-320, filed 9/29/70, effective 11/1/70; Regulation 8.522, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
- 388-28-323 Property rights and entitlements—Applicant or recipient responsibility. [Order 942, § 388-28-323, filed 6/26/74; Order 703, § 388-28-323, filed 8/11/72; Order 616, § 388-28-323, filed 10/13/71; Order 481, § 388-28-323, filed 9/29/70, effective 11/1/70.] Repealed by Order 1054, filed 9/25/75.
- 388-28-325 Support for dependent children—Obtaining support from absent parent. [Regulation 8.523, filed 1/24/64.] Repealed by Order 481, filed 9/29/70, effective 11/1/70.
- 388-28-330 Support enforcement services. [Regulation 8.524, filed 1/24/64.] Repealed by Order 481, filed 9/29/70, effective 11/1/70.
- 388-28-335 Support enforcement services—Budgeting payments. [Order 274, § 388-28-335, filed 1/29/68; Emergency Order 272, § 388-28-335, filed 12/29/67; Regulation 8.525, filed 1/24/64.] Repealed by Order 481, filed 9/29/70, effective 11/1/70.
- 388-28-337 Property rights and entitlements—Full grant plan. [Order 942, § 388-28-337, filed 6/26/74; Order 703, § 388-28-337, filed 8/11/72; Order 616, § 388-28-337, filed 10/13/71; Order 481, § 388-28-337, filed 9/29/70, effective 11/1/70; Order 274, § 388-28-337, filed 1/29/68; Emergency Order 272, § 388-28-337, filed 12/29/67.] Repealed by Order 1054, filed 9/25/75.
- 388-28-338 Support for dependent children—Optional support plans. [Order 616, § 388-28-338, filed 10/13/71; Order 481, § 388-28-338, filed 9/29/70, effective 11/1/70.] Repealed by Order 703, filed 8/11/72.
- 388-28-340 Property rights and entitlement—Establishment of paternity of illegitimate child. [Order 942, § 388-28-340, filed 6/26/74; Order 703, § 388-28-340, filed 8/11/72; Order 664, § 388-28-340, filed 3/23/72; Order 616, § 388-28-340, filed 10/13/71; Order 481, § 388-28-340, filed 9/29/70, effective 11/1/70; Regulation 8.526, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
- 388-28-343 Confidentiality. [Order 942, § 388-28-343, filed 6/26/74.] Repealed by Order 1054, filed 9/25/75.
- 388-28-345 Confidentiality—Procedures affecting abandoned child. [Order 889, § 388-28-345, filed 12/27/73; Order 703, § 388-28-345, filed 8/11/72; Order 481, § 388-28-345, filed 9/29/70, effective 11/1/70; Regulation 8.527, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-350 Confidentiality—Stepparent responsibility. [Order 1132, § 388-28-350, filed 7/8/76; Order 481, § 388-28-350, filed 9/29/70, effective 11/1/70; Regulation 8.53, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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. Statu-

- 388-28-370 tory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2100 part and 388-218-1140. 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 94-10-043 (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: 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 388-216-2900 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 8/1/93, 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.] Repealed by 88-04-019 (Order 2588), filed 1/22/88. Statutory Authority: 1987 1st ex.s. c 7.
- 388-29-150 Standards of assistance—Additional requirements. [Statutory Authority: RCW 74.04.090 [74.08.090]. 91-23-085 (Order 3287), § 388-29-150, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-150, filed 3/13/85; 78-12-001 (Order 1355), § 388-29-150, filed 11/3/78; Order 1241, § 388-29-150, filed 9/23/77.]
- 388-29-155 Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090. Standards for additional requirements under specified circumstances—Child care expenses for employed persons. [Statutory Authority: RCW 74.08.090. 80-11-055 (Order 1532), § 388-29-155, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-155, filed 9/21/79; 79-06-007 (Order 1393), § 388-29-155, filed 5/8/79; 78-09-047 (Order 1327), § 388-29-155, filed 8/21/78. Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-29-155, filed 6/2/78.] Repealed by 82-01-009 (Order 1728), filed 12/4/81. Statutory Authority: RCW 74.08.090.
- 388-29-158 Standards for additional requirements under specified circumstances—Child care expenses for AFDC recipients in approved training plans. [Statutory Authority: RCW 74.08.090. 81-01-017 (Order 1576), § 388-29-158, filed 12/8/80.] Repealed by 81-10-033 (Order 1649), filed 4/29/81. Statutory Authority: RCW 74.08.090.
- 388-29-160 Additional requirements—Restaurant meals. [Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-160, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-160, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-160, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-160, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-160, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-160, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-160, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-160, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-160, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-160, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-160, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-160, filed 7/28/78; Order 1241, § 388-29-160, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-170 Standards for additional requirements under specified circumstances—Daily restaurant meals. [Statutory Authority: RCW 74.08.090. 80-11-055 (Order 1532), § 388-29-170, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-170, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-170, filed 7/28/78; Order 1241, § 388-29-170, filed 9/23/77.] Repealed by 81-08-018 (Order 1626), filed 3/25/81. Statutory Authority: RCW 74.08.090.
- 388-29-180 Additional requirements—Home-delivered meals (meals-on-wheels). [Statutory Authority: RCW 74.04.005. 91-23-086 (Order 3288), § 388-29-180, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-180, filed 3/13/85; 81-19-127 (Order 1701), § 388-29-180, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-180, filed 9/21/79; Order 1241, § 388-29-180, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-190 Transportation to state of legal residence. [Statutory Authority: RCW 74.08.090. 78-12-001 (Order 1355), § 388-29-190, filed 11/3/78; Order 1241, § 388-29-190, filed 9/23/77.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-29-200 Additional requirements—Food for guide dog. [Statutory Authority: RCW 74.08.090. 90-06-035 (Order 2947), § 388-29-200, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-200, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-200, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-200, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-200, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-200, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-200, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-200, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-200, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-200, filed 7/28/78; Order 1241, § 388-29-200, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-210 Additional requirements—Telephone. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-210, filed 3/13/85; Order 1241, § 388-29-210, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

- 388-29-220 Additional requirements—Laundry. [Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405, 93-04-030 (Order 3506), § 388-29-220, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090, 91-02-072 (Order 3122), § 388-29-220, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-220, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-220, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-220, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-220, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-220, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-220, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-220, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-220, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-220, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-220, filed 7/28/78; Order 1241, § 388-29-220, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-230 Additional requirements—Winterizing homes—AFDC. [Statutory Authority: RCW 74.08.090, 91-02-072 (Order 3122), § 388-29-230, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-230, filed 3/1/90, effective 4/1/90; 85-07-020 (Order 2215), § 388-29-230, filed 3/13/85; 81-19-127 (Order 1701), § 388-29-230, filed 9/23/81; 79-04-060 (Order 1385), § 388-29-230, filed 3/28/79; Order 1241, § 388-29-230, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-260 Standards of assistance—Persons in boarding homes—General assistance. [Statutory Authority: RCW 74.08.090, 88-20-082 (Order 2708), § 388-29-260, filed 10/5/88; 85-24-051 (Order 2309), § 388-29-260, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-260, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-260, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-260, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-260, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-260, filed 9/23/81; 80-15-002 (Order 1550), § 388-29-260, filed 10/2/80; 79-10-083 (Order 1434), § 388-29-260, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-260, filed 7/28/78; Order 1241, § 388-29-260, filed 9/23/77.] Repealed by 90-06-035 (Order 2947), filed 3/1/90, effective 4/1/90. Statutory Authority: RCW 74.08.090.
- 388-29-270 Additional requirements for emergent situations—AFDC. [Statutory Authority: RCW 74.04.005, 92-09-033 (Order 3369), § 388-29-270, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.08.090, 87-01-071 (Order 2451), § 388-29-270, filed 12/17/86; 85-20-022 (Order 2284), § 388-29-270, filed 9/23/85; 82-19-060 (Order 1877), § 388-29-270, filed 9/17/82; 78-12-001 (Order 1355), § 388-29-270, filed 11/3/78; Order 1241, § 388-29-270, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-280 Standards of assistance—Adult family home care. [Statutory Authority: RCW 74.08.090, 93-12-052 (Order 3557), § 388-29-280, filed 5/26/93, effective 6/26/93; 90-06-035 (Order 2947), § 388-29-280, filed 3/1/90, effective 4/1/90; 88-19-032 (Order 2694), § 388-29-280, filed 9/12/88. Statutory Authority: 1987 1st ex. s. c 7, 88-04-019 (Order 2588), § 388-29-280, filed 1/22/88. Statutory Authority: RCW 74.08.090, 85-07-020 (Order 2215), § 388-29-280, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-280, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-280, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-280, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-280, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-280, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-280, filed 7/28/78; Order 1241, § 388-29-280, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-290 Low-income home energy assistance allowance. [Statutory Authority: RCW 43.20A.550, 85-04-020 (Order 2196), § 388-29-290, filed 1/30/85; 84-02-050 (Order 2058), § 388-29-290, filed 1/4/84. Statutory Authority: RCW 74.08.090, 82-23-061 (Order 1909), § 388-29-290, filed 11/17/82. Statutory Authority: RCW 43.20A.550, 82-01-050 (Order 1736), § 388-29-290, filed 12/16/81. Statutory Authority: RCW 74.08.090, 81-08-045 (Order 1631), § 388-29-290, filed 3/31/81. Statutory Authority: RCW 74.04.510 and 74.08.090, 80-05-044 (Order 1498), § 388-29-290, filed 4/16/80.] Repealed by 85-24-051 (Order 2309), filed 12/2/85. Statutory Authority: RCW 74.08.090.
- 388-29-295 Standards of assistance—Supplemental security income (SSI) program. [Statutory Authority: RCW 74.04.050, 94-04-035 (Order 3698), § 388-29-295, filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405, 93-04-030 (Order 3506), § 388-29-295, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.04.620, 92-18-027 (Order 3443), § 388-29-295, filed 8/26/92, effective 9/26/92. Statutory Authority: RCW 74.08.090, 91-02-072 (Order 3122), § 388-29-295, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-295, filed 3/1/90, effective 4/1/90; 89-05-030 (Order 2759), § 388-29-295, filed 2/13/89; 88-01-040 (Order 2565), § 388-29-295, filed 12/11/87; 87-01-102 (Order 2452), § 388-29-295, filed 12/23/86; 86-14-061 (Order 2391), § 388-29-295, filed 6/27/86; 86-01-007 (Order 2311), § 388-29-295, filed 12/5/85; 85-07-020 (Order 2215), § 388-29-295, filed 3/13/85; 84-09-073 (Order 2095), § 388-29-295, filed 4/18/84; 83-17-070 (Order 2008), § 388-29-295, filed 8/19/83; 82-17-004 (Order 1855), § 388-29-295, filed 8/5/82; 81-19-127 (Order 1701), § 388-29-295, filed 9/23/81.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

**Chapter 388-30
AID TO FAMILIES WITH DEPENDENT CHILDREN AND
CONTINUING GENERAL ASSISTANCE—
CONTINUING ELIGIBILITY**

- 388-30-010 Continuing eligibility. [Order 533, § 388-30-010, filed 3/31/71, effective 5/1/71; Regulation 9.00, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-015 Factors not common to all categories—Old age assistance. [Regulation 9.11, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-30-020 Continuing eligibility—Aid to blind. [Order 533, § 388-30-020, filed 3/31/71, effective 5/1/71; Regulation 9.12, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-30-025 Continuing eligibility—Aid to families with dependent children. [Order 976, § 388-30-025, filed 10/28/74; Order 918, § 388-30-025, filed 3/14/74; Order 830, § 388-30-025, filed 7/26/73; Order 533, § 388-30-025, filed 3/31/71, effective 5/1/71; Order 321, § 388-30-025, filed 11/27/68; Regulation 9.13, filed 8/29/66; Regulation 9.13, filed 6/17/64, effective 8/1/64, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-030 Continuing eligibility—Disability assistance. [Order 637, § 388-30-030, filed 1/13/72; Order 533, § 388-30-030, filed 3/31/71, effective 5/1/71; Regulation 9.14, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-30-040 Continuing eligibility—Continuing general assistance to unemployable persons. [Order 533, § 388-30-040, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-040, filed 10/30/70, effective 12/1/70; Regulation 9.15, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-30-050 Continuing eligibility—Age. [Order 917, § 388-30-050, filed 3/14/74; Order 620, § 388-30-050, filed 10/27/71; Order 533, § 388-30-050, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-050, filed 10/30/70, effective 12/1/70; Order 367, § 388-30-050, filed 7/9/69; Regulation 9.21, filed 12/31/65; Regulation 9.21, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-055 Continuing eligibility—Residence. [Order 533, § 388-30-055, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-055, filed 10/30/70, effective 12/1/70; Order 367, § 388-30-055, filed 7/9/69; Regulation 9.221, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-060 Continuing eligibility—Institutional living arrangement. [Order 533, § 388-30-060, filed 3/31/71, effective 5/1/71; Regulation 9.23, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-065 Continuing eligibility—Transfer of exempt property. [Order 533, § 388-30-065, filed 3/31/71, effective 5/1/71; Regulation 9.24, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-070 Continuing eligibility—Exempt property transferable without consent. [Order 533, § 388-30-070, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-070, filed 5/26/70, effective 7/1/70; Regulation 9.241, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

- 388-30-075 Continuing eligibility—Exempt property transferable with consent. [Order 533, § 388-30-075, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-075, filed 5/26/70, effective 7/1/70; Regulation 9.242, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-078 Replacement of exempt property. [Order 1194, § 388-30-078, filed 3/3/77.] Repealed by Order 1241, filed 9/23/77.
- 388-30-080 Continuing eligibility—Property transferred contrary to WAC 388-30-070 and 388-30-075. [Order 533, § 388-30-080, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-080, filed 5/26/70, effective 7/1/70; Regulation 9.243, filed 12/21/64, effective 2/1/65; Regulation 9.243, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-085 Continuing eligibility—Financial need. [Order 533, § 388-30-085, filed 3/31/71, effective 5/1/71; Regulation 9.25, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-090 Continuing eligibility—Nonexempt resources and income known at time of application. [Order 1058, § 388-30-090, filed 10/1/75; Order 533, § 388-30-090, filed 3/31/71, effective 5/1/71; Regulation 9.251, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-095 Continuing eligibility—Effect of newly acquired income and property on need. [Order 1224, § 388-30-095, filed 7/19/77; Order 975, § 388-30-095, filed 10/11/74; Order 917, § 388-30-095, filed 3/14/74; Order 533, § 388-30-095, filed 3/31/71, effective 5/1/71; Regulation 9.252, filed 10/4/67; Regulation 9.252, filed 5/17/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-100 Continuing eligibility—Effect of newly acquired nonexempt income on need. [Order 1058, § 388-30-100, filed 10/1/75; Order 533, § 388-30-100, filed 3/31/71, effective 5/1/71; Regulation 9.253, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-105 Responsibility for eligibility maintenance. [Order 533, § 388-30-105, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-105, filed 5/14/70, effective 6/15/70; Regulation 9.261, filed 7/27/67; Regulation 9.261, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-107 Responsibility for eligibility maintenance—Recipient. [Order 1016, § 388-30-107, filed 4/1/75; Order 842, § 388-30-107, filed 8/9/73; Order 790, § 388-30-107, filed 4/12/73; Order 533, § 388-30-107, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-107, filed 5/14/70, effective 6/15/70.] Repealed by Order 1241, filed 9/23/77.
- 388-30-110 Responsibility for eligibility maintenance—Local office. [Order 533, § 388-30-110, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-110, filed 5/14/70, effective 6/15/70.] Repealed by Order 1241, filed 9/23/77.
- 388-30-115 Responsibility for eligibility maintenance—Recipient's whereabouts unknown or failure to provide eligibility data. [Order 906, § 388-30-115, filed 2/14/74; Order 746, § 388-30-115, filed 12/7/72; Order 533, § 388-30-115, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-115, filed 5/14/70, effective 6/15/70; Regulation 9.263, filed 3/11/65.] Repealed by Order 1241, filed 9/23/77.
- 388-30-120 Responsibility for eligibility maintenance—Reasonable doubt of eligibility—Warrant withheld. [Order 533, § 388-30-120, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-120, filed 5/14/70, effective 6/15/70; Order 269, § 388-30-120, filed 12/5/67; Regulation 9.264, filed 3/11/65.] Repealed by Order 746, filed 12/7/72.
- 388-30-121 Responsibility for eligibility maintenance—Redirection of warrant. [Order 746, § 388-30-121, filed 12/7/72.] Repealed by Order 1241, filed 9/23/77.
- 388-30-125 Periodic review and redetermination of eligibility. [Order 917, § 388-30-125, filed 3/14/74; Order 841, § 388-30-125, filed 8/9/73; Order 746, § 388-30-125, filed 12/7/72; Order 533, § 388-30-125, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-125, filed 5/14/70, effective 6/15/70; Regulation 9.27, filed 7/27/67; Regulation 9.27, filed 6/17/64, effective 8/1/64, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-130 Periodic review and redetermination of eligibility—Content of review. [Order 533, § 388-30-130, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-130, filed 5/14/70, effective 6/15/70; Regulation 9.271, filed 6/17/64, effective 8/1/64; Regulation 9.271, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-135 Periodic review and redetermination of eligibility—Action on review. [Order 533, § 388-30-135, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-135, filed 5/14/70, effective 6/15/70; Regulation 9.272, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-140 Periodic review and redetermination of eligibility—Changing and terminating grant. [Order 533, § 388-30-140, filed 3/31/71, effective 5/1/71; Regulation 9.28, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-150 Supplemental assistance—Requirements of recipient enrolled in community training level 4 or 5 course of remedial or vocational education. [Regulation 9.31, filed 8/29/66; Regulation 9.31, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.
- 388-30-160 Supplemental assistance—Transportation for enrolled recipient. [Regulation 9.311, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.
- 388-30-165 Supplemental assistance—Care of child of enrolled recipient. [Regulation 9.312, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.
- 388-30-170 Supplemental assistance—Tuition, supplies and materials, uniforms. [Regulation 9.313, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.
- 388-30-175 Supplemental assistance—Requirements of federal aid recipient enrolled in Title V project of Economic Opportunity Act. [Regulation 9.32, filed 7/27/67; Regulation 9.32, filed 8/29/66, 12/31/65.] Repealed by Order 327, filed 11/27/68.

Chapter 388-33

AID TO FAMILIES WITH DEPENDENT CHILDREN AND CONTINUING GENERAL ASSISTANCE—GRANT OR VENDOR PAYMENT

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

- ity: 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; Order 270, § 388-33-125, filed 12/5/67; Regulation 10.252, filed 7/27/67; Regulation 10.252, filed 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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).
- 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).
- 388-33-446 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.
- 388-33-447 Protective or vendor payment due to mismanagement of AFDC grant—Fair hearing. [Order 1195, § 388-33-447, filed 3/3/77; Order 700, § 388-33-447, filed 7/27/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-448 Protective or vendor payment due to mismanagement of AFDC grant—Periodic review of plan. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-448, filed 4/15/81; Order 700, § 388-33-448, filed 7/27/72; Order 534, § 388-33-448, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-448, filed 3/20/69; Order 322, § 388-33-448, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1500 (parts).
- 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.
- 388-33-450 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.
- 388-33-452 Protective payments—Fair hearing. [Order 322, § 388-33-452, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by Order 357, filed 5/29/69.
- 388-33-453 Protective payment—Failure or refusal to cooperate with support enforcement. [Statutory Authority: RCW 74.08.090. 89-22-133 (Order 2896), § 388-33-453, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW

- 74.22.110.84-22-018 (Order 2166), § 388-33-453, filed 10/31/84; Order 1195, § 388-33-453, filed 3/3/77; Order 1054, § 388-33-453, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1350.
- 388-33-454 Protective payments—OAA, AB, DA, GAU. [Order 357, § 388-33-454, filed 5/29/69.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-455 Protective payment—Special needs of SSI beneficiary, general assistance recipient or recipient of the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) program. [Statutory Authority: 1987 c 406, 87-18-007 (Order 2527), § 388-33-455, filed 8/21/87; Order 933, § 388-33-455, filed 5/15/74; Order 917, § 388-33-455, filed 3/14/74; Order 534, § 388-33-455, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-455, filed 5/29/69.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1100 part, 388-265-1150 part, 388-265-1250 part, 388-265-1450 and 388-265-1750.
- 388-33-456 Protective payment—Periodic review. [Order 357, § 388-33-456, filed 5/29/69.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-457 Protective payment—Modification or termination of plan. [Order 534, § 388-33-457, filed 3/31/71, effective 5/1/71.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-265-1550, and 388-265-1600.
- 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).
- 388-33-459 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.
- 388-33-460 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).
- 388-33-470 Disbursement—Assistance grants. [Regulation 10.70, filed 8/10/67; Regulation 10.70, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-480 Direct rental payments to landlords—Pilot program. [Statutory Authority: RCW 74.04.050, 88-14-061 (Order 2645), § 388-33-480, filed 7/1/88.] Repealed by 92-03-085 (Order 3310), filed 1/15/92, effective 2/15/92. Statutory Authority: RCW 74.04.050.
- 388-33-495 Payment dates. [Regulation 10.72, filed 8/10/67; Regulation 10.72, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-500 Payment dates—Initial grant. [Regulation 10.721, filed 8/10/67; Regulation 10.721, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-505 Payment dates—Adjusting grant. [Regulation 10.722, filed 8/10/67; Regulation 10.722, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-515 Payment dates—One-time grant. [Order 399, § 388-33-515, filed 11/5/69; Regulation 10.723, filed 8/10/67; Regulation 10.723, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-525 Warrant endorsement. [Order 747, § 388-33-525, filed 12/7/72; Order 534, § 388-33-525, filed 3/31/71, effective 5/1/71; Regulation 10.73, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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.
- 388-34-080 Intermediate care facility—Payment procedures—Operator's responsibility. [Order 395, § 388-34-080, filed 10/15/69; Order 323, § 388-34-080, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-082 Intermediate care facility—Periodic review and re-evaluation. [Order 395, § 388-34-082, filed 10/15/69; Order 323, § 388-34-082, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-084 Intermediate care facility—Application from facility to provide intermediate care. [Order 395, § 388-34-084, filed 10/15/69.] Repealed by Order 651, filed 2/9/72.
- 388-34-085 Public nursing home—Definition—Grant requirements. [Order 1017, § 388-34-085, filed 4/14/75; Order 907, § 388-34-085, filed 2/14/74; Order 824, § 388-34-085, filed 7/26/73; Order 651, § 388-34-085, filed 2/9/72; Order 553, § 388-34-085, filed 4/1/71; Order 377, § 388-34-085, filed 8/7/69; Order 249, § 388-34-085, filed 11/1/67; Regulation 11.20, filed 7/24/67; Regulation 11.20, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-095 Fraternal, religious, or benevolent home. [Statutory Authority: RCW 74.08.090, 78-10-036 (Order 1338), § 388-34-095, filed 9/18/78; Order 651, § 388-34-095, filed 2/9/72; Order 377, § 388-34-095, filed 8/7/69; Order 249, § 388-34-095, filed 11/1/67; Regulation 11.30, filed 8/29/66; Regulation 11.30, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-110 General hospital—Grants requirements. [Order 1017, § 388-34-110, filed 4/14/75; Order 917, § 388-34-110, filed 3/14/74, 3/18/74; Order 824, § 388-34-110, filed 7/26/73; Order 651, § 388-34-110, filed 2/9/72; Order 553, § 388-34-110, filed 4/1/71; Order 377, § 388-34-110, filed 8/7/69; Order 249, § 388-34-110, filed 11/1/67; Regulation 11.41, filed 7/27/67; Regulation 11.41, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-120 Tuberculosis hospital—Grant requirements. [Order 1017, § 388-34-120, filed 4/14/75; Order 917, § 388-34-120, filed 3/14/74, 3/18/74; Order 824, § 388-34-120, filed 7/26/73; Order 651, § 388-34-120, filed 2/9/72; Order 377, § 388-34-120, filed 8/7/69; Order 553, § 388-34-120, filed 4/1/71; Order 249, § 388-34-120, filed 11/1/67; Regulation 11.42, filed 7/27/67, 2/23/67, 1/4/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-125 Psychiatric hospital (ICAH approved)—Standards for requirements. [Statutory Authority: RCW 74.08.090, 78-10-036 (Order 1338), § 388-34-125, filed 9/18/78; Order 1044, § 388-34-125, filed 8/14/75; Order 824, § 388-34-125, filed 7/26/73; Order 651, § 388-34-125, filed 2/9/72; Order 553, § 388-34-125, filed 4/1/71; Order 377, § 388-34-125, filed 8/7/69; Order 249, § 388-34-125, filed 11/1/67.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-130 Patient in psychiatric facility—Commercial home not subject to state licensing. [Regulation 11.50, filed 7/27/67; Regulation 11.50, filed 3/21/67, 8/29/66, 1/24/64.] Repealed by Order 455 (part), filed 5/18/70.
- 388-34-140 Maternity services. [Order 688, § 388-34-140, filed 6/15/72; Order 434, § 388-34-140, filed 3/31/70; Regulation 11.60, filed 3/31/66; Regulation 11.60, filed 6/24/64, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.

- 388-34-150 Other homes. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-34-150, filed 9/18/78; Regulation 11.70, filed 8/29/66; Regulation 11.70, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-160 Grant change—Admittance to institution other than nursing home. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-34-160, filed 5/4/83; 78-10-036 (Order 1338), § 388-34-160, filed 9/18/78; Regulation 11.80, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-165 Grant change—Discharge from institution other than licensed nursing home. [Regulation 11.81, filed 6/14/66; Regulation 11.81, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-180 Notification of grant authorization and change in grant. [Order 312, § 388-34-180, filed 10/31/68; Regulation 11.90, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-370 Intermediate care—Eligibility conditions. [Order 701, § 388-34-370, filed 7/27/72; Order 651, § 388-34-370, filed 2/9/72.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-372 Intermediate care—Determination of need for intermediate care. [Order 701, § 388-34-372, filed 7/27/72; Order 440, § 388-34-372, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-374 Intermediate care—Placement of recipient. [Order 440, § 388-34-374, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-375 Intermediate care—Absence for social reasons. [Order 867, § 388-34-375, filed 10/26/73.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-376 Intermediate care—Services to be provided by operator. [Order 440, § 388-34-376, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-378 Intermediate care—Grant requirements—Procedures. [Order 1017, § 388-34-378, filed 4/14/75; Order 907, § 388-34-378, filed 2/14/74; Order 862, § 388-34-378, filed 10/11/73; Order 842, § 388-34-378, filed 8/9/73; Order 824, § 388-34-378, filed 7/26/73; Order 732, § 388-34-378, filed 10/27/72; Order 716, § 388-34-378, filed 9/14/72; Order 675, § 388-34-378, filed 5/10/72; Order 651, § 388-34-378, filed 2/9/72; Order 440, § 388-34-378, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-380 Intermediate care—Payment procedures—Operator's responsibility. [Order 440, § 388-34-380, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-384 Intermediate care—Application to provide intermediate care. [Order 867, § 388-34-384, filed 10/26/73; Order 627, § 388-34-384, filed 10/24/71; Order 440, § 388-34-384, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- Chapter 388-35**
NONCONTINUING GENERAL ASSISTANCE—
ELIGIBILITY—PAYMENT—STANDARDS
- 388-35-010 Conditions of eligibility. [Statutory Authority: RCW 74.08.090. 80-03-052 (Order 1490), § 388-35-010, filed 2/22/80; 79-11-090 (Order 1447), § 388-35-010, filed 10/25/79; 78-10-031 (Order 1337), § 388-35-010, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-35-020 Determination of financial need. [Statutory Authority: RCW 74.08.090. 80-02-022 (Order 1471), § 388-35-020, filed 1/9/80; 78-10-031 (Order 1337), § 388-35-020, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-35-030 Certification period. [Statutory Authority: RCW 74.08.090. 78-10-031 (Order 1337), § 388-35-030, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-35-050 Assistance units—Eligible persons. [Statutory Authority: RCW 74.08.090. 78-10-031 (Order 1337), § 388-35-050, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-35-060 Reapplication. [Statutory Authority: RCW 74.08.090. 79-10-085 (Order 1436), § 388-35-060, filed 9/21/79; 78-10-031 (Order 1337), § 388-35-060, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-35-070 Noncontinuing general assistance—Requirements. [Statutory Authority: RCW 74.08.090. 80-15-002 (Order 1550), § 388-35-070, filed 10/2/80; 79-10-085 (Order 1436), § 388-35-070, filed 9/21/79; 78-10-031 (Order 1337), § 388-35-070, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- Chapter 388-36**
GENERAL ASSISTANCE—
NONCONTINUING—ELIGIBILITY—PAYMENT
- 388-36-010 Noncontinuing general assistance. [Order 536, § 388-36-010, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-010, filed 12/31/69; Order 294, § 388-36-010, filed 7/10/68; Regulation 12.00, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-015 Employable person—Defined. [Order 294, § 388-36-015, filed 7/10/68; Regulation 12.01, filed 12/31/65, effective 2/1/66; Regulation 12.01, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-025 Noncontinuing general assistance—Eligibility conditions—Summary. [Order 760, § 388-36-025, filed 12/28/72; Order 536, § 388-36-025, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-025, filed 12/31/69; Order 368, § 388-36-025, filed 7/9/69; Order 294, § 388-36-025, filed 7/10/68; Order 250, § 388-36-025, filed 11/1/67; Regulation 12.10, filed 12/31/65, effective 2/1/66; Regulation 12.10, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-055 Full-time employment. [Order 250, § 388-36-055, filed 11/1/67; Regulation 12.12, filed 12/31/65, effective 2/1/66; Regulation 12.12, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-060 Full-time employment—Effect on eligibility. [Order 250, § 388-36-060, filed 11/1/67; Regulation 12.121, filed 12/31/65, effective 2/1/66; Regulation 12.121, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-070 Noncontinuing general assistance—Limitations on eligibility. [Order 760, § 388-36-070, filed 12/28/72; Order 633, § 388-36-070, filed 12/24/71; Order 622, § 388-36-070, filed 10/27/71; Order 536, § 388-36-070, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-070, filed 12/31/69; Order 250, § 388-36-070, filed 11/1/67; Regulation 12.13, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-080 Transfer of resource. [Order 294, § 388-36-080, filed 7/10/68; Regulation 12.14, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-095 Noncontinuing general assistance—Requirements. [Order 653, § 388-36-095, filed 2/9/72; Order 536, § 388-36-095, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-095, filed 12/31/69; Order 294, § 388-36-095, filed 7/10/68; Order 250, § 388-36-095, filed 11/1/67; Regulation 12.151, filed 12/31/65, effective 2/1/66; Regulation 12.151, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-100 Noncontinuing general assistance—Computing income. [Order 536, § 388-36-100, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-100, filed 12/31/69; Regulation 12.152, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-105 Noncontinuing general assistance—Exempt and nonexempt resources and income. [Order 536, § 388-36-105, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-105, filed 12/31/69; Regulation 12.153, filed 12/31/65, effective 2/1/66; Regulation 12.153, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-110 Noncontinuing general assistance—Utilization of resources and income by noncontinuing general assistance recipient. [Order 536, § 388-36-110, filed 3/31/71,

- 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; Regulation 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 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 Intercounty transfer of application. [Regulation 13.50, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-200 Verifying eligibility and re-eligibility. [Statutory Authority: RCW 74.08.090, 86-11-060 (Order 2380), § 388-38-200, filed 5/21/86; 83-13-095 (Order 1971), § 388-38-200, filed 6/20/83; Order 1241, § 388-38-200, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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 388-41
MEDICAL AUDIT DISPUTE RESOLUTION**

- 388-41-001 Authority. [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.] Repealed by 00-23-014, filed 11/3/00, effective 12/4/00. Statutory Authority: RCW 74.08.090, 43.20B.675.
- 388-41-003 Purpose. [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.] Repealed by 00-23-014, filed 11/3/00, effective 12/4/00. Statutory Authority: RCW 74.08.090, 43.20B.675.
- 388-41-010 Definitions. [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.] Repealed by 00-23-014, filed 11/3/00, effective 12/4/00. Statutory Authority: RCW 74.08.090, 43.20B.675.
- 388-41-020 Audit dispute conference. [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.] Repealed by 00-23-014, filed 11/3/00, effective 12/4/00. Statutory Authority: RCW 74.08.090, 43.20B.675.

**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 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 388-43

DEAF AND HARD OF HEARING SERVICES

- 388-43-001 Scope. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-002 Regional centers. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-003 Services. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-005 Definitions. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-010 Eligibility requirements. [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,

- 388-43-020 filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99. Approval of application for initial device or request for replacement device. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-030 Denial of initial application or request for replacement device. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-040 Application renewal process. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-050 Notice of approval or denial. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-060 Review by department. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-070 Distribution. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-080 Training. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-090 Ownership and liability. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 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.
- 388-43-110 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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 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.
- 388-43-130 Uses for returned equipment. [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.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-44-020 Intentional overpayment—Defined. [Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-020, filed 2/16/83; 81-09-045 (Order 1638), § 388-44-020, filed 4/15/81; Order 843, § 388-44-020, filed 8/9/73; Order 800, § 388-44-020, filed 5/25/73; Order 539, § 388-44-020, filed 3/31/71, effective 5/1/71; Regulation 16.02, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-025 Overpayments—Effective dates. [Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-025, filed 2/16/83.] Repealed by 86-04-014 (Order 2335), filed 1/24/86. Statutory Authority: RCW 74.04.050.
- 388-44-035 Overpayment—Amount. [Statutory Authority: RCW 74.08.090. 88-19-070 (Order 2699), § 388-44-035, filed 9/16/88. Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-035, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-035, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-035, filed 2/3/82; 81-09-045 (Order 1638), § 388-44-035, filed 4/15/81; Order 539, § 388-44-035, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-035, filed 10/15/69; Regulation 16.11, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-040 Overpayment—Due to need factor. [Order 539, § 388-44-040, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-040, filed 10/15/69; Regulation 16.12, filed 1/24/64.] Repealed by 81-09-045 (Order 1638), filed 4/15/81. Statutory Authority: RCW 74.08.090.
- 388-44-045 Overpayment—During known period of ineligibility. [Regulation 16.13, filed 1/24/64.] Repealed by Order 396, filed 10/15/69.
- 388-44-046 Overpayment—Support payments not treated as overpayment. [Order 1054, § 388-44-046, filed 9/25/75.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-050 Overpayment—Relationship to underpayment. [Statutory Authority: RCW 74.08.090. 82-04-072 (Order 1755), § 388-44-050, filed 2/3/82; Order 539, § 388-44-050, filed 3/31/71, effective 5/1/71; Regulation 16.14, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-075 Establishing overpayment. [Order 396, § 388-44-075, filed 10/15/69; Regulation 16.20, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-085 Establishing overpayment—Person not available for interview. [Order 396, § 388-44-085, filed 10/15/69; Regulation 16.22, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-095 Establishing overpayment—Substantiation. [Order 396, § 388-44-095, filed 10/15/69; Regulation 16.23, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-110 Overpayment—Liability. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-110, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-110, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-110, filed 2/3/82; 80-14-061 (Order 1547), § 388-44-110, filed 10/1/80; Order 800, § 388-44-110, filed 5/25/73; Order 539, § 388-44-110, filed 3/31/71, effective 5/1/71; Regulation 16.24, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-115 Verification of overpayment. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-115, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-115, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-115, filed 2/3/82; 81-09-029 (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.

Reviser's note: Later promulgation, see chapter 388-818 WAC.

**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.

- 388-44-125 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 2/16/83; 82-04-072 (Order 1755), § 388-44-150, filed 2/3/82; Order 800, § 388-44-150, filed 5/25/73; Order 539, § 388-44-150, filed 3/31/71, effective 5/1/71; Regulation 16.322, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-155 Involuntary repayment—Current or former recipient. [Regulation 16.323, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-160 Repayment from estate. [Order 539, § 388-44-160, filed 3/31/71, effective 5/1/71; Order 251, § 388-44-160, filed 11/1/67; Regulation 16.324, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-200 Accounts receivable. [Reference section only.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-205 Accounts receivable—Establishing. [Regulation 16.41, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-210 Accounts receivable—Closures. [Regulation 16.42, filed 12/21/64, effective 2/1/65; Regulation 16.42, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-215 Accounts receivable—Credit balances. [Regulation 16.43, filed 12/21/64, effective 2/1/65; Regulation 16.43, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-220 Accounts receivable—Transfer. [Regulation 16.44, filed 12/21/64, effective 2/1/65; Regulation 16.44, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-240 Cash repayment. [Regulation 16.50, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-250 Gifts, bequests by will, contributions. [Statutory Authority: RCW 74.08.090, 82-04-072 (Order 1755), § 388-44-250, filed 2/3/82; Order 539, § 388-44-250, filed 3/31/71, effective 5/1/71; Regulation 16.60, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-255 Preparation of will. [Regulation 16.61, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-280 Subrogation. [Order 539, § 388-44-280, filed 3/31/71, effective 5/1/71; Regulation 16.70, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-285 Subrogation—Responsibility. [Regulation 16.71, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-300 Subrogation—Other procedures for collection. [Regulation 16.74, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-315 Adjustment of federal aid matching erroneously claimed. [Regulation 16.80, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-320 Conditions requiring adjustment. [Regulation 16.81, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-325 Method of reporting. [Regulation 16.82, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-330 Time limits, write-offs, and compromises. [Statutory Authority: RCW 43.20B.030, 88-13-059 (Order 2633), § 388-44-330, filed 6/14/88.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.

**Chapter 388-45
THE STATE-FUNDED FOOD ASSISTANCE PROGRAM FOR
LEGAL IMMIGRANTS**

- 388-45-010 The state-funded food assistance program for legal immigrants. [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.] Repealed by 00-22-063, filed 10/27/00, effective 11/27/00. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, and 74.04.055.

**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.	388-48-140	General. [Regulation 18.70, filed 1/24/64.] Repealed by Order 541, filed 3/31/71, effective 5/1/71.
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.	388-49-010	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.
388-48-033	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.	388-49-015	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.
388-48-037	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.	388-49-020	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.
388-48-040	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.	388-49-030	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.
388-48-130	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.	388-49-040	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. Stat-

	utory 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.		16-044, filed 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.	388-49-160	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.
388-49-060	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.	388-49-170	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.
388-49-070	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.	388-49-180	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.
388-49-080	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.	388-49-190	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.
388-49-090	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.	388-49-191	Household composition—Family independence program. [Statutory Authority: Chapter 74.21 RCW. 88-18-025 (Order 2684), § 388-49-191, filed 8/30/88.] Repealed by 89-03-053 (Order 2757), filed 1/13/89. Statutory Authority: Chapter 74.21 RCW.
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.	388-49-200	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.
388-49-110	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.	388-49-210	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.
388-49-120	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.	388-49-220	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
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-		

- 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 74.04.050. 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.
- 388-49-250 Boarders. [Statutory Authority: RCW 74.04.050. 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 74.04.050. 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 74.04.050, 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 74.04.050 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 74.04.050 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 74.04.050. 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 74.04.050. 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, 74.08.090.
- 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 74.04.050. 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 74.04.050. 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 74.04.050 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 74.04.050, 74.04.051, 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 74.04.050. 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 74.04.050 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 74.04.050 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 74.04.050 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 74.04.050 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 74.04.050 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,

- 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 11/1/89, effective 12/2/89; 89-05-031 (Order 2760), § 388-49-550, filed 2/13/89; 88-23-082 (Order 2728), § 388-49-550, filed 11/18/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-550, filed 12/31/87.] Repealed by 98-16-044, filed 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, filed 3/11/76.] Repealed by 94-04-036 (Order 3699), filed 1/26/94, effective 2/26/94. Statutory Authority: Chapter 38.52 RCW.
- 388-53-060 Allocation of funds. [Order 1104, § 388-53-060, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-070 Expenditures and payments. [Statutory Authority: RCW 38.52.030, 80-04-039 (Order 1494), § 388-53-070, filed 3/20/80; Order 1104, § 388-53-070, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-080 Organization and functions. [Statutory Authority: RCW 38.52.030, 85-14-106 (Order 2256), § 388-53-080, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-080, filed 3/20/80; Order 1104, § 388-53-080, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-090 Administrative panel. [Statutory Authority: RCW 38.52.030, 85-14-106 (Order 2256), § 388-53-090, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-090, filed 3/20/80; Order 1104, § 388-53-090, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-100 Appeal process—GCO reconsideration. [Statutory Authority: RCW 38.52.030, 85-14-106 (Order 2256), § 388-53-100, filed 7/3/85; 81-01-016 (Order 1575), § 388-53-100, filed 12/8/80; 80-04-039 (Order 1494), § 388-53-100, filed 3/20/80; Order 1104, § 388-53-100, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-110 State appeal panel. [Order 1104, § 388-53-110, filed 3/11/76.] Repealed by 80-04-039 (Order 1494), filed 3/20/80. Statutory Authority: RCW 38.52.030.
- 388-53-120 Administrative plan review. [Statutory Authority: RCW 38.52.030, 85-14-106 (Order 2256), § 388-53-

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

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

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

**Chapter 388-54
FOOD ASSISTANCE PROGRAMS**

- 388-54-010 Eligibility and authorization. [Order 252, § 388-54-010, filed 11/1/67; Regulation 21.10, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.

- 388-54-020 Eligible needy households—General. [Order 252, § 388-54-020, filed 11/1/67; Regulation 21.20, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-025 Eligible needy households—Recipients of public assistance grants. [Order 252, § 388-54-025, filed 11/1/67; Regulation 21.21, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-030 Eligible needy households—Nonrecipients of public assistance grants. [Order 252, § 388-54-030, filed 11/1/67; Regulation 21.22, filed 12/31/65, effective 2/1/66; Regulation 21.22, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-040 Student applicant. [Order 252, § 388-54-040, filed 11/1/67; Regulation 21.221, filed 12/31/65, effective 2/1/66; Regulation 21.221, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-045 Treatment of allowances provided under U.S. Department of Labor and other government-sponsored training programs. [Order 252, § 388-54-045, filed 11/1/67; Regulation 21.222, filed 12/31/65, effective 2/1/66.] Repealed by Order 350, filed 5/28/69.
- 388-54-060 Certification of eligibility—Recipient of continuing assistance or recipient in suspended grant status. [Order 252, § 388-54-060, filed 11/1/67; Regulation 21.31, filed 12/31/65, effective 2/1/66; Regulation 21.31, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-070 Recipient of noncontinuing assistance. [Order 252, § 388-54-070, filed 11/1/67; Regulation 21.32, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-080 Nonrecipient of assistance. [Order 252, § 388-54-080, filed 11/1/67; Regulation 21.33, filed 12/31/65, effective 2/1/66; Regulation 21.33, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-110 Authorization process—Recipient of continuing public assistance grant. [Order 252, § 388-54-110, filed 11/1/67; Regulation 21.41, filed 12/31/65, effective 2/1/66; Regulation 21.41, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-120 Authorization process—Recipient of noncontinuing assistance. [Order 252, § 388-54-120, filed 11/1/67; Regulation 21.42, filed 12/31/65, effective 2/1/66; Regulation 21.42, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-130 Authorization process—Persons not receiving assistance. [Order 252, § 388-54-130, filed 11/1/67; Regulation 21.43, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-140 Authorization process—Exceptions. [Order 252, § 388-54-140, filed 11/1/67; Regulation 21.44, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-150 Civil rights. [Order 252, § 388-54-150, filed 11/1/67; Regulation 21.50, effective 2/1/66, filed 12/31/65.] Repealed by Order 350, filed 5/28/69.
- 388-54-300 Food stamp program. [Order 429, § 388-54-300, filed 3/17/70; Order 252, § 388-54-300, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 543, filed 3/31/71, effective 5/1/71.
- 388-54-305 Food stamp program—General terms and conditions. [Order 429, § 388-54-305, filed 3/17/70; Order 343, § 388-54-305, filed 3/20/69; Order 252, § 388-54-305, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 543, filed 3/31/71, effective 5/1/71.
- 388-54-310 Food stamp program—Administration. [Order 429, § 388-54-310, filed 3/17/70; Order 315, § 388-54-310, filed 10/31/68; Order 252, § 388-54-310, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 543, filed 3/31/71, effective 5/1/71.
- 388-54-315 Food stamp program—Eligibility standards. [Order 543, § 388-54-315, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-315, filed 1/22/71; Order 498, § 388-54-315, filed 12/2/70; Order 470, § 388-54-315, filed 8/19/70; Order 451, § 388-54-315, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-315, filed 3/17/70; Order 315, § 388-54-315, filed 10/31/68; Order 252, § 388-54-315, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-320 Food stamp program—Application—Certification—Review—Recertification—Cancellation. [Order 600, § 388-54-320, filed 9/8/71; Order 588, § 388-54-320, filed 8/18/71; Order 568, § 388-54-320, filed 5/19/71; Order 543, § 388-54-320, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-320, filed 1/22/71; Order 478, §

- 388-54-320, filed 9/8/70; Order 470, § 388-54-320, filed 8/19/70; Order 451, § 388-54-320, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-320, filed 3/17/70; Order 315, § 388-54-320, filed 10/31/68; Order 252, § 388-54-320, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-325 Food stamp program—Basis of coupon issuance. [Order 543, § 388-54-325, filed 3/31/71, effective 5/1/71; Order 451, § 388-54-325, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-325, filed 3/17/70; Order 252, § 388-54-325, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-330 Food stamp program—Issuance and sales of coupons. [Order 543, § 388-54-330, filed 3/31/71, effective 5/1/71; Order 491, § 388-54-330, filed 10/30/70, effective 12/1/70; Order 451, § 388-54-330, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-330, filed 3/17/70; Order 252, § 388-54-330, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-335 Food stamp program—Payment of certain certification costs. [Order 252, § 388-54-335, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 429, filed 3/17/70.
- 388-54-340 Food stamp program—Civil rights assurance. [Order 543, § 388-54-340, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-340, filed 3/17/70; Order 252, § 388-54-340, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-345 Food stamp program—Nonassistance household—Income and resources standard. [Order 543, § 388-54-345, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-345, filed 3/17/70; Order 413, § 388-54-345, filed 12/23/69. Order 252, § 388-54-345, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-350 Food stamp program—Nonassistance household—Definitions. [Order 588, § 388-54-350, filed 8/18/71; Order 543, § 388-54-350, filed 3/31/71, effective 5/1/71; Order 470, § 388-54-350, filed 8/19/70; Order 429, § 388-54-350, filed 3/17/70; Order 252, § 388-54-350, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-355 Food stamp program—Hardship provisions. [Order 543, § 388-54-355, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-355, filed 1/22/71; Order 451, § 388-54-355, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-355, filed 3/17/70; Order 252, § 388-54-355, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-360 Food stamp program—Nonassistance household—Student applicant. [Order 600, § 388-54-360, filed 9/8/71; Order 568, § 388-54-360, filed 5/19/71; Order 543, § 388-54-360, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-360, filed 1/22/71; Order 429, § 388-54-360, filed 3/17/70; Order 349, § 388-54-360, filed 5/28/69; Order 252, § 388-54-360, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-365 Food stamp program—Nonassistance household—Treatment of allowances from department of labor and other government sponsored training programs. [Order 543, § 388-54-365, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-365, filed 3/17/70; Order 379, § 388-54-365, filed 8/7/69; Order 325, § 388-54-365, filed 11/27/68; Order 315, § 388-54-365, filed 10/31/68; Order 252, § 388-54-365, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-370 Food stamp program—Nonassistance household—Treatment of earned income under Title 1 of Elementary and Secondary Education Act, amendments of 1966. [Order 543, § 388-54-370, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-370, filed 3/17/70; Order 325, § 388-54-370, filed 11/27/68; Order 315, § 388-54-370, filed 10/31/68; Order 252, § 388-54-370, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-375 Food stamp program—Nonassistance household—Treatment of income from certain programs authorized or financed by Economic Opportunity Act of 1964. [Order 543, § 388-54-375, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-375, filed 3/17/70; Order 325, § 388-54-375, filed 11/27/68; Order 315, § 388-54-375, filed 10/31/68; Order 252, § 388-54-375, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-376 Food stamp program—Nonassistance household—Treatment of earned income—Child or adult AFDC recipient. [Order 600, § 388-54-376, filed 9/8/71; Order 543, § 388-54-376, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-376, filed 3/17/70.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-377 Food stamp program—Ineligible receipt of food coupons. [Order 543, § 388-54-377, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-377, filed 3/17/70; Order 349, § 388-54-377, filed 5/28/69; Order 325, § 388-54-377, filed 11/27/68; Order 283, § 388-54-377, filed 3/6/68.] Repealed by Order 568, filed 5/19/71.
- 388-54-378 Food stamp program—Unused coupons—Disposition. [Order 543, § 388-54-378, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-378, filed 3/17/70; Order 330, § 388-54-378, filed 1/8/69; Order 283, § 388-54-378, filed 3/6/68.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-380 Food stamp program—Monthly basis of issuance—Continuing and noncontinuing assistance households. [Order 252, § 388-54-380, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 451, filed 5/20/70, effective 6/15/70.
- 388-54-385 Food stamp program—Net monthly income basis of coupon issuance table. [Order 543, § 388-54-385, filed 3/31/71, effective 5/1/71; Order 451, § 388-54-385, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-385, filed 3/17/70; Order 343, § 388-54-385, filed 3/20/69; Order 252, § 388-54-385, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-390 Food stamp program—Ineligible receipt of food coupons. [Order 568, § 388-54-390, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-393 Food stamp program—Ineligible receipt of food coupons—Liability for repayment. [Order 568, § 388-54-393, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-396 Food stamp program—Ineligible receipt of food coupons—Collection of claims. [Order 568, § 388-54-396, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-399 Food stamp program—Ineligible receipt of food coupons—Eligibility-claim unpaid. [Order 568, § 388-54-399, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-405 Food stamp program—General provisions. [Order 1021, § 388-54-405, filed 4/29/75; Order 992, § 388-54-405, filed 12/31/74; Order 660, § 388-54-405, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-410 Application—Assistance household. [Order 931, § 388-54-410, filed 4/25/74; Order 660, § 388-54-410, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-415 Nonassistance household. [Order 660, § 388-54-415, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-420 Authorized representative. [Order 992, § 388-54-420, filed 12/31/74; Order 660, § 388-54-420, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-425 Eligibility standards—General. [Order 931, § 388-54-425, filed 4/25/74; Order 660, § 388-54-425, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-430 Eligibility standards—Residence. [Order 992, § 388-54-430, filed 12/31/74; Order 660, § 388-54-430, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-432 Eligibility standards—Boarding house—Institution. [Order 992, § 388-54-432, filed 12/31/74; Order 660, § 388-54-432, filed 2/23/72, effective 4/1/72.] Repealed

- by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-435 Eligibility standards—Cooking facilities. [Order 992, § 388-54-435, filed 12/31/74; Order 660, § 388-54-435, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-440 Eligibility standards—Household determination. [Order 1063, § 388-54-440, filed 10/23/75; Order 1021, § 388-54-440, filed 4/29/75; Order 992, § 388-54-440, filed 12/31/74; Order 809, § 388-54-440, filed 6/15/73; Order 704, § 388-54-440, filed 8/11/72; Order 685, § 388-54-440, filed 5/25/72; Order 704, § 388-54-440, filed 8/11/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-442 Student tax dependents. [Order 1030, § 388-54-442, filed 6/12/75.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-445 Eligibility standards—Delivered meals. [Order 660, § 388-54-445, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-448 Eligibility standards—Communal dining. [Order 992, § 388-54-448, filed 12/31/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-450 Eligibility standards—Tax dependents. [Order 660, § 388-54-450, filed 2/23/72, effective 4/1/72.] Repealed by Order 734, filed 11/9/72.
- 388-54-452 Eligibility standards—Drug-alcohol treatment programs. [Order 992, § 388-54-452, filed 12/31/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-455 Eligibility standards—Work registration requirement. [Order 992, § 388-54-455, filed 12/31/74; Order 660, § 388-54-455, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-460 Nonassistance household—Resources—Standards—Exemptions. [Order 1136, § 388-54-460, filed 7/29/76; Order 1030, § 388-54-460, filed 6/12/75; Order 1021, § 388-54-460, filed 4/29/75; Order 992, § 388-54-460, filed 12/31/74; Order 660, § 388-54-460, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-462 Earned income tax credit disregarded. [Order 1175, § 388-54-462, filed 12/8/76; Order 1121, § 388-54-462, filed 5/26/76.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-465 Nonassistance household—Nonrecurring lump-sum payments. [Order 992, § 388-54-465, filed 12/31/74; Order 660, § 388-54-465, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-470 Monthly net income. [Statutory Authority: RCW 74.04.510. 78-10-056 (Order 1342), § 388-54-470, filed 9/22/78; Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-54-470, filed 6/2/78; Order 1249, § 388-54-470, filed 10/28/77; Order 1153, § 388-54-470, filed 9/22/76; Order 1091, § 388-54-470, filed 1/28/76; Order 1039, § 388-54-470, filed 8/7/75; Order 1030, § 388-54-470, filed 6/12/75; Order 1007, § 388-54-470, filed 2/13/75; Order 992, § 388-54-470, filed 12/31/74; Order 966, § 388-54-470, filed 8/29/74; Order 889, § 388-54-470, filed 12/27/73; Order 803, § 388-54-470, filed 5/31/73; Order 687, § 388-54-470, filed 6/1/72; Order 660, § 388-54-470, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-475 Definitions of income. [Order 1153, § 388-54-475, filed 9/22/76; Order 992, § 388-54-475, filed 12/31/74; Order 704, § 388-54-475, filed 8/11/72; Order 685, § 388-54-475, filed 5/25/72; Order 660, § 388-54-475, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-480 Income exclusions. [Statutory Authority: RCW 74.04.510. 78-10-056 (Order 1342), § 388-54-480, filed 9/22/78; 78-02-050 (Order 1266), § 388-54-480, filed 1/19/78; Order 1194, § 388-54-480, filed 3/3/77; Order 1136, § 388-54-480, filed 7/29/76; Order 1021, § 388-54-480, filed 4/29/75; Order 992, § 388-54-480, filed 12/31/74; Order 966, § 388-54-480, filed 8/29/74; Order 871, § 388-54-480, filed 11/20/73; Order 660, § 388-54-480, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-482 Tax Reduction Act of 1975 payments disregarded. [Order 1028, § 388-54-482, filed 5/29/75.] Repealed by Order 1121, filed 5/26/76. Later promulgation, see WAC 388-54-462.
- 388-54-485 Income deductions. [Statutory Authority: RCW 74.04.510. 79-01-068 (Order 1363), § 388-54-485, filed 12/29/78; 78-10-056 (Order 1342), § 388-54-485, filed 9/22/78; Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-54-485, filed 6/2/78; Order 1245, § 388-54-485, filed 10/10/77; Order 1092, § 388-54-485, filed 1/28/76; Order 1063, § 388-54-485, filed 10/23/75; Order 1021, § 388-54-485, filed 4/29/75; Order 992, § 388-54-485, filed 12/31/74; Order 771, § 388-54-485, filed 1/26/73; Order 660, § 388-54-485, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-490 Income computation. [Order 660, § 388-54-490, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-495 Self-employment income. [Order 992, § 388-54-495, filed 12/31/74; Order 660, § 388-54-495, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-500 Farm employment income. [Statutory Authority: RCW 74.04.510. 78-12-004 (Order 1356), § 388-54-500, filed 11/6/78; Order 660, § 388-54-500, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-505 Nonassistance household—Verification of eligibility. [Statutory Authority: RCW 74.04.510. 78-12-004 (Order 1356), § 388-54-505, filed 11/6/78; Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-54-505, filed 6/2/78; Order 1030, § 388-54-505, filed 6/12/75; Order 992, § 388-54-505, filed 12/31/74; Order 660, § 388-54-505, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-507 Preliminary certification. [Statutory Authority: RCW 74.04.510. 78-12-004 (Order 1356), § 388-54-507, filed 11/6/78.] Repealed by 80-10-043 (Order 1529), filed 8/6/80. Statutory Authority: RCW 74.04.510.
- 388-54-509 Special certification for migrant farm laborers. [Statutory Authority: RCW 74.04.510. 78-12-004 (Order 1356), § 388-54-509, filed 11/6/78.] Repealed by 80-10-043 (Order 1529), filed 8/6/80. Statutory Authority: RCW 74.04.510.
- 388-54-510 Certification. [Statutory Authority: RCW 74.04.510. 79-01-085 (Order 1364), § 388-54-510, filed 1/3/79; Order 992, § 388-54-510, filed 12/31/74; Order 660, § 388-54-510, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-515 Certification—Changes during certification period—Reporting. [Order 1080, § 388-54-515, filed 12/24/75; Order 992, § 388-54-515, filed 12/31/74; Order 734, § 388-54-515, filed 11/9/72; Order 660, § 388-54-515, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-520 Certification—Effecting changes during certification period. [Order 1080, § 388-54-520, filed 12/24/75; Order 992, § 388-54-520, filed 12/31/74; Order 660, § 388-54-520, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-525 Advance notice—Expiration or adverse action. [Statutory Authority: RCW 74.04.510. 78-11-046 (Order 1352), § 388-54-525, filed 10/20/78; Order 992, § 388-54-525, filed 12/31/74; Order 660, § 388-54-525, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-526 Conference procedure. [Order 869, § 388-54-526, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-527 Participation during appeals. [Order 992, § 388-54-527, filed 12/31/74; Order 869, § 388-54-527, filed 11/1/73.]

- 388-54-528 Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510. Adjustments after hearing decision. [Order 924, § 388-54-528, filed 4/15/74; Order 869, § 388-54-528, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-530 Recertification. [Order 660, § 388-54-530, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-535 Transfer of certification and lost benefits. [Statutory Authority: RCW 74.04.510. 78-05-064 (Order 1291), § 388-54-535, filed 4/27/78; Order 660, § 388-54-535, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-540 Basis of coupon issuance. [Statutory Authority: RCW 74.04.510. 78-10-056 (Order 1342), § 388-54-540, filed 9/22/78; Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-54-540, filed 6/2/78; Order 1249, § 388-54-540, filed 10/28/77; Order 1153, § 388-54-540, filed 9/22/76; Order 1091, § 388-54-540, filed 1/28/76; Order 1039, § 388-54-540, filed 8/7/75; Order 1007, § 388-54-540, filed 2/13/75; Order 966, § 388-54-540, filed 8/29/74; Order 889, § 388-54-540, filed 12/27/73; Order 803, § 388-54-540, filed 5/31/73; Order 687, § 388-54-540, filed 6/1/72; Order 660, § 388-54-540, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-545 Identification card. [Order 660, § 388-54-545, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-550 Authorization to purchase. [Order 660, § 388-54-550, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-555 Food coupon issuance and sales—Variable purchase. [Order 803, § 388-54-555, filed 5/31/73; Order 702, § 388-54-555, filed 7/27/72; Order 660, § 388-54-555, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-560 Food coupon use or redemption. [Order 992, § 388-54-560, filed 12/31/74; Order 660, § 388-54-560, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-565 Ineligible receipt of food coupons. [Order 925, § 388-54-565, filed 4/15/74; Order 660, § 388-54-565, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-570 Ineligible receipt of food coupons—Liability for repayment. [Order 1021, § 388-54-570, filed 4/29/75; Order 660, § 388-54-570, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-575 Ineligible receipt of food coupons—Collection of claim. [Order 869, § 388-54-575, filed 11/1/73; Order 660, § 388-54-575, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-580 Ineligible receipt of food coupons—Claim unpaid—Eligibility for food coupons. [Order 660, § 388-54-580, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-585 Replacement purchase. [Order 660, § 388-54-585, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-590 Cash refunds. [Order 1136, § 388-54-590, filed 7/29/76; Order 869, § 388-54-590, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-595 Retroactive benefits. [Statutory Authority: RCW 74.04.510. 78-05-064 (Order 1291), § 388-54-595, filed 4/27/78; Order 1136, § 388-54-595, filed 7/29/76; Order 1063, § 388-54-595, filed 10/23/75; Order 924, § 388-54-595, filed 4/15/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-598 Offsetting unpaid claims. [Order 1136, § 388-54-598, filed 7/29/76.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-600 Purpose of program. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-600, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-601 Definitions. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2512), § 388-54-601, filed 7/14/87; 86-08-032 (Order 2356), § 388-54-601, filed 3/26/86; 85-20-030 (Order 2286), § 388-54-601, filed 9/24/85; 84-06-015 (Order 2078), § 388-54-601, filed 2/28/84.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-605 General food stamp provisions. [Statutory Authority: RCW 74.04.510. 85-11-033 (Order 2232), § 388-54-605, filed 5/15/85; 82-24-005 (Order 1905), § 388-54-605, filed 11/18/82; 80-09-076 (Order 1525), § 388-54-605, filed 7/18/80; 79-03-033 (Order 1374), § 388-54-605, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-610 Application and participation—Initiating the application. [Statutory Authority: RCW 74.04.510. 86-21-050 (Order 2432), § 388-54-610, filed 10/13/86; 80-14-060 (Order 1548), § 388-54-610, filed 10/1/80; 79-03-033 (Order 1374), § 388-54-610, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-615 Application and participation—Applications processed by the Social Security Administration district offices (SSADO). [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-615, filed 4/6/83; 81-22-082 (Order 1713), § 388-54-615, filed 11/4/81; 80-14-060 (Order 1548), § 388-54-615, filed 10/1/80.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-620 Application and participation—Interview. [Statutory Authority: RCW 74.04.510 [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 9/24/85; 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 74.04.510 [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 74.04.510 [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 74.04.510. 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 388-55 REFUGEE ASSISTANCE

- 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 4/11/81; 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.

- 388-55-024 Noncompliance with work and training requirements. [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.] Repealed by 00-22-085, filed 10/31/00, effective 12/1/00. Statutory Authority: RCW 74.08.090.
- 388-55-027 Good cause determination. [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.] Repealed by 00-22-085, filed 10/31/00, effective 12/1/00. Statutory Authority: RCW 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.
- 388-55-050 Refugee social service eligibility. [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.] Repealed by 00-22-085, filed 10/31/00, effective 12/1/00. Statutory Authority: RCW 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.

**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 7/11/81. 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 acceptance 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 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.
- 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.
- 388-62-050 Persons served. [Regulation 26.30, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-055 Referral and identification of persons. [Regulation 26.31, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-060 Referral procedure. [Regulation 26.32, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-070 United States (U.S.) repatriates—Eligibility. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-070, filed 8/20/91, effective 9/20/91; Order 1082, § 388-62-070, filed 12/24/75; Order 546, § 388-62-070, filed 3/31/71, effective 5/1/71; Regulation 26.40, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-075 United States (U.S.) repatriates—Standards of assistance. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-075, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-075, filed 9/13/74; Order 546, § 388-62-075, filed 3/31/71, effective 5/1/71; Reg-

ulation 26.41, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.

388-62-080 United States (U.S.) repatriates—Resources. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-080, filed 8/20/91, effective 9/20/91; Order 546, § 388-62-080, filed 3/31/71, effective 5/1/71; Regulation 26.42, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.

388-62-095 United States (U.S.) repatriates—Assistance payments—Types of grants. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-095, filed 8/20/91, effective 9/20/91; Order 546, § 388-62-095, filed 3/31/71, effective 5/1/71; Regulation 26.51, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.

388-62-100 Payments of assistance—Grants. [Regulation 26.52, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.

388-62-105 Payments of assistance—Medical care. [Regulation 26.53, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.

388-62-115 Repatriated United States citizens—Duration of assistance. [Order 546, § 388-62-115, filed 3/31/71, effective 5/1/71; Regulation 26.55, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.

388-62-130 Repatriated United States citizens—Welfare services. [Order 546, § 388-62-130, filed 3/31/71, effective 5/1/71; Regulation 26.60, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.

388-62-135 United States (U.S.) repatriates—Care and protection of children. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-135, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-135, filed 9/13/74; Order 546, § 388-62-135, filed 3/31/71, effective 5/1/71; Regulation 26.61, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.

388-62-155 Repatriated United States citizens—Food stamps. [Order 546, § 388-62-155, filed 3/31/71, effective 5/1/71; Regulation 26.71, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.

388-62-160 Repatriated United States citizens—Work incentive program. [Order 546, § 388-62-160, filed 3/31/71, effective 5/1/71; Regulation 26.72, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.

388-62-165 Repatriated United States citizens—Funeral-burial expenses. [Order 969, § 388-62-165, filed 9/13/74; Order 546, § 388-62-165, filed 3/31/71, effective 5/1/71; Regulation 26.73, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.

388-62-170 Repatriated United States citizens—Related social services. [Order 546, § 388-62-170, filed 3/31/71, effective 5/1/71; Regulation 26.74, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.

388-62-180 Recording. [Regulation 26.80, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.

388-62-185 Reporting. [Regulation 26.81, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.

388-62-190 United States (U.S.) repatriates—Safeguarding information. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-190, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-190, filed 9/13/74; Order 546, § 388-62-190, filed 3/31/71, effective 5/1/71; Regulation 26.82, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.

388-62-200 United States (U.S.) repatriates—Reimbursement and assignment of claims. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-200, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-200, filed 9/13/74; Order 546, § 388-62-200, filed 3/31/71, effective 5/1/71; Regulation 26.90, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93,

effective 6/26/93. Statutory Authority: RCW 74.08.090.

388-62-205 Form for assignment of claim to United States for assistance received under Section 1113 of the Social Security Act. [Regulation 26.91, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.

**Chapter 388-63
FAMILY HOME FOR RETARDED ADULTS**

388-63-005 Family home for adults—Definitions and exceptions. [Order 1159, § 388-63-005, filed 10/6/76; Order 752, § 388-63-005, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-010 Capacity of home—Limitations on ages and numbers. [Order 1159, § 388-63-010, filed 10/6/76; Order 752, § 388-63-010, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-015 Application for license. [Order 1159, § 388-63-015, filed 10/6/76; Order 752, § 388-63-015, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-020 Duration and provisions of license. [Order 1159, § 388-63-020, filed 10/6/76; Order 752, § 388-63-020, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-025 Family home for retarded adults—Periodic visits—Consultation. [Order 752, § 388-63-025, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-030 Family home for retarded adults—Administrative hearing. [Order 752, § 388-63-030, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-035 Family home for retarded adults—Register. [Order 752, § 388-63-035, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-040 Family home for retarded adults—Reporting illness, injuries and death. [Order 752, § 388-63-040, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-045 Family home for retarded adults—First aid—Medical care. [Order 752, § 388-63-045, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-050 Family home for retarded adults—Characteristics of family. [Order 1159, § 388-63-050, filed 10/6/76; Order 752, § 388-63-050, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-055 Family home for retarded adults—Discipline. [Order 752, § 388-63-055, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-060 Family home for retarded adults—Physical aspects of home. [Order 752, § 388-63-060, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-065 Family home for retarded adults—Other requirements in providing care. [Order 1159, § 388-63-065, filed 10/6/76; Order 752, § 388-63-065, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-070 Family home for retarded adults—Discrimination prohibited. [Order 752, § 388-63-070, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-110 Adult family home—Placement—Care defined. [Order 1159, § 388-63-110, filed 10/6/76; Order 954, § 388-63-110, filed 7/26/74; Order 813, § 388-63-110, filed 6/28/73.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-120 Determination of need for care and placement. [Order 1159, § 388-63-120, filed 10/6/76; Order 954, § 388-63-120, filed 7/26/74; Order 813, § 388-63-120, filed 6/28/73.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-125 Exceptions to rules. [Order 1159, § 388-63-125, filed 10/6/76.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-63-130 Adult family home—Standards for approval for placement. [Order 954, § 388-63-130, filed 7/26/74; Order

- 813, § 388-63-130, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
- 388-63-140 Adult family home—Standards for home and sponsor. [Order 813, § 388-63-140, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
- 388-63-150 Adult family home—Services to be provided. [Order 813, § 388-63-150, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
- 388-63-160 Adult family home—Application for approval for placement—Home study. [Order 954, § 388-63-160, filed 7/26/74; Order 813, § 388-63-160, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
- Chapter 388-64**
MINIMUM LICENSING REQUIREMENTS FOR GROUP HOMES
- 388-64-005, 388-64-010, 388-64-015, 388-64-020, 388-64-025, 388-64-030, 388-64-035, 388-64-040, 388-64-045, 388-64-050, 388-64-055, 388-64-060, 388-64-065, 388-64-105, 388-64-110, 388-64-115, 388-64-120, 388-64-125, 388-64-130, 388-64-135, 388-64-140, 388-64-145, 388-64-200, 388-64-205, 388-64-210, 388-64-215, 388-64-220, 388-64-225, 388-64-230, 388-64-235, 388-64-240, 388-64-245, 388-64-300, 388-64-305, 388-64-310, 388-64-400, 388-64-410, 388-64-500, 388-64-510, 388-64-515. [Order 347, filed 5/29/69.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-64-100 [Order 420, § 388-64-100, filed 1/21/70; Order 347, § 388-64-100, filed 5/29/69.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-64-525 [Order 504, § 388-64-525, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- Chapter 388-65**
FOSTER FAMILY HOMES—FAMILY DAY CARE HOMES—
LICENSING—MINIMUM REQUIREMENTS
- 388-65-010 Foster family homes—Definitions and exceptions. [Order 753, § 388-65-010, filed 12/14/72; Order 257, § 388-65-010, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-020 Foster family homes—Capacity of home—Limitations on ages and numbers. [Order 753, § 388-65-020, filed 12/14/72; Order 421, § 388-65-020, filed 1/21/70; Order 257, § 388-65-020, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-030 Foster family homes—Application for license. [Order 753, § 388-65-030, filed 12/14/72; Order 257, § 388-65-030, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-035 Duration and provisions of license. [Order 257, § 388-65-035, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-038 Duration and provisions of license—Limitation on licensing. [Order 753, § 388-65-038, filed 12/14/72.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-040 Periodic visits—Consultation. [Order 257, § 388-65-040, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-045 Administrative hearings. [Order 257, § 388-65-045, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-050 Register. [Order 257, § 388-65-050, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-055 Daily attendance record. [Order 257, § 388-65-055, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-060 Reporting of injuries and death. [Order 257, § 388-65-060, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-065 First aid—Medical care. [Order 257, § 388-65-065, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-070 First aid—Characteristics of foster family. [Order 753, § 388-65-070, filed 12/14/72; Order 421, § 388-65-070, filed 1/21/70; Order 308, § 388-65-070, filed 9/20/68; Order 257, § 388-65-070, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-080 Discipline. [Order 257, § 388-65-080, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-090 Physical aspects of home. [Order 421, § 388-65-090, filed 1/21/70; Order 257, § 388-65-090, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-100 Physical aspects of home—Additional requirements for full-time foster care. [Order 753, § 388-65-100, filed 12/14/72; Order 257, § 388-65-100, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-200 Additional requirements for family day care homes for children. [Order 257, § 388-65-200, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-210 Additional requirements for family day care homes for children—Additional requirements for homes for expectant mothers. [Order 753, § 388-65-210, filed 12/14/72; Order 257, § 388-65-210, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-300 Additional requirements for the care of mentally retarded adults. [Order 257, § 388-65-300, filed 11/24/67.] Repealed by Order 753, filed 12/14/72.
- 388-65-310 Additional requirements for the care of mentally retarded adults—Discrimination prohibited. [Order 505, § 388-65-310, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- Chapter 388-66**
DAY CARE CENTERS—
LICENSING—MINIMUM REQUIREMENTS
- 388-66-005, 388-66-010, 388-66-015, 388-66-020, 388-66-025, 388-66-030, 388-66-035, 388-66-040, 388-66-045, 388-66-050, 388-66-055, 388-66-060, 388-66-065, 388-66-070, 388-66-095, 388-66-110, 388-66-120, 388-66-125, 388-66-135, 388-66-150, 388-66-155, 388-66-165, 388-66-170, 388-66-175, 388-66-180, 388-66-185, 388-66-190, 388-66-195, 388-66-200, 388-66-230, 388-66-245, 388-66-250. [Order 258, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-66-090, 388-66-115, 388-66-130, 388-66-160, 388-66-220, 388-66-225, 388-66-235, 388-66-240, 388-66-255, 388-66-300. [Order 422, filed 1/21/70; Order 258, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-66-310 [Order 506, § 388-66-310, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- Chapter 388-67**
MATERNITY HOMES—
LICENSING—MINIMUM REQUIREMENTS
- 388-67-005, 388-67-010, 388-67-020, 388-67-025, 388-67-030, 388-67-035, 388-67-040, 388-67-045, 388-67-050, 388-67-055, 388-67-060, 388-67-065, 388-67-070, 388-67-100, 388-67-105, 388-67-150, 388-67-155, 388-67-160, 388-67-165, 388-67-170, 388-67-175, 388-67-200, 388-67-205, 388-67-250, 388-67-255, 388-67-260, 388-67-265, 388-67-270, 388-67-275, 388-67-280, 388-67-300, 388-67-305, 388-67-310, 388-67-315, 388-67-325, and 388-67-335. [Order 259, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-67-210, 388-67-320, 388-67-330. [Order 423, filed 1/21/70; Order 259, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-67-345 [Order 507, § 388-67-345, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- Chapter 388-68**
CHILD CARE INSTITUTIONS—LICENSING—
MINIMUM LICENSING REQUIREMENTS
- 388-68-005, 388-68-010, 388-68-020, 388-68-025, 388-68-030, 388-68-035, 388-68-040, 388-68-045, 388-68-050, 388-68-055, 388-68-060, 388-68-065, 388-68-070, 388-68-100, 388-68-150, 388-68-155, 388-68-160, 388-68-165, 388-68-170, 388-68-175, 388-68-180, 388-68-200, 388-68-205, 388-68-250, 388-68-255, 388-68-260, 388-68-265, 388-68-270, 388-68-275, 388-68-280, and 388-68-300. [Order 260, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-105, 388-68-210, 388-68-305, 388-68-315, 388-68-320, 388-68-325. [Order 424, filed 1/21/70; Order 260, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

- 388-68-110 [Order 424, § 388-68-110, filed 1/21/70.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-310 [Order 428, § 388-68-310, filed 3/3/70; Order 260, § 388-68-310, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-345 [Order 508, § 388-68-345, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- Chapter 388-69**
CHILD PLACING AGENCIES—
LICENSING—MINIMUM REQUIREMENTS
- 388-69-005, 388-69-010, 388-69-020, 388-69-025, 388-69-030, 388-69-035, 388-69-040, 388-69-045, 388-69-050, 388-69-055, 388-69-060, 388-69-100, 388-69-105, 388-69-150, 388-69-155, 388-69-160, 388-69-165, 388-69-170, 388-69-175. [Order 261, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-69-185 [Order 509, § 388-69-185, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- Chapter 388-71**
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 department of public assistance and superintendent of public instruction. [Manual VII, Regulation 2.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-115 Allotment for blind student attending college or university—Application for blind person interested in attending college or university. [Manual VII, Regulation 2.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-120 Allotment for blind student attending college or university—Responsibility of college or university. [Manual VII, Regulation 2.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-125 Allotment for blind student attending college or university—Use of allotment from state board of education. [Manual VII, Regulation 2.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-150 Home teaching services for adult blind—Purpose. [Manual VII, Regulation 3.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-155 Home teaching services for adult blind—Teaching plan. [Manual VII, Regulation 3.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-160 Home teaching services for adult blind—Personal adjustment services. [Manual VII, Regulation 3.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-165 Home teaching services for adult blind—Relationship with staff, other agencies and community. [Manual VII, Regulation 3.40, filed 1/24/64, effective 3/1/64.]

- Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-170 Home teaching services for adult blind—Case record. [Manual VII, Regulation 3.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-175 Supervision and consultation. [Manual VII, Regulation 3.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-180 Termination of service. [Manual VII, Regulation 3.70, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-200 Prevention of blindness and restoration of vision—Legal basis—Objective. [Order 867, § 388-72-200, filed 10/26/73; Manual VII, Regulation 4.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-205 Prevention of blindness and restoration of vision—Physicians eligible to render services. [Order 867, § 388-72-205, filed 10/26/73; Manual VII, Regulation 4.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-207 Prevention of blindness and restoration of vision—Staff ophthalmologist. [Order 867, § 388-72-207, filed 10/26/73.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-210 Prevention of blindness and restoration of vision—Services provided. [Order 867, § 388-72-210, filed 10/26/73; Manual VII, Regulation 4.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-215 Prevention of blindness and restoration of vision—Services excluded. [Order 867, § 388-72-215, filed 10/26/73.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-220 Prevention of blindness and restoration of vision—Persons eligible. [Order 867, § 388-72-220, filed 10/26/73; Manual VII, Regulation 4.31, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-225 Prevention of blindness and restoration of vision—Resources. [Order 867, § 388-72-225, filed 10/26/73; Manual VII, Regulation 4.32, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-230 Prevention of blindness and restoration of vision—Requirements. [Order 867, § 388-72-230, filed 10/26/73; Manual VII, Regulation 4.33, filed 1/24/64, effective 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.
- 388-72-405 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.
- 388-72-410 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.
- 388-72-415 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.
- 388-72-425 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.
- 388-72-435 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.
- 388-72-445 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.
- 388-72-500 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.
- 388-72-505 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.

388-72-550 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.

388-72-555 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.

388-72-560 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.

388-72-565 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.

388-72-570 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.

388-72-575 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.

388-72-580 Vending stands—Equipment and stock. [Manual VII, Regulation 10.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

388-72-585 Vending stands—Supervision. [Manual VII, Regulation 10.70, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

388-72-590 Vending stands—Fair hearing. [Manual VII, Regulation 10.80, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

388-72-600 Vocational rehabilitation services for the blind—General. [Manual VII, Regulation 11.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

388-72-605 Vocational rehabilitation services for the blind—Eligibility for vocational rehabilitation services for the blind. [Manual VII, Regulation 11.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

388-72-610 Vocational rehabilitation services for the blind—Referral for vocational rehabilitation services for the blind. [Manual VII, Regulation 11.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

388-72-615 Vocational rehabilitation services for the blind—Services provided. [Manual VII, Regulation 11.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

388-72-620 Vocational rehabilitation services for the blind—Exchange of case information. [Manual VII, Regulation 11.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

388-72-625 Vocational rehabilitation services for the blind—County office responsibility. [Manual VII, Regulation 11.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

388-72-630 Vocational rehabilitation services for the blind—Costs incidental to vocational rehabilitation. [Manual VII, Regulation 11.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

388-72-635 Vocational rehabilitation services for the blind—Vending stands. [Manual VII, Regulation 11.70, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.

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

388-75-003 Definitions. [Order 936, § 388-75-003, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-006 Nonlicensed facilities unlawful. [Order 936, § 388-75-006, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-009 Action against agency. [Order 936, § 388-75-009, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-012 Exceptions to rules. [Order 936, § 388-75-012, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-015 Agencies to be licensed—Definitions—Categories. [Order 936, § 388-75-015, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-018 Exemptions—Facilities not subject to licensing. [Order 1010, § 388-75-018, filed 2/19/75; Order 985, § 388-75-018, filed 11/29/74; Order 936, § 388-75-018, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-021 Certification of exempt program or facility. [Order 936, § 388-75-021, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-024 Certification of drug treatment center. [Order 936, § 388-75-024, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-027 Application for license. [Order 936, § 388-75-027, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-030 Licenses for homes under supervision of licensed agency. [Order 936, § 388-75-030, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-031 Licensure of staff members. [Order 1146, § 388-75-031, filed 8/26/76.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-033 Fire marshal's approval. [Order 936, § 388-75-033, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-036 Health approval. [Order 936, § 388-75-036, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-039 Local ordinances—Effect of. [Order 936, § 388-75-039, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-042 Character references. [Order 936, § 388-75-042, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-045 Duration and provisions of license. [Order 936, § 388-75-045, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-048 Renewal of license. [Order 936, § 388-75-048, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-051 Provisional license. [Order 936, § 388-75-051, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-054 Denial, revocation, suspension of license. [Order 936, § 388-75-054, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-057 Administrative hearing. [Order 936, § 388-75-057, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-060 Operation following suspension or revocation of license. [Order 936, § 388-75-060, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-063	Periodic review of licensing requirements. [Order 936, § 388-75-063, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-156	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.
388-75-066	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.	388-75-157	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.
388-75-069	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.	388-75-159	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.
388-75-072	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.	388-75-162	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.
388-75-075	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.	388-75-165	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.
388-75-078	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.	388-75-168	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.
388-75-081	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.	388-75-171	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.
388-75-084	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.	388-75-174	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.
388-75-087	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.	388-75-177	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.
388-75-090	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.	388-75-203	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.
388-75-093	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.	388-75-206	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.
388-75-103	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.	388-75-209	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.
388-75-106	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.	388-75-212	Family day care home—Program and equipment. [Order 936, § 388-75-212, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-109	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.	388-75-215	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.
388-75-112	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.	388-75-218	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.
388-75-115	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.	388-75-221	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.
388-75-118	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.	388-75-224	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.
388-75-121	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.	388-75-227	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.
388-75-124	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.	388-75-230	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.
388-75-127	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.	388-75-253	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.
388-75-130	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.	388-75-256	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.
388-75-153	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.		

- 388-75-259 Mini-day care center—Staffing. [Order 936, § 388-75-259, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-262 Mini-day care center—Qualifications of licensee and staff. [Order 936, § 388-75-262, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-265 Mini-day care center—Program and equipment. [Order 936, § 388-75-265, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-268 Mini-day care center—Nutrition. [Order 936, § 388-75-268, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-271 Mini-day care center—Discipline. [Order 936, § 388-75-271, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-274 Mini-day care center—Records. [Order 936, § 388-75-274, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-277 Mini-day care center—Health care. [Order 936, § 388-75-277, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-280 Mini-day care center—Physical facilities. [Order 936, § 388-75-280, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-283 Mini-day care center—Fire safety. [Order 936, § 388-75-283, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-303 Day care center. [Order 936, § 388-75-303, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-306 Day care center—Required personnel. [Order 936, § 388-75-306, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-309 Day care center—Staff training. [Order 936, § 388-75-309, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-312 Day care center—Program. [Order 936, § 388-75-312, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-315 Day care center—Maximum hours—Rest periods. [Order 936, § 388-75-315, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-318 Day care center—Discipline. [Order 936, § 388-75-318, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-321 Day care center—Infant care. [Order 936, § 388-75-321, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-324 Day care center—Toddlers and preschool children. [Order 936, § 388-75-324, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-327 Day care center—School-age children. [Order 936, § 388-75-327, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-330 Day care center—Handicapped children. [Order 936, § 388-75-330, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-333 Day care center—Drop-in care. [Order 936, § 388-75-333, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-336 Day care center—Evening and nighttime care. [Order 936, § 388-75-336, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-339 Day care center—Furnishings and equipment. [Order 936, § 388-75-339, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-342 Day care center—Children's records. [Order 936, § 388-75-342, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-345 Day care center—Parent-center relationships. [Order 936, § 388-75-345, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-348 Day care center—Nutrition. [Order 936, § 388-75-348, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-351 Day care center—Tuberculosis tests for staff. [Order 936, § 388-75-351, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-354 Day care center—Medical policies. [Order 936, § 388-75-354, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-357 Day care center—First aid. [Order 936, § 388-75-357, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-360 Day care center—Health history—Physical exam. [Order 936, § 388-75-360, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-363 Day care center—Immunizations. [Order 936, § 388-75-363, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-366 Day care center—Ill children—Illness and accident report. [Order 936, § 388-75-366, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-369 Day care center—Site and communications—Outdoor play area. [Order 936, § 388-75-369, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-372 Day care center—Safety and maintenance. [Order 936, § 388-75-372, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-375 Day care center—Required rooms, area, equipment. [Order 936, § 388-75-375, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-378 Day care center—Sewage and liquid wastes. [Order 936, § 388-75-378, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-381 Day care center—Pest control. [Order 936, § 388-75-381, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-384 Day care center—Laundry. [Order 936, § 388-75-384, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-387 Day care center—Water supply and plumbing. [Order 936, § 388-75-387, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-390 Day care center—Floors, walls, ceilings, windows. [Order 936, § 388-75-390, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-393 Day care center—Ventilation—Room temperature—Lighting. [Order 936, § 388-75-393, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-396 Day care center—Fire safety. [Order 936, § 388-75-396, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-403 Day treatment center. [Order 936, § 388-75-403, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-406 Day treatment center—Function of day treatment program. [Order 936, § 388-75-406, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-409 Day treatment center—Governing or advisory board. [Order 936, § 388-75-409, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-412	Day treatment center—Personnel. [Order 936, § 388-75-412, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-506	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.
388-75-415	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.	388-75-509	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.
388-75-418	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.	388-75-512	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.
388-75-421	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.	388-75-515	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.
388-75-424	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.	388-75-518	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.
388-75-428	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.	388-75-521	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.
388-75-430	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.	388-75-524	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.
388-75-433	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.	388-75-527	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.
388-75-436	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.	388-75-530	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.
388-75-439	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.	388-75-533	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.
388-75-442	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.	388-75-536	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.
388-75-445	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.	388-75-539	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.
388-75-448	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.	388-75-542	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.
388-75-451	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.	388-75-545	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.
388-75-454	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.	388-75-548	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.
388-75-457	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.	388-75-551	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.
388-75-460	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.	388-75-554	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.
388-75-463	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.	388-75-557	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.
388-75-466	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.	388-75-560	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.
388-75-469	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.	388-75-563	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.
388-75-503	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.	388-75-566	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.
		388-75-569	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.
		388-75-572	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.

- 388-75-575 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.
- 388-75-578 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.
- 388-75-581 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.
- 388-75-584 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.
- 388-75-603 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.
- 388-75-606 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.
- 388-75-609 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.
- 388-75-612 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.
- 388-75-615 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.
- 388-75-618 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.
- 388-75-621 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.
- 388-75-624 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.
- 388-75-627 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.
- 388-75-630 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.
- 388-75-633 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.
- 388-75-636 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.
- 388-75-639 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.
- 388-75-642 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.
- 388-75-645 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.
- 388-75-648 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.
- 388-75-651 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.
- 388-75-654 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.
- 388-75-657 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.
- 388-75-660 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.
- 388-75-663 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.
- 388-75-666 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.
- 388-75-669 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.
- 388-75-672 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.
- 388-75-675 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.
- 388-75-678 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.
- 388-75-681 Water supply and plumbing—Fire safety. [Order 936, § 388-75-681, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-703 Maternity services. [Order 936, § 388-75-703, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 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.
- 388-75-709 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.
- 388-75-712 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 388-81

MEDICAL CARE—ADMINISTRATION—GENERAL

- 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.
- 388-81-175 Audit dispute resolution. [Statutory Authority: RCW 74.08.090. 93-24-059 (Order 3675), § 388-81-175, filed 11/24/93, effective 12/25/93.] Repealed by 00-23-014, filed 11/3/00, effective 12/4/00. Statutory Authority: RCW 74.08.090. 43.20B.675.
- 388-81-200 Appeal of adverse department action—Contractor/provider. [Statutory Authority: RCW 74.08.090. 93-24-059 (Order 3675), § 388-81-200, filed 11/24/93, effective 12/25/93.] Repealed by 00-22-016, filed 10/20/00, effective 11/20/00. Statutory Authority: RCW 74.08.090, 74.09.290.

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 388-503-0310 (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.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-115 Categorically needy medical assistance eligibility. [Statutory Authority: RCW 74.08.090, CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-82-115, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090. 92-03-046 (Order 3307), § 388-82-115, filed 1/10/92, effective 2/10/92; 90-06-033 (Order 2945), § 388-82-115, filed 3/1/90, effective 4/1/90; 88-24-024 (Order 2734), § 388-82-115, filed 12/2/88; 88-17-063 (Order 2673), § 388-82-115, filed 8/17/88; 88-09-037 (Order 2620), § 388-82-115, filed 4/15/88; 87-01-097 (Order 2453), § 388-82-115, filed 12/22/86; 86-11-025 (Order 2378), § 388-82-115, filed 5/14/86; 85-16-046 (Order 2262), § 388-82-115, filed 7/31/85; 85-11-032 (Order 2231), § 388-82-115, filed 5/15/85; 85-05-015 (Order 2205), § 388-82-115, filed 2/13/85; 84-04-069 (Order 2074), § 388-82-115, filed 2/1/84; 83-17-005 (Order 1995), § 388-82-115, filed 8/5/83; 81-23-046 (Order 1721), § 388-82-115, filed 11/18/81; 81-10-014 (Order 1646), § 388-82-115, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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.
- 388-83-005 **Chapter 388-83**
MEDICAL CARE—ELIGIBILITY
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 Immigration Act of 1990, P.L. 101-649. 93-08-111 (Order 3532), § 388-83-015, filed 4/7/93, effective 5/8/93. Statutory Authority: RCW 74.08.090. 89-11-057 (Order 2798), § 388-83-015, filed 5/17/89; 87-06-005 (Order 2472), § 388-83-015, filed 2/19/87; 81-10-014 (Order 1646), § 388-83-015, filed 4/27/81; Order 967, § 388-83-015, filed 8/29/74; Order 264 (part), § 388-83-015, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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 9/1/93.] 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 5/11/71, effective 5/1/71; Order 497, § 388-83-045, filed 11/25/70, effective 1/1/71; Order 419, § 388-83-045, filed 12/31/69; Order 405, § 388-83-045, filed 11/24/69; Order 301, § 388-83-045, filed 9/6/68; Order 264 (part), § 388-83-045, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-046 Relative financial responsibility for AFDC-related programs. [Statutory Authority: RCW 74.08.090 and Sneeve vs. Kizer, 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH. 93-19-037 (Order 3630), § 388-83-046, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090. 93-11-045 (Order 3546), § 388-83-046, filed 5/12/93, effective 6/12/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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 Sneeve vs. Kizer, 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH. 93-19-037 and 93-19-083 (Orders 3630 and 3630A), § 388-83-130, filed 9/8/93 and 9/15/93, effective 10/9/93 and 10/16/93. Statutory Authority: RCW 74.08.090. CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-83-130, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090. 91-10-100 (Order 3174), § 388-83-130, filed 5/1/91, effective 6/1/91; 90-12-060 (Order 3018), § 388-83-130, filed

5/31/90, effective 7/1/90; 88-17-062 (Order 2672), § 388-83-130, filed 8/17/88; 86-20-015 (Order 2424), § 388-83-130, filed 9/22/86; 84-02-055 (Order 2063), § 388-83-130, filed 1/4/84; 82-10-062 (Order 1801), § 388-83-130, filed 5/5/82; 81-23-046 (Order 1721), § 388-83-130, filed 11/18/81; 81-16-033 (Order 1685), § 388-83-130, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-130, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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 74.08.044. 84-12-033 (Order 2103), § 388-83-200, filed 5/30/84. Statutory Authority: RCW 74.08.090. 83-18-030 (Order 2020), § 388-83-200, filed 8/31/83; 83-08-024 (Order 1954), § 388-83-200, filed 3/30/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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.

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.
- 388-88-040 Change in classification of nursing home—Application. [Order 342, § 388-88-040, filed 3/20/69; Order 264 (part), § 388-88-040, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-045 Closure of nursing home. [Order 1257, § 388-88-045, filed 12/21/77; Order 1168, § 388-88-045, filed 11/3/76; Order 342, § 388-88-045, filed 3/20/69; Order 264 (part), § 388-88-045, filed 11/24/67.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-050 Adequate nursing home care. [Statutory Authority: RCW 74.42.620. 88-04-041 (Order 2592), § 388-88-050, filed 1/28/88. Statutory Authority: RCW 74.42.620 and 74.46.800. 85-17-070 (Order 2275), § 388-88-050, filed 8/21/85. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-050, filed 9/1/82. Statutory Authority: RCW 74.08.090. 81-01-012 (Order 1571), § 388-88-050, filed 12/8/80; Order

- 1257, § 388-88-050, filed 12/21/77; Order 1168, § 388-88-050, filed 11/3/76; Order 342, § 388-88-050, filed 3/20/69; Order 264 (part), § 388-88-050, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-051 Additional services required for IMR residents. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-051, filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-055 Grant for clothing and incidentals—Record keeping—Patient's money. [Order 930, § 388-88-055, filed 4/25/74; Order 342, § 388-88-055, filed 3/20/69; Order 264 (part), § 388-88-055, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-060 Skilled nursing facility services in hospitals. [Order 1168, § 388-88-060, filed 11/3/76; Order 964, § 388-88-060, filed 8/19/74; Order 930, § 388-88-060, filed 4/25/74; Order 342, § 388-88-060, filed 3/20/69; Order 264 (part), § 388-88-060, filed 11/24/67.] Repealed by Order 1257, filed 12/21/77.
- 388-88-065 Continuity of patient care. [Order 342, § 388-88-065, filed 3/20/69; Order 264 (part), § 388-88-065, filed 11/24/67.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-070 Justification of rate payment. [Order 1168, § 388-88-070, filed 11/3/76; Order 342, § 388-88-070, filed 3/20/69; Order 264 (part), § 388-88-070, filed 11/24/67.] Repealed by Order 1262, filed 12/30/77.
- 388-88-075 Nursing facility contract—Noncompliance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-075, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-075, filed 9/1/82; Order 1257, § 388-88-075, filed 12/21/77; Order 1168, § 388-88-075, filed 11/3/76; Order 342, § 388-88-075, filed 3/20/69; Order 264 (part), § 388-88-075, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94, Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-080 Utilization review. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-080, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-080, filed 5/10/89; 82-18-064 (Order 1871), § 388-88-080, filed 9/1/82; Order 1257, § 388-88-080, filed 12/21/77; Order 1168, § 388-88-080, filed 11/3/76; Order 342, § 388-88-080, filed 3/20/69; Order 264 (part), § 388-88-080, filed 11/24/67.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-081 Nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-081, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 83-01-016 (Order 1921), § 388-88-081, filed 12/6/82; 82-18-064 (Order 1871), § 388-88-081, filed 9/1/82; Order 1257, § 388-88-081, filed 12/21/77.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-082 Minimum licensed personnel requirements for nursing facilities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-082, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-082, filed 9/1/82; Order 1257, § 388-88-082, filed 12/21/77.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-083 Intermediate nursing care residents. [Statutory Authority: RCW 74.42.620. 83-01-016 (Order 1921), § 388-88-083, filed 12/6/82; 82-18-064 (Order 1871), § 388-88-083, filed 9/1/82; Order 1257, § 388-88-083, filed 12/21/77.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-084 Minimum licensed personnel requirements for intermediate care facilities. [Order 1257, § 388-88-084, filed 12/21/77.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-085 Payment standards—Rates—Procedures. [Order 1168, § 388-88-085, filed 11/3/76; Order 879, § 388-88-085, filed 11/29/73; Order 342, § 388-88-085, filed 3/20/69; Order 264 (part), § 388-88-085, filed 11/24/67.] Repealed by Order 1262, filed 12/30/77.
- 388-88-086 Minimum staffing requirements—IMR. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-086, filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-088 Classification of IMR clients. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-088, filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-090 Receipt of supplemental compensation for nursing home care. [Order 1168, § 388-88-090, filed 11/3/76; Order 631, § 388-88-090, filed 11/24/71; Order 342, § 388-88-090, filed 3/20/69; Order 264 (part), § 388-88-090, filed 11/24/67.] Repealed by Order 1262, filed 12/30/77.
- 388-88-095 Nursing facility placement. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-095, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-095, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-06-050 (Order 2768), § 388-88-095, filed 2/28/89; Order 1257, § 388-88-095, filed 12/21/77; Order 1168, § 388-88-095, filed 11/3/76; Order 631, § 388-88-095, filed 11/24/71; Order 342, § 388-88-095, filed 3/20/69; Order 264 (part), § 388-88-095, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-096 Preadmission screening and annual resident review (PASARR). [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-096, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-097 Preadmission screening. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-097, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-097, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-06-050 (Order 2768), § 388-88-097, filed 2/28/89.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-098 Identification screening for current residents. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-098, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-098, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-098, filed 5/10/89.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-099 Specialized service assessments for current residents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-099, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-099, filed 5/10/89.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-100 Transfer or relocation. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-100, filed 9/1/82; Order 1257, § 388-88-100, filed 12/21/77; Order 1197, § 388-88-100, filed 3/17/77; Order 631, § 388-88-100, filed 11/24/71; Order 342, § 388-88-100, filed 3/20/69; Order 264 (part), § 388-88-100, filed 11/24/67.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-101 Residents' rights. [Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-101, filed 5/10/89; 88-04-041 (Order 2592), § 388-88-101, filed

- 1/28/88; 83-21-081 (Order 2039), § 388-88-101, filed 10/19/83; 82-18-064 (Order 1871), § 388-88-101, filed 9/1/82; Order 1257, § 388-88-101, filed 12/21/77; Order 1197, § 388-88-101, filed 3/17/77.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-102 Discharge planning and resident relocation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-102, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-102, filed 9/1/82; Order 1257, § 388-88-102, filed 12/21/77; Order 1197, § 388-88-102, filed 3/17/77.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-105 Patient transfer from state hospital or school for retarded to nursing home. [Order 631, § 388-88-105, filed 11/24/71; Order 342, § 388-88-105, filed 3/20/69; Order 264 (part), § 388-88-105, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-110 Nursing home placement of public assistance recipient referred from Alaska. [Order 342, § 388-88-110, filed 3/20/69; Order 264 (part), § 388-88-110, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-115 Discharge or leave of nursing home resident. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-115, filed 9/1/82; Order 1237, § 388-88-115, filed 8/31/77; Order 1168, § 388-88-115, filed 11/3/76; Order 879, § 388-88-115, filed 11/29/73; Order 631, § 388-88-115, filed 11/24/71; Order 342, § 388-88-115, filed 3/20/69; Order 264 (part), § 388-88-115, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-117 Social leave for IMR clients. [Statutory Authority: RCW 74.08.044. 79-01-084 (Order 1365), § 388-88-117, filed 1/3/79.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-119 Provider report of a disturbance. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-119, filed 9/1/82.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-120 Extended care facility—Payment for co-insurance. [Order 631, § 388-88-120, filed 11/24/71; Order 342, § 388-88-120, filed 3/20/69; Order 264 (part), § 388-88-120, filed 11/24/67.] Repealed by Order 1257, filed 12/21/77.
- 388-88-125 Resident assessment instrument. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-125, filed 3/30/92, effective 4/30/92.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-130 Completion of resident assessment instrument. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-130, filed 3/30/92, effective 4/30/92.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-135 Use of independent assessors. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-135, filed 3/30/92, effective 4/30/92.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-145 Notice of relocation determination and appeal rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-145, filed 3/30/92, effective 4/30/92.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-150 PASARR determination and appeal rights. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-150, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-155 Utilization review. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-155, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-170 Discharge planning and coordination. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-170, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-180 Transfer and discharge rights, procedures, and appeals. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-180, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-190 Relocation due to decertification, license revocation, closure. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-190, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.

Chapter 388-89

MEDICAL CARE—AGED PERSON IN MENTAL INSTITUTION

- 388-89-005 Definitions. [Order 938, § 388-89-005, filed 5/23/74; Order 331, § 388-89-005, filed 1/8/69; Order 264 (part), § 388-89-005, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-010 Initial eligibility. [Order 938, § 388-89-010, filed 5/23/74; Order 435, § 388-89-010, filed 3/31/70; Order 331, § 388-89-010, filed 1/8/69; Order 264 (part), § 388-89-010, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-015 Applicant not receiving grant prior to admission. [Order 331, § 388-89-015, filed 1/8/69; Order 264 (part), § 388-89-015, filed 11/24/67.] Repealed by Order 952, filed 7/16/74.
- 388-89-020 Person receiving grant prior to admission. [Order 331, § 388-89-020, filed 1/8/69; Order 264 (part), § 388-89-020, filed 11/24/67.] Repealed by Order 952, filed 7/16/74.
- 388-89-025 Application process. [Order 938, § 388-89-025, filed 5/23/74; Order 331, § 388-89-025, filed 1/8/69; Order 264 (part), § 388-89-025, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-030 Certification of eligibility. [Order 938, § 388-89-030, filed 5/23/74; Order 331, § 388-89-030, filed 1/8/69; Order 264 (part), § 388-89-030, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-035 Certification of eligibility—Effective date of authorization. [Order 938, § 388-89-035, filed 5/23/74; Order 331, § 388-89-035, filed 1/8/69; Order 264 (part), § 388-89-035, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-040 Certification of eligibility—Duration of certification. [Order 938, § 388-89-040, filed 5/23/74; Order 331, § 388-89-040, filed 1/8/69; Order 264 (part), § 388-89-040, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-045 Medical consultant approval for hospitalization or medical care—When required. [Order 938, § 388-89-045, filed 5/23/74; Order 331, § 388-89-045, filed 1/8/69; Order 264 (part), § 388-89-045, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-050 Time-limited visit. [Order 938, § 388-89-050, filed 5/23/74; Order 331, § 388-89-050, filed 1/8/69; Order 264 (part), § 388-89-050, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-055 Department responsibilities for patient/recipient entering psychiatric facility. [Order 938, § 388-89-055, filed 5/23/74; Order 331, § 388-89-055, filed 1/8/69; Order 264 (part), § 388-89-055, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-060 Services to patient/recipient in psychiatric facility. [Order 938, § 388-89-060, filed 5/23/74; Order 331, §

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

**Chapter 388-90
SKILLED NURSING HOME CARE IN STATE SCHOOLS FOR
RETARDED PERSONS**

- 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.
- 388-90-010 Skilled nursing facility care in state school for retarded persons—Minimum requirements for licensure or approval of institution. [Order 930, § 388-90-010, filed 4/25/74; Order 486, § 388-90-010, filed 10/13/70.] Repealed by 00-07-045, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 74.08.090.

**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 1170, § 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 388-511-1130 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 12/1/93. 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 12/1/93. 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. [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.

388-93-035 Refusal of disabled recipient to accept available and recommended medical treatment—Review for disability or blindness. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-93-035, filed 5/4/83; Order 996, § 388-93-035, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94.

388-93-040 tory 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.
- 388-95-010 Eligibility for aged person. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-010, filed 8/22/78; Order 1044, § 388-95-010, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-025 Notification and application process. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-025, filed 8/22/78; Order 1044, § 388-95-025, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-030 Certification of eligibility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-030, filed 8/22/78; Order 1044, § 388-95-030, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-035 Effective date of authorization. [Order 1044, § 388-95-035, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-040 Duration of certification. [Order 1044, § 388-95-040, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-045 Medical consultant approval for hospitalization or medical care—When required. [Order 1044, § 388-95-045, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-050 Time-limited visit. [Order 1044, § 388-95-050, filed 8/14/75.] Repealed by 78-09-052 (Order 1328), filed 8/22/78. Statutory Authority: RCW 74.08.090.
- 388-95-055 Department responsibilities for patient/recipient entering psychiatric facility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-055, filed 8/22/78; Order 1044, § 388-95-055, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-060 Services to patient/recipient in psychiatric facility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-060, filed 8/22/78; Order 1044, § 388-95-060, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-065 Coordination of services for patient/recipient. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-065, filed 8/22/78; Order 1044, § 388-95-065, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-070 Department responsibilities—Patient/recipient scheduled for release. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-070, filed 8/22/78; Order 1044, § 388-95-070, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-075 ESSO responsibility for social services. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-075, filed 8/22/78; Order 1044, § 388-95-075, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-080 Payment for care. [Order 1044, § 388-95-080, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-210 Eligibility for person under age 21. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-210, filed 8/22/78; Order 1044, § 388-95-210, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-215 Scope of care. [Order 1044, § 388-95-215, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-225 Notification process. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-225, filed 8/22/78; Order 1044, § 388-95-225, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-235 Effective date of Title XIX coverage. [Order 1044, § 388-95-235, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-250 Therapeutic visit. [Order 1044, § 388-95-250, filed 8/14/75.] Repealed by 78-09-052 (Order 1328), filed 8/22/78. Statutory Authority: RCW 74.08.090.
- 388-95-255 Department responsibility—Admission. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-255, filed 8/22/78; Order 1044, § 388-95-255, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-260 Services in facility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-260, filed 8/22/78; Order 1044, § 388-95-260, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-265 Coordination of services. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-265, filed 8/22/78; Order 1044, § 388-95-265, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-270 Department responsibilities—Release. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-270, filed 8/22/78; Order 1044, § 388-95-270, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-275 Supportive social service by ESSO. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-275, filed 8/22/78; Order 1044, § 388-95-275, filed 8/14/75.] Repealed by 82-01-042 (Order 1734), filed 12/16/81. Statutory Authority: RCW 74.08.090.
- 388-95-280 Conditions for payment. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-280, filed 8/22/78; Order 1044, § 388-95-280, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-300 Recipients in medical institutions eligible under Title XIX. [Statutory Authority: RCW 74.08.090. 83-12-059 (Order 1964), § 388-95-300, filed 6/1/83. Formerly WAC 388-82-125.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1320.
- 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.
- 388-95-320 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.
- 388-95-335 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.
- 388-95-337 Availability of resources. [Statutory Authority: RCW 74.08.090. 94-07-130 (Order 3716), § 388-95-337, filed 3/23/94, effective 4/23/94. Statutory Authority: RCW 74.08.090 and State Agency Letter 93-03. 93-07-029 (Order 3523), § 388-95-337, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 74.08.090. 92-03-088 (Order 3313), § 388-95-337, filed 1/15/92, effective 2/15/92; 91-07-011 (Order 3150), § 388-95-337, filed 3/11/91, effective 4/11/91; 90-12-049 (Order 3007), § 388-95-337, filed 5/31/90, effective 7/1/90; 89-23-080 (Order 2898), § 388-95-337, filed 11/17/89, effective 12/18/89. Statutory Authority: 1989 [1st ex.s.]c 5352 [19]. 89-18-056 (Order 2864), § 388-95-337, filed 9/1/89, effective 10/2/89. Statutory Authority: RCW 74.08.090. 88-01-042 (Order 2567), § 388-95-337, filed

Chapter 388-99

LIMITED CASUALTY PROGRAM—MEDICALLY NEEDY

- 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.
- 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 Sneeve 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)**

Reviser's note: Chapter 388-165 WAC was reactivated and renamed "Children's administration child care subsidy programs" by WSR 99-15-076, filed 7/20/99.

**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), §

388-201-440 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).

388-201-450 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).

388-201-460 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).

388-201-470 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).

388-201-480 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).

**Chapter 388-210
APPLICATIONS FOR ASSISTANCE**

388-210-1000 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.

388-210-1010 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.

388-210-1020 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.

388-210-1050 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, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-210-1100 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.
- 388-210-1200 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.
- 388-210-1220 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.
- 388-210-1230 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.
- 388-210-1250 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.
- 388-210-1300 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.
- 388-210-1310 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.
- 388-210-1320 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.
- 388-210-1330 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.
- 388-210-1340 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.
- 388-210-1350 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.
- 388-210-1400 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.
- 388-210-1410 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.
- 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 388-28-435 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.
- 388-216-2850 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 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.
- 388-218-1510 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.
- 388-218-1515 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.
- 388-218-1520 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.
- 388-218-1530 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.
- 388-218-1540 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.
- 388-218-1600 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.
- 388-218-1605 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.
- 388-218-1610 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, filed 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.
- 388-218-1630 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.
- 388-218-1640 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.
- 388-218-1650 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.
- 388-218-1660 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.
- 388-218-1670 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.
- 388-218-1680 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.
- 388-218-1690 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.
- 388-218-1695 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, section 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.
- 388-218-1720 Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 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.

- 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. 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 74.08.090, 94-16-044 (Order 3759), §

- 388-233-0090 tive 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
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 388-235**
GENERAL ASSISTANCE UNEMPLOYABLE
- 388-235-0010 Purpose of program. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-0010, 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.
- 388-235-0020 Definitions. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-0020, 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.
- 388-235-0030 Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-0030, 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.
- 388-235-0040 Assistance unit. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-0040, 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.
- 388-235-0050 Age requirements. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-0050, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-025 (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.
- 388-235-0060 Residence—Establishing. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-0060, filed 7/29/93, effective 8/29/93. Formerly parts of WAC 388-26-050 and 388-26-055.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-235-0070 Residence—Temporary absences. [Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-235-0070, filed 7/27/94, effective 9/1/94; 93-16-058 (Order 3559), § 388-235-0070, filed 7/29/93, effective 8/29/93. 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.
- 388-235-0080 Residence—Applicant living in another state. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-0080, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-065.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-235-0090 Residence—Applicant receiving assistance from another state. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-0090, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-070 (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.
- 388-235-0100 Citizenship and alien status. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-0100, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-120 (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.
- 388-235-0110 Social Security number. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-0110, 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.
- 388-235-1500 Persons in institutions. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-1500, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-2000 Resources. [Statutory Authority: RCW 74.08.090 and 1997 c 58 § 307, 97-20-128, § 388-235-2000, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-235-2000, filed 7/27/94, effective 9/1/94; 93-16-058 (Order 3559), § 388-235-2000, 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.
- 388-235-3000 Income. [Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-235-3000, filed 7/27/94, effective 9/1/94; 93-16-058 (Order 3559), § 388-235-3000, 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.
- 388-235-4000 GAU payment and need standards. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-4000, 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.
- 388-235-5000 Incapacity determination—Process. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5000, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5050 Waiver of medical documentation and progressive evaluation process (PEP). [Statutory Authority: RCW 74.08.090, 96-16-022, § 388-235-5050, filed 7/30/96, effective 8/30/96; 93-16-058 (Order 3559), § 388-235-5050, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5060 Determination of capacity to engage in gainful employment. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5060, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5070 Sources of medical evidence. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5070, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5080 Medical evidence requirements. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5080, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5090 Assigning severity ratings. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5090, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5100 PEP step I—Review of medical documentation. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5100, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5200 PEP step II—Severity of mental impairments. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5200, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5300 PEP step III—Severity of physical impairments. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5300, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5400 Progressive evaluation process—Step IV—Multiple impairments. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5400, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

- 388-235-5500 Progressive evaluation process—Step V—Functional mental capacity. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5500, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5600 Progressive evaluation process—Step V—Functional physical capacity. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5600, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5700 Evaluating vocational factors for progressive evaluation process—Steps VI and VII. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5700, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5800 Progressive evaluation process—Step VI—Evaluate capacity to perform past work. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5800, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-5900 Progressive evaluation process—Step VII—Evaluating capacity to perform other work. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-5900, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-6000 Duration of assistance based on incapacity. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-6000, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-7000 Purpose of referrals. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-7000, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-7100 Treatment and referral requirements. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-7100, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-7200 Other agency referral requirements. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-7200, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-7300 ADATSA referral requirements. [Statutory Authority: RCW 74.04.057, 94-13-202 (Order 3743), § 388-235-7300, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-7300, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-7400 Protective payments. [Statutory Authority: RCW 74.04.057, 94-13-202 (Order 3743), § 388-235-7400, filed 6/22/94, effective 7/23/94.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-7500 Good cause for refusing medical treatment or other agency referrals. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090, 97-02-047, § 388-235-7500, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-7500, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-7600 Sanction for refusing medical treatment or other agency referrals. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-7600, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-8000 Redetermination of financial eligibility. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-8000, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-8100 Redetermination of incapacity. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-8100, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-8130 Determining a recipient is no longer incapacitated—Termination proviso. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-8130, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-8140 Redetermination of eligibility based on mental retardation. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-8140, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-8150 Redetermination for a recipient appearing to meet federal disability criteria for SSI. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-8150, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-8200 Reinstating eligibility after termination due to lack of medical evidence. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-8200, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-9000 How benefits from other programs affect your eligibility for general assistance-unemployable. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510, 00-05-007, § 388-235-9000, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.08.990 and Bordner vs. Rahm #84-2-00435-2, 95-03-048 (Order 3824), § 388-235-9000, filed 1/11/95, effective 2/11/95. Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-9000, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-145 (part).] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-9100 GAU pending SSI eligibility. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-9100, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-9200 Assignment and recovery of interim assistance. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-9200, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-235-9300 GAU to an SSI recipient whose SSI check is lost, stolen, or missent. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-9300, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

**Chapter 388-240
ALCOHOL/DRUG PROGRAMS**

- 388-240-0010 Introduction. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-0010, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-0020 Definitions. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-0020, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-1100 Detoxification services. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-1100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-1200 Detoxification eligibility. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-1200, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077,

- filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2100 ADATSA purposes and programs. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2300 ADATSA categorical eligibility. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2300, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2400 ADATSA treatment—Eligibility requirements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2400, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2450 ADATSA treatment—Incapacity requirements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2450, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2500 ADATSA shelter—Eligibility requirements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2500, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2550 ADATSA shelter—Incapacity requirements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2550, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2570 ADATSA shelter—Eligibility determination and review. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2570, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2600 ADATSA SSI referral requirements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2600, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-3100 ADATSA assessment center—Role. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-3100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-4100 ADATSA treatment limitations. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-4100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-4200 ADATSA treatment terminations and reinstatements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-4200, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-4400 ADATSA treatment priority groups. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-4400, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-4600 ADATSA treatment living allowance. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-4600, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-5100 ADATSA shelter services. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-5100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-6100 ADATSA protective payees. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-6100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 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

- 388-245-1500 (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.
- 388-245-1510 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 74.04.050, 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 388-255 SPECIAL PAYMENTS

- 388-255-1020 Additional requirements—General provisions. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-255-1020, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1050 Additional requirements—Restaurant meals. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-255-1050, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1100 Additional requirements—Home-delivered meals (meals on wheels). [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-255-1100, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1150 Additional requirements—Food for guide dog or service animal. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-255-1150, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1200 Additional requirement—Telephone. [Statutory Authority: RCW 74.08.090, 96-01-017 (Order 3935), § 388-255-1200, filed 12/8/95, effective 1/8/96; 94-09-001 (Order 3729), § 388-255-1200, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1250 Additional requirements—Laundry. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-255-1250, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1300 Additional requirements—Winterizing homes AFDC. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-255-1300, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1350 Additional requirements for emergent situations. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-255-1350, 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.
- 388-255-1400 One-time grant—Authorization—Disbursement. [Statutory Authority: RCW 74.08.090, 94-09-001 (Order 3729), § 388-255-1400, filed 4/6/94, effective 5/7/94. Formerly WAC 388-33-595.] Repealed by 98-16-044, 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.	388-275-0010	Purpose. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0010, filed 1/26/94, effective 2/26/94.] Repealed by 00-18-038, filed 8/30/00, effective 10/1/00. Statutory Authority: RCW 74.04.620, 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.	388-275-0020	Definitions. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0020, filed 1/26/94, effective 2/26/94.] 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.
388-270-1075	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.	388-275-0030	Administrative responsibility. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0030, filed 1/26/94, effective 2/26/94.] 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.
388-270-1100	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 Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-275-0040	Effect on other programs. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0040, filed 1/26/94, effective 2/26/94.] Repealed by 00-18-038, filed 8/30/00, effective 10/1/00. Statutory Authority: RCW 74.04.620, 74.08.090.
388-270-1110	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.	388-275-0050	Waiver of state supplement. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0050, filed 1/26/94, effective 2/26/94.] 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.
388-270-1125	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.	388-275-0060	Payments. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-275-0060, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0060, filed 1/26/94, effective 2/26/94.] 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.
388-270-1150	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.	388-275-0070	Termination of state supplement. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0070, filed 1/26/94, effective 2/26/94.] 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.
388-270-1200	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.	388-275-0080	Overpayment and underpayment. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0080, filed 1/26/94, effective 2/26/94.] Repealed by 00-18-038, filed 8/30/00, effective 10/1/00. Statutory Authority: RCW 74.04.620, 74.08.090.
388-270-1250	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.	388-275-0090	Representative payee. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0090, filed 1/26/94, effective 2/26/94.] 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.
388-270-1300	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.		
388-270-1400	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.		
388-270-1500	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.		
388-270-1550	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.		
388-270-1600	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.		
			Chapter 388-275 SUPPLEMENTAL SECURITY INCOME
			Chapter 388-300 JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM (Formerly Chapter 388-47 WAC)
		388-300-0100	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.
		388-300-0200	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.
		388-300-0300	Providing program information and opportunity to participate. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-

- tion under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- 388-300-2400 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.
- 388-300-2500 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.
- 388-300-2600 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.
- 388-300-2700 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.
- 388-300-2800 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.
- 388-300-2900 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.
- 388-300-3000 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.
- 388-300-3100 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.
- 388-300-3200 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.
- 388-300-3300 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.

**Chapter 388-320
PUBLIC RECORDS DISCLOSURE—ADMINISTRATIVE
PROCEDURES**

- 388-320-010 Purpose. [Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-010, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-010, filed 2/19/81; Order 899, § 388-320-010, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-020 Definitions. [Statutory Authority: RCW 34.05.220 and 42.17.250. 90-17-002 (Order 3048), § 388-320-020, filed 8/2/90, effective 9/2/90. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-020, filed 2/19/81; Order 899, § 388-320-020, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-030 Establishment of department. [Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-030, filed 11/27/91, effective 12/28/91; Order 899, § 388-320-030, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-035 Programs operated by department. [Order 899, § 388-320-035, filed 1/25/74.] Repealed by 91-24-047 (Order

- 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-040 Operations and procedure—Organization. [Order 899, § 388-320-040, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-045 Operations and procedure—Office of secretary. [Order 899, § 388-320-045, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-050 Operations and procedure—Program divisions. [Order 899, § 388-320-050, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-055 Operations and procedure—Program division responsibilities. [Order 899, § 388-320-055, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-060 Operations and procedure—Program division operation. [Order 899, § 388-320-060, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-070 Operations and procedure—Administrative divisions. [Order 899, § 388-320-070, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-080 Operations and procedure—Other organizational units. [Order 899, § 388-320-080, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-090 Operations and procedure—Rules adoption and publication. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-090, filed 2/19/81; Order 899, § 388-320-090, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-092 Statements of policy. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-092, filed 2/19/81; Order 899, § 388-320-092, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-093 Statements of policy—Practice manuals. [Order 899, § 388-320-093, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-094 Statements of policy—State plans. [Order 899, § 388-320-094, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-095 Statements of policy—Other. [Order 899, § 388-320-095, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-100 Public records available. [Statutory Authority: RCW 74.08.090. 92-20-005 (Order 3456), § 388-320-100, filed 9/23/92, effective 10/24/92. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-100, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-100, filed 2/19/81; Order 899, § 388-320-100, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-110 Public records officer. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-110, filed 2/19/81; Order 899, § 388-320-110, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-115 Disclosure coordinator. [Statutory Authority: RCW 74.08.090 and 42.17.260. 94-16-047 (Order 3765), § 388-320-115, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-115, filed 2/19/81; Order 899, § 388-320-115, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-120 Office hours. [Order 899, § 388-320-120, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-130 Request for disclosure of a public record. [Statutory Authority: RCW 74.08.090 and 42.17.260. 94-16-047 (Order 3765), § 388-320-130, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-130, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-130, filed 2/19/81; Order 899, § 388-320-130, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-132 Preserving requested records. [Statutory Authority: RCW 74.08.090. 92-20-005 (Order 3456), § 388-320-132, filed 9/23/92, effective 10/24/92.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-133 Approval or denial of request. [Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-133, filed 11/27/91, effective 12/28/91.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-135 Disclosure to client's representative. [Statutory Authority: RCW 74.08.090 and 42.17.260. 94-16-047 (Order 3765), § 388-320-135, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-135, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-140 Fees—Inspection and copying. [Statutory Authority: RCW 74.08.090 and 42.17.300. 96-18-092, § 388-320-140, filed 9/4/96, effective 10/5/96. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-140, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-140, filed 2/19/81; Order 899, § 388-320-140, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-150 Exemptions. [Order 899, § 388-320-150, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-155 Denial of request. [Order 899, § 388-320-155, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-160 Review of denial. [Order 899, § 388-320-160, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-170 Protection of public records. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-170, filed 2/19/81; Order 899, § 388-320-170, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-180 Records index. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-180, filed 2/19/81; Order 899, § 388-320-180, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-184 Interpretive and policy statements. [Statutory Authority: RCW 34.05.220 and 42.17.250. 90-17-002 (Order 3048), § 388-320-184, filed 8/2/90, effective 9/2/90.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-185 Final adjudicative order index. [Statutory Authority: RCW 34.05.220 (1)(a). 90-13-054 (Order 3024), § 388-

- 388-320-190 320-185, filed 6/15/90, effective 7/1/90.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-200 Communications and submissions relating to public records. [Order 899, § 388-320-190, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-200 Adoption of form. [Order 899, § 388-320-200, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-320-205 Disclosure procedure. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-205, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-210 Remedy for review of denial of disclosure. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-210, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-220 Exemptions to public records disclosure. [Statutory Authority: RCW 74.08.090 and 42.17.260. 94-16-047 (Order 3765), § 388-320-220, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 74.08.090. 92-20-005 (Order 3456), § 388-320-220, filed 9/23/92, effective 10/24/92. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-220, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 34.04.020. 83-03-021 (Order 1938), § 388-320-220, filed 1/13/83. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-220, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-225 Qualifications on nondisclosure. [Statutory Authority: RCW 74.08.090, 74.04.050, 70.04.055 and Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193, § 103). 97-07-008, § 388-320-225, filed 3/10/97, effective 4/10/97. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-225, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-230 Visitation rights of parents. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-230, filed 2/19/81.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
- 388-320-235 Disclosure for program purposes. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-235, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-240 Disclosure for other than program purposes. [Statutory Authority: RCW 74.08.090 and 42.17.260. 94-16-047 (Order 3765), § 388-320-240, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-240, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-340 Delegation of authority by secretary. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-340, filed 2/5/90, effective 3/1/90.] Repealed by 98-11-034, filed 5/14/98, effective 6/14/98. Statutory Authority: RCW 34.05.220 and 74.08.090.
- 388-320-350 Declaratory orders—Forms, content, and filing. [Statutory Authority: RCW 34.05.220, 42.17.340 and chapters 17.250 and 17.260 RCW. 93-24-057 (Order 3673), § 388-320-350, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-350, filed 2/5/90, effective 3/1/90.] Repealed by 99-06-044, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 74.08.090, 34.05.220, 34.05.240 and 34.05.250.
- 388-320-360 Declaratory orders—Procedural rights of persons in relation to petition. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-360, filed 2/5/90, effective 3/1/90.] Repealed by 99-06-044, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 74.08.090, 34.05.220, 34.05.240 and 34.05.250.
- 388-320-370 Declaratory orders—Disposition of petition. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-370, filed 2/5/90, effective 3/1/90.] Repealed by 99-06-044, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 74.08.090, 34.05.220, 34.05.240 and 34.05.250.
- 388-320-375 How do I file petitions for declaratory orders? [Statutory Authority: RCW 74.08.090, 34.05.220, 34.05.240 and 34.05.250. 99-06-044, § 388-320-375, filed 2/26/99, effective 3/29/99.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-400 Petition for rule making—Form, content, and filing. [Statutory Authority: RCW 34.05.220, 42.17.340 and chapters 17.250 and 17.260 RCW. 93-24-057 (Order 3673), § 388-320-400, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-400, filed 2/5/90, effective 3/1/90.] 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.
- 388-320-410 Petition for rule making—Consideration and disposition. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-410, filed 2/5/90, effective 3/1/90.] 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.
- 388-320-450 Interpretive and policy statements roster and index. [Statutory Authority: RCW 34.05.220, 42.17.340 and chapters 17.250 and 17.260 RCW. 93-24-057 (Order 3673), § 388-320-450, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-450, filed 11/27/91, effective 12/28/91.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-460 Final adjudicative and declaratory order index. [Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-460, filed 11/27/91, effective 12/28/91.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
- 388-320-470 Subscription to adjudicative orders involving nursing homes. [Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-470, filed 11/27/91, effective 12/28/91.] 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.
- 388-320-500 Updating mailing lists. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-500, filed 2/5/90, effective 3/1/90.] 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 388-430
DEPRIVATION**

- 388-430-0001 Establishing deprivation. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-430-0001, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-430-0005 Deprivation due to absence. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-430-0005, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-430-0010 Definition of maintenance, physical care and guidance. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-430-0010, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-430-0015 Deprivation due to incapacity. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-430-0015, filed 7/31/98, effective

- 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-430-0020 Deprivation due to unemployment. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-430-0020, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-430-0025 Work quarters. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-430-0025, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- Chapter 388-456**
MONTHLY REPORTING
- 388-456-0001 Monthly reporting. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-456-0001, filed 7/31/98, effective 9/1/98.] Repealed by 99-23-083, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
- 388-456-0005 Processing a late report. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-456-0005, filed 7/31/98, effective 9/1/98.] Repealed by 00-02-043, filed 12/30/99, effective 1/30/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
- 388-456-0010 Recent work history. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-456-0010, filed 7/31/98, effective 9/1/98.] Repealed by 00-02-043, filed 12/30/99, effective 1/30/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
- 388-456-0015 Exceptions to monthly reporting. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-456-0015, filed 7/31/98, effective 9/1/98.] Repealed by 00-02-043, filed 12/30/99, effective 1/30/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
- 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 388-100-020.] 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 388-490-0005.
- 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 pending 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 388-507**
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, 74.09.530 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. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-474-0015.
- 388-524-2420 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

- 388-525-2520 Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0050. 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 388-01 WAC

DSHS ORGANIZATION/DISCLOSURE OF PUBLIC RECORDS

WAC

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WAC 388-01-010 What are the purposes of this chapter? The purposes of this chapter are to:

- (1) Describe the organization of the department of social and health services (DSHS);

- (2) Ensure that DSHS complies with laws governing the disclosure (release) of public records; and
- (3) Explain how an individual or organization can obtain public records.

[Statutory Authority: RCW 42.17.250 and 34.05.220, 99-15-065, § 388-01-010, filed 7/19/99, effective 8/19/99.]

DSHS ORGANIZATION

WAC 388-01-020 What is DSHS and how is DSHS organized? (1) DSHS was created to unite related statewide social and health service programs within a single agency. DSHS programs are designed to protect the general public, as well as persons who are unable to fully care for themselves or meet their basic needs.

- (2) It is organized into seven administrations plus the secretary's and deputy secretary's offices:
 - (a) Aging and adult services,
 - (b) Children's services,
 - (c) Economic services,
 - (d) Health and rehabilitative services,
 - (e) Juvenile rehabilitation,
 - (f) Management services, and
 - (g) Medical assistance.

(3) To request an organizational chart, contact: DSHS, Office of the Secretary, P.O. Box 45010, Olympia, WA 98504-5010, or telephone number (360) 902-7800.

(4) DSHS has offices in the community to serve clients. Local DSHS offices have various names, such as community services office (CSO), regional offices, home and community services (HCS), division of child support (DCS), children's services, division of developmental disabilities (DDD) local service offices, and facilities.

[Statutory Authority: RCW 42.17.250 and 34.05.220, 99-15-065, § 388-01-020, filed 7/19/99, effective 8/19/99.]

DISCLOSURE OF PUBLIC RECORDS

WAC 388-01-030 What department records are considered public? (1) Public records are those records that are not confidential or otherwise exempt from release to the public. DSHS prepares and keeps public records that relate to the programs it administers.

(2) Different types of public records may include: documents, audio and video recordings, pictures, electronic disks, and magnetic tapes.

[Statutory Authority: RCW 42.17.250 and 34.05.220, 99-15-065, § 388-01-030, filed 7/19/99, effective 8/19/99.]

WAC 388-01-040 What public records are available for release? (1) Public records kept by DSHS are available for release unless the law specifically excludes (or exempts) them.

(2) For a list of public records that are excluded from public disclosure by law, see RCW 42.17.310 through RCW 42.17.31911, and other disclosure laws specific to DSHS programs.

[Statutory Authority: RCW 42.17.250 and 34.05.220, 99-15-065, § 388-01-040, filed 7/19/99, effective 8/19/99.]

WAC 388-01-050 Who should be contacted to request a public record? An individual should contact the public disclosure coordinators at DSHS offices to request a public record. Public disclosure coordinators are located at local community service offices (CSO), regional offices, home and community services (HCS), division of child support (DCS), children's services, DDD field services offices, DSHS facilities, and within each DSHS administration.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-050, filed 7/19/99, effective 8/19/99.]

WAC 388-01-060 How can an individual request a public record? (1) An individual can request a public record orally or in writing. DSHS encourages that all public record requests be in writing on a "request for disclosure of DSHS records" form, DSHS 17-041(X). Individuals may request this form from DSHS, Forms and Records Management Services, P.O. Box 45805, Olympia, WA 98504-5805, (360) 664-6120, or e-mail at DSHSFormsRecordsMgmt@dshs.wa.gov.

(2) If the form is not used, the written public record request should include the following information:

- (a) The requester's name, organization, mailing address, telephone number, fax number, and e-mail address;
- (b) The date of the request;
- (c) A detailed description of the public record being requested;
- (d) The address where copies of the record are to be mailed, or if the requester wants to examine the record at DSHS; and
- (e) The signature of the requester.

(3) An individual can fill out a record request at a DSHS office, or send it by regular mail, electronic mail, or fax to the public disclosure coordinator at the appropriate DSHS office.

(4) DSHS may ask an individual requesting a public record for personal identification when the law makes a record disclosable to a specific person.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-060, filed 7/19/99, effective 8/19/99.]

WAC 388-01-070 When can a public record be examined? (1) Individuals can examine public records during DSHS office hours. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except for legal holidays. Contact the public disclosure coordinator in the appropriate office to arrange a time to examine the public record.

(2) In order to preserve the record or prevent interference in the performance of departmental duties, DSHS reserves the right to restrict an individual's ability to examine or copy public records. This does not prevent DSHS from providing copies of the public record by mail.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-070, filed 7/19/99, effective 8/19/99.]

WAC 388-01-080 Does DSHS charge for examining or copying public records? (1) There is no fee for examining public records.

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(2) DSHS charges one or more of the following fees for copies of public records:

- (a) Up to fifteen cents per page for black and white photocopies of a record;
- (b) The actual cost of manuals, blueprints, and other non-printed materials such as audio or video tapes; and
- (c) The cost of postage, when items are mailed (see RCW 42.17.260).

(3) Government agencies, or DSHS clients involved in an administrative hearing procedure, may receive public records reasonably related to the hearing free of charge.

(4) DSHS may waive copying and postage fees if:

- (a) Providing a copy of the record assists in managing a program; or
- (b) The expense of billing exceeds the copying and postage costs.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-080, filed 7/19/99, effective 8/19/99.]

WAC 388-01-090 When and how must DSHS respond to a public record request? Within five business days after receiving the public record request, DSHS must review the public record and must:

- (1) Provide the public record; or
- (2) Acknowledge receipt of the request, and give the DSHS date for response; or
- (3) Deny the request in writing, noting the reason(s) for denial.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-090, filed 7/19/99, effective 8/19/99.]

WAC 388-01-100 When might DSHS need to extend the time to respond to a public record request? (1) DSHS might need to extend the time to respond to a public record request to:

- (a) Locate and gather the information requested;
- (b) Notify an individual or organization affected by the request; and/or
- (c) Determine whether the information requested is exempt and whether all or part of the public record requested can be released; and/or

(d) Contact the individual requesting the public record to clarify the intent, scope or specifics of the request. If the individual requesting the public record fails to clarify the request, DSHS does not have to respond to the request.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-100, filed 7/19/99, effective 8/19/99.]

WAC 388-01-110 What if an individual thinks DSHS is unreasonably delaying the release of a public record? If an individual requesting a public record thinks DSHS is unreasonably delaying the release of a public record, the individual may:

- (1) Petition the public disclosure coordinator to release the public record before the date indicated on DSHS response (see WAC 388-01-090); or
- (2) File a lawsuit in superior court to require DSHS to release the public record.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-110, filed 7/19/99, effective 8/19/99.]

WAC 388-01-120 What if the public record that is requested contains information that is exempt from public disclosure? (1) If the requested public record contains information that is exempt from public disclosure, DSHS may:

- (a) Release the nonexempt portion, explaining what exemption applies to the deleted portion of the record; or
 - (b) Deny release of the entire record, sending a written explanation citing the exemption that applies to the denial.
- (2) DSHS may release information to law enforcement officers and United States immigration officials to the extent authorized by RCW 74.04.062.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-120, filed 7/19/99, effective 8/19/99.]

WAC 388-01-130 What are an individual's options if DSHS denies a public record request? If DSHS denies a public record request, an individual may do any of the following:

(1) Petition for a review of the denied request from the denying public disclosure coordinator or a director approved designee. Contact DSHS to obtain a petition form (DSHS 17-062(X)) at: DSHS Forms and Records Management Services, P.O. Box 45805, Olympia, WA 98504-5805, (360) 664-6120, or e-mail DSHSFormsRecordsMgmt@dshs.wa.gov. DSHS has two business days after receiving the petition to respond. If DSHS upholds the denial, the decision is considered final; or

(2) Ask the office of the attorney general to review the public record request.

(a) Send a copy of the denied public record request and the DSHS written denial to:

Office of Attorney General
Public Records Review
P.O. Box 40100
Olympia WA 98504-0100

(b) The office of the attorney general will review the request and DSHS denial. The office of attorney general issues a written opinion as to whether the requested public record is excluded from disclosure.

(3) File a lawsuit for release of a public record in superior court in the county where the public record is located.

(a) DSHS must establish that its denial of a public record is legal.

(b) If the DSHS denial is reversed, the court may require DSHS to pay costs and attorney fees. DSHS may be fined five dollars to one hundred dollars a day for each day they denied the public record.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-130, filed 7/19/99, effective 8/19/99.]

WAC 388-01-140 If a public record contains personal information that identifies an individual or organization, other than the subject of the record, is that individual or organization notified? (1) If a public record con-

tains personal information that identifies an individual or organization other than the subject of the requested public record, DSHS may notify that individual or organization.

(2) DSHS may send a written notice to the individual or organization if releasing the personal information could damage the individual or organization, or government operations, or is not in the best interest of the public. The notice should include:

- (a) The record being requested;
- (b) The date DSHS intends to release the record; and
- (c) How the individual or organization can prevent release of the record (see RCW 42.17.330).

(3) DSHS may also send a written notice to the record requester notifying them that:

(a) The individual or organization whose personal information is contained in the requested public record has been notified;

(b) DSHS expects a response from the individual or organization regarding disclosure of their personal information by a specified date; and

(c) Disclosure may be denied.

(4) DSHS releases the record by the specified date if no one objects or the contacted party does not respond by the specified date.

(5) DSHS must notify the office of the attorney general when an individual or organization, other than the subject of a record, files a lawsuit to prevent release of the record.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-140, filed 7/19/99, effective 8/19/99.]

WAC 388-01-150 Can an individual's record be requested by his or her representative? (1) An individual's attorney, legal guardian, or lay representative can request the individual's record with a signed written release.

(2) The written release must include:

(a) The identity of the individual(s) or organization(s) authorized to receive the records;

(b) An identification of the record(s), or part of the record, that the individual wants released; and

(c) The date the release expires.

(3) DSHS may ask for identification verifying the representatives's relationship to the individual.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-150, filed 7/19/99, effective 8/19/99.]

WAC 388-01-160 Is DSHS required to create public records for requesters? (1) DSHS is only required to provide access to existing, identifiable public records in its possession at the time of the request (see RCW 42.17.270).

(2) DSHS is not required to collect information to create a public record that does not exist at the time of the public record request.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-160, filed 7/19/99, effective 8/19/99.]

WAC 388-01-170 Can DSHS release public records to its offices and to outside agencies? (1) For the purposes of this chapter, outside agencies include, but are not limited

to, group homes, mental health centers, drug and alcohol agencies, and other state agencies.

(2) DSHS may release public records to its offices and to outside agencies when the information relates to the administration of DSHS programs unless exempt by 45 C.F.R. 205.50 or other law.

(3) If an outside agency requests a public record for reasons other than information that relates to the administration of DSHS programs, the outside agency must have the individual's written authorization.

(4) Outside agencies receiving information are subject to applicable disclosure confidentiality laws.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-170, filed 7/19/99, effective 8/19/99.]

WAC 388-01-180 Who should be contacted to review an interpretive or policy statement index, or to get a copy of the documents? DSHS issues administrative policy statements that apply to the whole department. Administrations may issue policies and interpretive statements that relate to their own programs. See RCW 34.05.010.

(1) To receive a copy of a DSHS administrative policy, send a written request to: Office of Legal Affairs, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, Washington 98504-5850.

(2) To receive a copy or review a specific administration's policies or interpretive statements, send a written request to the administration.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-180, filed 7/19/99, effective 8/19/99.]

WAC 388-01-190 How can an individual get an index of DSHS significant decisions? (1) The DSHS board of appeals reviews and selects orders and creates an index of significant decisions that substantially affect DSHS performance (see RCW 42.17.260).

(2) The index:

- (a) Is divided into program categories;
- (b) Contains a copy or synopsis of the order; and
- (c) Is updated, as needed.

(3) An individual can inspect or request a copy of the index by contacting the board of appeals located at:

Board of Appeals
Blake Office Park
4500 - 10th Avenue Southeast
Lacey, WA 98503-5803
(360) 664-6100

Mailing address:
Board of Appeals
P.O. Box 45803
Olympia, WA 98503-5803

(4) An individual may ask the board of appeals to index an order as a significant decision by sending a written request with a copy of the order to the mailing address.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-190, filed 7/19/99, effective 8/19/99.]

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WAC 388-01-200 How are petitions for declaratory orders filed? (1) First, read the information on declaratory orders in RCW 34.05.240 and WAC 10-08-250, 10-08-251, and 10-08-252.

(2) Next, file the petition with the Rules and Policies Assistance Unit; DSHS; P.O. Box 45850; Olympia, WA 98504-5850.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-200, filed 7/19/99, effective 8/19/99.]

Chapter 388-02 WAC DSHS HEARING RULES (Formerly chapter 388-08 WAC)

WAC

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- May the parties cross-examine a witness?
- May witnesses refuse to answer questions?

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- What evidence does an ALJ consider?
- What does burden of proof mean?
- What is the standard of proof?
- How is a position proven at hearing?
- What is equitable estoppel?

RECORD CLOSURE

- What may an ALJ do before the record is closed?
- When is the record closed?
- What happens when the record is closed?

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- What happens after the record is closed?
- What information must the ALJ include in the decision?
- When does a decision become final?
- What if a party disagrees with the decision?
- Who may ask for a change in a decision?

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- How are clerical errors corrected?
- How does a party ask for a corrected decision?
- How much time do the parties have to ask for a corrected decision?
- What happens when a party requests a corrected decision?

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- What is review?
- What evidence does the review judge consider in a decision?
- Who may request review?
- What must a party include in the review request?
- What is the deadline for requesting review?
- Where does a party send a review request?
- How does a party respond to the review request?
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- What is the authority of the review judge?

REQUESTS FOR JUDICIAL REVIEW

- What is judicial review?
- When must you ask for judicial review?
- How do you serve your petition for judicial review?

GENERAL

WAC 388-02-0005 What is the purpose and scope of this chapter? This chapter describes the general procedures

that apply to the resolution of disputes between you and the various programs within the department of social and health services (DSHS). The rules of this chapter are intended to supplement for DSHS both the Administrative Procedure Act (APA), chapter 34.05 RCW, and the model rules, chapter 10-08 WAC, adopted by the office of administrative hearings (OAH).

(1) This chapter:

(a) Establishes rules encouraging informal dispute resolution between DSHS and persons or entities who disagree with its actions;

(b) Regulates all hearings involving DSHS; and

(c) Consolidates most DSHS hearing procedural rules into one chapter.

(2) Nothing in this chapter is intended to affect the constitutional rights of any person or to limit or change additional requirements imposed by statute or other rule. Other laws or rules determine if you have a hearing right, including the APA and DSHS program rules or laws.

(3) Specific DSHS program hearing rules prevail over the rules in this chapter.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0005, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0010 What definitions apply to this chapter? The following definitions apply to this chapter:

"Administrative law judge (ALJ)" means an impartial decision-maker who is an attorney and presides at an administrative hearing. The office of administrative hearings (OAH), which is a state agency, employs the ALJs. ALJs are not DSHS employees or DSHS representatives.

"BOA" means the DSHS board of appeals.

"Business days" means all days except Saturdays, Sundays and legal holidays.

"Calendar days" means all days including Saturdays, Sundays and legal holidays.

"Deliver" means giving a document to someone in person.

"Documents" means papers, letters, writings, or other printed or written items.

"DSHS" means the department of social and health services.

"DSHS representative" means an employee of DSHS, a DSHS contractor, or an assistant attorney general authorized to represent DSHS in an administrative hearing. DSHS representatives include, but are not limited to, claims officers and fair hearing coordinators.

"Hearing" means a proceeding before OAH that gives a party an opportunity to be heard in disputes about DSHS programs. For purposes of this chapter, hearings include administrative hearings, adjudicative proceedings, and any other similar term referenced under chapter 34.05 RCW, the Administrative Procedure Act, Title 388 of the Washington Administrative Code, chapter 10-08 WAC, or other law.

"Mail" means placing the document in the mail with the proper postage.

"OAH" means the office of administrative hearings, a separate state agency from DSHS.

"Party" means a person or entity:

- (1) Named in a DSHS action;
 - (2) To whom a DSHS action is directed; or
 - (3) Allowed to participate in a hearing to protect an interest as authorized by law or rule.
- (4) DSHS is also a party.

"Prehearing conference" means a proceeding scheduled and conducted by an ALJ in preparation for a hearing.

"Prehearing meeting" means an informal voluntary meeting that may be held before any prehearing conference or hearing.

"Record" means the official documentation of the hearing process. The record includes tape recordings or transcripts, admitted exhibits, decisions, briefs, notices, orders, and other filed documents.

"Review judge" means an attorney employed by the DSHS board of appeals (BOA) who reviews decisions made by an ALJ and makes a final agency decision. The review judge is the reviewing officer in RCW 34.05.464.

"Rule" means a state regulation. Rules are found in the Washington Administrative Code (WAC).

"Stay" means an order temporarily halting the DSHS decision or action.

"You" means any individual or entity that has a right to be involved with the DSHS hearing process, which includes a party or a party's representative. "You" does not include DSHS or its representative.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0010, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0015 How do the terms in the Administrative Procedure Act (APA) compare to this chapter? To improve clarity and understanding, the rules in this chapter may use different words than the APA or the model rules. Following is a list of terms used in those laws and the terms as used in these rules:

Chapter 34.05 RCW Chapter 10.08 WAC	Chapter 388-02 WAC
Adjudicative proceeding	Different terms are used to refer to different stages of the hearing process, and may include prehearing meeting, prehearing conference, hearing, review, reconsideration and the entire hearing process
Agency	DSHS
Application for adjudicative proceeding	Request a hearing
Enter	Make, send
Initial order	Hearing decision or order
Presiding officer	ALJ or review judge
Reviewing officer	Review judge

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0015, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0020 What does good cause mean? (1) Good cause is a substantial reason or legal justification for failing to appear, to act, or respond to an action. To show good cause, the ALJ must find that a party had a good reason

for what they did or did not do, using the provisions of Superior Court Civil Rule 60 as a guideline.

(2) Good cause may include, but is not limited to, the following examples.

(a) You ignored a notice because you were in the hospital or were otherwise prevented from responding; or

(b) You could not respond to the notice because it was written in a language that you did not understand.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0020, filed 9/1/00, effective 10/2/00.]

ADDRESSES

WAC 388-02-0025 Where is the office of administrative hearings located? (1)(a) The office of administrative hearings (OAH) headquarters location is:

Office of Administrative Hearings

919 Lakeridge Way SW

P.O. Box 42488

Olympia WA 98504-2488

(360) 664-8717

(360) 664-8721 (FAX)

(b) The headquarters office is open from 8:00 am to 5:00 p.m. Mondays through Friday, except legal holidays.

(2) OAH field offices are at the following locations:

Olympia

Office of Administrative Hearings - SHS

2420 Bristol Court SW, 3rd Floor

PO Box 42489

Olympia, WA 98504-2489

(360) 753-2531

1-800-583-8271

FAX: (360) 586-6563

Seattle

Office of Administrative Hearings - SHS

1904 3rd Ave., Suite 722

Seattle, WA 98101-1100

(206) 464-6322

1-800-583-8270

FAX: (206) 587-5136

Everett

Office of Administrative Hearings - SHS

2722 Colby, Suite 610

Everett, WA 98201-3571

(425) 339-1921

1-800-583-8261

FAX: (425) 339-3907

Vancouver

Office of Administrative Hearings - SHS

800 Franklin Street, 1st Floor

Vancouver, WA 98660

(360) 690-7189

1-800-243-3451

FAX: (360) 696-6255

Spokane

Office of Administrative Hearings - SHS

136 S. Arthur St.

Spokane, WA 99202-2254

1-800-366-0955

FAX: (509) 533-2473

Yakima

Office of Administrative Hearings - SHS

32 N 3rd Street, Suite 320

Yakima, WA 98901-2730

(509) 575-2147

1-800-843-3491

FAX (509) 454-7281

(3) You should contact the Olympia field office under, subsection (2), if you do not know the correct field office.

(4) You can obtain further hearing information at the OAH website: www.oah.wa.gov

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0025, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0030 Where is the board of appeals located? (1) The mailing address of the DSHS board of appeals (BOA) is:

DSHS Board of Appeals

PO Box 45803

Olympia, WA 98504-5803;

(2) The general telephone numbers of the BOA are:

(360) 664-6100

1-877-351-0002 (toll free)(360) 664-6178 (TTD)

(360) 664-6187 (FAX);

(3) The physical location of the DSHS Board of Appeals (BOA) is:

Blake Office Bldg. East, 2nd Floor

4500 10th Ave. SE

Lacey, WA 98503

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0030, filed 9/1/00, effective 10/2/00.]

DEADLINES

WAC 388-02-0035 How are days counted when calculating deadlines for the hearing process? (1) When counting days to find out when a hearing deadline ends under DSHS rules or statutes:

(a) Do not include the day of the action, notice, or order. For example, if a hearing decision is mailed on Tuesday and you have twenty-one days to request a review, start counting the days with Wednesday.

(b) If the last day of the period ends on a Saturday, Sunday or legal holiday, the deadline is the next business day.

(c) For periods of seven days or less, count only business days. For example, if you have seven days to respond to a review request that was mailed to you on Friday, May 10, the response period ends on Tuesday, May 21.

(d) For periods over seven days, count every day, including Saturdays, Sundays, and legal holidays.

(2) The deadline ends at 5:00 p.m. on the last day.

(3) If you miss a deadline, you may lose your right to a hearing or appeal of a decision.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0035, filed 9/1/00, effective 10/2/00.]

FILING AND SERVING PAPERS

WAC 388-02-0040 How do parties send documents?

(1) When the rules in this chapter or in other law asks a party to send copies of documents to other parties, the party must mail or deliver copies to the DSHS representative and to all other parties or their representatives.

(2) When sending documents to OAH or BOA, you must mail or deliver the documents to one of the locations listed in WAC 388-02-0025(2) for OAH or in WAC 388-02-0030 for BOA.

(3) When sending documents to your assigned field office, you may use the address listed at the top of your notice of hearing. If a field office has not been assigned, all written communication about your hearing must be sent to the OAH Olympia field office which sends the communication to the correct office.

(4) Documents may be sent by giving them to someone in person, placing them in the mail with proper postage, or by FAX or e-mail if the party mails a copy on the same day.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0040, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0045 What is service? Service gives the party notice. When a document is given to the party, the party is considered served with official notice of the contents of the document.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0045, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0050 How does a party serve someone?

Unless otherwise stated in law, a party may serve someone by:

- (1) Personal service (hand delivery);
- (2) First class, registered, or certified mail;
- (3) Fax if the party mails a copy of the document the same day;
- (4) Commercial delivery service; or
- (5) Legal messenger service.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0050, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0055 When must a party serve someone? A party must serve all other parties and their representatives whenever the party files a pleading, brief or other document with OAH or BOA, or when required by law.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0055, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0060 When is service complete? Service is complete when:

- (1) Personal service is made;
- (2) Mail is properly stamped, addressed and deposited in the United States mail;
- (3) FAX produces proof of transmission;
- (4) A parcel is delivered to a commercial delivery service with charges prepaid; or

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(5) A parcel is delivered to a legal messenger service with charges prepaid.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0060, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0065 How does a party prove service?

A party may prove service by providing any of the following:

- (1) A sworn statement;
- (2) The certified mail receipt signed by the recipient;
- (3) An affidavit or certificate of mailing;
- (4) A signed receipt from the person who accepted the commercial delivery service or legal messenger service package; or
- (5) Proof of FAX transmission.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0065, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0070 What is filing? (1) Filing is the act of delivering documents to OAH or BOA.

(2) The date of filing is the date documents are received by OAH or BOA.

(3) Filing is complete when the documents are received by OAH or BOA during office hours.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0070, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0075 How does a party file documents?

(1) A party may file documents by delivering them to OAH or BOA by:

- (a) Personal service (hand delivery);
 - (b) First class, registered, or certified mail;
 - (c) FAX transmission if the party mails a copy of the document the same day;
 - (d) Commercial delivery service; or
 - (e) Legal messenger service.
- (2) A party cannot file documents by e-mail.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0075, filed 9/1/00, effective 10/2/00.]

RESOLUTION OF DISPUTES

WAC 388-02-0080 What are your options for resolving a dispute with DSHS? (1) If you disagree with a DSHS decision or action, you have several options for resolving your dispute, which may include the following:

- (a) Any special prehearing alternative or administrative process offered by the program;
- (b) Prehearing meeting;
- (c) Prehearing conference; and
- (d) Hearing.

(2) Because you have a limited time to request a hearing, you must request a hearing within the deadline on the notice of DSHS action to preserve your hearing right.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0080, filed 9/1/00, effective 10/2/00.]

HEARING RIGHTS AND REQUESTS

WAC 388-02-0085 Do you have a right to a hearing?

(1) You have a right to a hearing only if a law or DSHS rule gives you that right. If you are not sure, you should request a hearing to protect your right.

(2) Some DSHS programs may require you to go through an informal administrative process before you can request or have a hearing. The notice of DSHS action sent to you should include information about this requirement if it applies.

(3) You have a limited time to request a hearing. The deadline for your request varies by the DSHS program involved. You should submit your request right away to protect your right to a hearing, even if you are also trying to resolve your dispute informally.

(4) If you request a hearing, one is scheduled.

(5) If DSHS or the ALJ questions your right to a hearing, the ALJ decides whether you have that right.

(6) If the ALJ decides you do not have a right to a hearing, your request is dismissed.

(7) If the ALJ decides you do have a right to a hearing, the hearing proceeds.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0085, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0090 Who may request a hearing?

Either you or your representative may request a hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0090, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0095 What if you have questions about requesting a hearing? If you have questions about how, when, and where to request a hearing, you should:

(1) Contact the DSHS program involved, OAH, or BOA;

(2) Review the notice sent to you of the DSHS action or decision; or

(3) Review the applicable law or DSHS rule.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0095, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0100 How do you request a hearing?

(1) You may request a hearing in writing or orally, depending upon which program is involved. The DSHS notice and applicable laws and rules should tell you whether the request must be in writing or may be made orally.

(2) If you are allowed to make an oral request, you may do so to a DSHS or OAH employee in person or by telephone or voice mail.

(3) You may send a written request by mail, delivery service, personal service, or by FAX if you mail a copy the same day. You should send written requests to the location on the notice or to OAH at the location specified in WAC 388-02-0025(2).

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0100, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0105 What information do you give when requesting a hearing? (1) Your hearing request must

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contain enough information to identify you and the DSHS action. You should include:

(a) Your name, address, and telephone number;

(b) A brief explanation of why you disagree with the DSHS action;

(c) Your client identification or case number, contract number, or any other information that identifies your case or the program involved; and

(d) Any assistance you need, including a foreign or sign language interpreter or any other accommodation for a disability.

(2) You should also refer to a program's specific rules or the notice to see if additional information is required in your request.

(3) OAH may not be able to process your hearing request if it cannot identify or locate you and determine the DSHS action involved.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0105, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0110 What happens after you request a hearing? (1) After you request a hearing, OAH sends the parties a notice containing the hearing date, time, and place. This document is called the notice of hearing. For certain types of hearings, the parties may receive a written notice of a prehearing conference.

(2) Before your hearing is held:

(a) DSHS may contact you and try to resolve your dispute; and

(b) You are encouraged to contact DSHS and try to resolve your dispute.

(3) If you do not appear for your hearing, an ALJ may enter an order of default or an order dismissing your hearing according to WAC 388-02-0285.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0110, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0115 May you withdraw your hearing request? (1) You may withdraw your hearing request for any reason and at any time by contacting DSHS or OAH in writing or orally with the ALJ and the other parties. After your request for withdrawal is received, your hearing is cancelled and OAH sends an order dismissing the hearing. If you withdraw your request you may not be able to request another hearing on the same DSHS action.

(2) If you withdraw your hearing request, you may only set aside the dismissal according to WAC 388-02-0290.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0115, filed 9/1/00, effective 10/2/00.]

INTERPRETERS

WAC 388-02-0120 Do you have the right to an interpreter in the hearing process? If you need an interpreter because you or any of your witnesses are a person with limited English proficiency, OAH will provide an interpreter at no cost to you.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0120, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0125 What definitions apply to limited English proficient (LEP) parties? The following definitions apply to LEP parties:

"**Hearing impaired person**" means a person who, because of a hearing or speech impairment, cannot readily speak, understand or communicate in spoken language.

"**Intermediary interpreter**" means an interpreter who:

(1) Is a certified deaf interpreter (CDI); and

(2) Is able to assist in providing an accurate interpretation between spoken and sign language or between types of sign language by acting as an intermediary between a hearing impaired person and a qualified interpreter.

"**Limited English proficient (LEP)**" includes limited English speaking persons or other persons unable to communicate in spoken English because of a hearing impairment.

"**Limited English-speaking (LES) person**" means a person who, because of non-English speaking cultural background or disability, cannot readily speak or understand the English language.

"**Qualified interpreter**" includes qualified interpreters for a limited English-speaking person or a person with a hearing impairment.

"**Qualified interpreter for a limited English-speaking person**" means a person who is readily able to interpret or translate spoken and written English communications to and from a limited English speaking person. If an interpreter is court certified, the interpreter is considered qualified.

"**Qualified interpreter for a person with a hearing impairment**" means a visual language interpreter who is certified by the registry of interpreters for the deaf or National Association of the Deaf and is readily able to interpret or translate spoken communications to and from a hearing impaired person.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0125, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0130 What requirements apply to notices for limited English speaking parties? If OAH is notified that you are a limited English speaking person, all hearing notices, decisions and orders for you must:

(1) Be written in your primary language; or

(2) Include a statement in your primary language:

(a) Indicating the importance of the notice; and

(b) Telling you how to get help in understanding the notice and responding to it.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0130, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0135 What requirements apply to interpreters? (1) OAH must provide a qualified interpreter to assist any person who:

(a) Has limited English proficiency; and

(b) Is a party or witness in a hearing.

(2) OAH may hire or contract with persons to interpret at hearings.

(3) Relatives of any party and DSHS employees may not be used as interpreters.

(4) The ALJ must determine, at the beginning of the hearing, if an interpreter can accurately interpret all commu-

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nication for the person requesting the service. To do so, the ALJ considers the interpreter's:

(a) Ability to meet the needs of the hearing impaired person or limited English speaking person;

(b) Education, certification and experience;

(c) Understanding of the basic vocabulary and procedures involved in the hearing; and

(d) Ability to be impartial.

(5) The parties or their representatives may question the interpreter's qualifications and ability to be impartial.

(6) If at any time before or during the hearing the interpreter does not provide accurate and effective communication, the ALJ must provide another interpreter.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0135, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0140 May you waive interpreter services? (1) If you are limited English proficient, you may ask to waive interpreter services.

(2) You must make your request in writing or through a qualified interpreter on the record.

(3) The ALJ must determine if your waiver has been knowingly and voluntarily made.

(4) You may withdraw your waiver at any time before or during the hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0140, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0145 What requirements apply to the use of interpreters? (1) Interpreters must:

(a) Use the interpretive mode that the parties, the hearing impaired person the interpreter and the ALJ consider the most accurate and effective;

(b) Interpret statements made by the parties and the ALJ;

(c) Not disclose information about the hearing without the written consent of the parties; and

(d) Not comment on the hearing or give legal advice.

(2) The ALJ must allow enough time for all interpretations to be made and understood.

(3) The ALJ may video tape a hearing and use it as the official transcript for hearings involving a hearing impaired person.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0145, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0150 What requirements apply to hearing decisions involving limited English speaking parties? (1) When an interpreter is used at a hearing, the ALJ must explain that the decision is written in English but that a party using an interpreter may contact the interpreter for an oral translation of the decision at no cost to you.

(2) Interpreters must provide a telephone number where they can be reached. This number must be attached to any decision or order mailed to the parties.

(3) OAH or BOA must mail a copy of a decision or order to the interpreter for use in oral translation.

(4) OAH or BOA must mail a copy of a decision or order to the interpreter for use in oral translation.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0150, filed 9/1/00, effective 10/2/00.]

REPRESENTATION DURING THE HEARING PROCESS

WAC 388-02-0155 Who represents you during the hearing process? (1) You may represent yourself or have anyone represent you, except a DSHS employee.

(2) Your representative may be a friend, relative, community advocate, attorney, or paralegal.

(3) You should inform DSHS or OAH of your representatives name, address, and telephone number.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0155, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0160 If a DSHS employee cannot represent you, can they assist you during the hearing process? Although DSHS employees cannot represent you during the hearing process, they may assist you by:

(1) Acting as a witness;

(2) Referring you to community legal resources;

(3) Helping you get nonconfidential information; or

(4) Informing you about or providing copies of the relevant laws or rules.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0160, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0165 What if you would like to be represented by an attorney but you cannot afford one? (1) Neither DSHS nor OAH will pay for an attorney.

(2) If you want an attorney to represent you and cannot afford one, community resources may be available to assist you. These legal services may be free or available at a reduced cost. DSHS or OAH can tell you who to contact for legal assistance.

(3) Information about legal assistance can also be found at www.oah.wa.gov.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0165, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0170 Who represents DSHS during the hearing? (1) A DSHS employee, DSHS contractor, or the office of the attorney general represents DSHS during the hearing. The DSHS representative may or may not be an attorney.

(2) An ALJ is independent and does not represent DSHS or any other party.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0170, filed 9/1/00, effective 10/2/00.]

PREHEARING MEETING WITH A DSHS REPRESENTATIVE

WAC 388-02-0175 What is a prehearing meeting? (1) A prehearing meeting is an informal meeting with a DSHS representative that may be held before any prehearing conference or hearing.

(2) A DSHS representative may contact you before the scheduled hearing to arrange a prehearing meeting. You may also contact DSHS to request a prehearing meeting.

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(3) A prehearing meeting is voluntary. You are not required to request one and you are not required to participate in one.

(4) The prehearing meeting includes you and/or your representative, the DSHS representative, and any other party. An ALJ does not attend a prehearing meeting.

(5) The prehearing meeting gives the parties an opportunity to:

(a) Clarify issues;

(b) Exchange documents and witness statements;

(c) Resolve issues through agreement or withdrawal; and

(d) Ask questions about the hearing process and the laws and rules that apply.

(6) A prehearing meeting may be held or information exchanged:

(a) In person;

(b) By telephone conference call;

(c) Through correspondence; or

(d) Any combination of the above that is agreeable to the parties.

(7) If a prehearing conference is required by the program or rule, a prehearing meeting may not be an option available to you.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0175, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0180 What happens during a prehearing meeting? During a prehearing meeting:

(1) A DSHS representative:

(a) Explains the role of the DSHS representative in the hearing process;

(b) Explains how a hearing is conducted and the relevant laws and rules that apply;

(c) Explains your right to representation during the hearing;

(d) Responds to your questions about the hearing process;

(e) Identifies accommodation and safety issues;

(f) Distributes copies of the DSHS documents to be presented during the hearing;

(g) Provides, upon request, copies of relevant laws and rules;

(h) Identifies additional documents or evidence you may want or be required to present during the hearing;

(i) Tells you how to obtain documents from your file;

(j) Clarifies the issues; and

(k) Attempts to settle the dispute, if possible.

(2) You should explain your position and provide documents that relate to your case. You also have the right to consult legal resources.

(3) You and the DSHS representative may enter into written agreements or stipulations, including agreements that settle your dispute.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0180, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0185 What happens after a prehearing meeting? (1) If you and DSHS resolve the dispute during the prehearing meeting and put it in writing or present the agreement to an ALJ, your agreement may be legally enforceable.

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(2) Any agreements or stipulations made at the prehearing meeting must be presented to an ALJ before or during the hearing, if you want the ALJ to consider the agreement.

(3) If all of your issues are not resolved in the prehearing meeting, you may request a prehearing conference before an ALJ or go to your scheduled hearing. The ALJ may also order a prehearing conference.

(4) You may withdraw your hearing request at any time if DSHS agrees to some action that resolves your dispute, or for any other reason. If you withdraw your hearing request, the hearing is not held and the ALJ sends a written order of dismissal.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0185, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0190 What happens if you do not participate in a prehearing meeting? You are not required to participate in a prehearing meeting. If you do not participate, it does not affect your right to a hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0190, filed 9/1/00, effective 10/2/00.]

PREHEARING CONFERENCE WITH AN ADMINISTRATIVE LAW JUDGE

WAC 388-02-0195 What is a prehearing conference?

(1) A prehearing conference is a formal meeting conducted by an ALJ to prepare for a hearing.

(2) Either the ALJ or a party may request a prehearing conference, but the ALJ decides whether to hold a prehearing conference. OAH sends notice of the conference to all parties.

(3) An ALJ may conduct the conference in person, by telephone conference call, by electronic means, or in any other manner acceptable to the parties. Your attendance is mandatory.

(4) A party may lose the right to participate during the hearing if that party does not attend the prehearing conference.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0195, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0200 What happens during a prehearing conference? During a prehearing conference the parties and the ALJ may:

- (1) Simplify or clarify the issues to be decided during the hearing;
- (2) Agree to the date, time and place of the hearing;
- (3) Identify accommodation and safety issues;
- (4) Agree to postpone the hearing;
- (5) Allow the parties to make changes in their own documents, including the DSHS notice or the hearing request;
- (6) Agree to facts and documents to be entered during the hearing;
- (7) Set a deadline to exchange names and phone numbers of witnesses and documents before the hearing;
- (8) Schedule additional prehearing conferences;
- (9) Resolve the dispute;

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(10) Consider granting a stay if authorized by law or DSHS rule; or

(11) Determine any other procedural issues raised by the parties.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0200, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0205 What happens after a prehearing conference? (1) After the conference ends, the ALJ must send a prehearing order describing:

- (a) The actions taken;
- (b) Any changes to the documents; and
- (c) Any agreements reached.

(2) A party may object to the prehearing order by notifying the ALJ in writing within ten days after the mailing date of the order. The ALJ must issue a ruling on the objection.

(3) If no objection is made to the prehearing order, the order determines how the hearing is conducted, including whether the hearing will be in person or held by telephone conference or other means, unless the ALJ changes the order for good cause.

(4) The ALJ may take further appropriate actions to address other concerns.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0205, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0210 What happens if a party does not attend a prehearing conference? (1) All parties are required to attend a prehearing conference.

(2) If you do not attend, you may not be allowed to participate in the hearing. The ALJ may dismiss your hearing request or enter an order of default against you.

(3) If DSHS does not attend, the ALJ may dismiss or reverse the action DSHS took against you.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0210, filed 9/1/00, effective 10/2/00.]

ADMINISTRATIVE LAW JUDGES

WAC 388-02-0215 What is the authority of the ALJ?

(1) An ALJ must hear and decide the issues de novo (anew) based on what is presented during the hearing.

(2) As needed, an ALJ may:

- (a) Determine the order for presenting evidence;
- (b) Issue subpoenas or orders directing witnesses to appear or bring documents;
- (c) Rule on objections, motions, and other procedural matters;
- (d) Rule on an offer of proof made to admit evidence;
- (e) Admit relevant evidence;
- (f) Impartially question witnesses to develop the record;
- (g) Call additional witnesses and request exhibits to complete the record;
- (h) Give the parties an opportunity to cross-examine witnesses or present more evidence against the witnesses or exhibits;
- (i) Keep order during the hearing;
- (j) Allow or require oral or written argument and set the deadlines for the parties to submit argument or evidence;

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(k) Permit others to attend, photograph or electronically record hearings, but may place conditions to preserve confidentiality or prevent disruption;

(l) Allow a party to waive rights given by chapters 34.05 RCW or 388-02 WAC, unless another law prevents it;

(m) Decide whether a party has a right to a hearing;

(n) Issue protective orders;

(o) Consider granting a stay if authorized by law or DSHS rule; and

(p) Take any other action necessary and authorized under these or other rules.

(3) An ALJ administers oaths or affirmations and takes testimony.

(4) A review judge has the same authority as an ALJ when presiding at a hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0215, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0220 What rules and laws must an ALJ and review judge apply when making a decision? (1) ALJs and review judges must first apply the DSHS rules adopted in the Washington Administrative Code.

(2) If no DSHS rule applies, the ALJ or review judge must decide the issue according to the best legal authority and reasoning available, including federal and Washington state constitutions, statutes, regulations, and court decisions.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0220, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0225 May an ALJ or review judge decide that a DSHS rule is invalid? (1) Neither an ALJ nor a review judge may decide that a DSHS rule is invalid or unenforceable. Only a court may decide this issue.

(2) If the validity of a DSHS rule is raised during the hearing, the ALJ or review judge may allow argument for court review.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0225, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0230 When is the ALJ assigned to the hearing? OAH assigns an ALJ at least five business days before the hearing. A party may ask which ALJ is assigned to the hearing by calling or writing the OAH field office listed on the notice of hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0230, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0235 May a party request a different judge? A party may file a motion of prejudice against an ALJ under RCW 34.12.050. A party may also request that an ALJ or review judge be disqualified under RCW 34.05.425.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0235, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0240 How does a party file a motion of prejudice? (1) A party may request a different ALJ by sending a written motion of prejudice at least three business days before the hearing, or before the ALJ rules on a discretionary issue in the case. A motion of prejudice must include an affi-

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davit or statement that a party does not believe that the ALJ can hear the case fairly.

(2) The party must send the request to the OAH field office where the ALJ works.

(3) The first timely request for a different ALJ is automatically granted. Any later request may be granted or denied by the chief ALJ or a designee.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0240, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0245 May an ALJ or review judge be disqualified? (1) An ALJ or review judge may be disqualified for bias, prejudice, or conflict of interest, or if one of the parties or a party's representative has an ex parte contact with the ALJ or review judge.

(2) Ex parte contact means a written or oral communication with the ALJ or review judge about something related to the hearing when the other parties are not present. Procedural questions are not considered an ex parte contact. Examples of procedural questions include clarifying the hearing date, time, or location or asking for directions to the hearing location.

(3) To ask to disqualify an ALJ or review judge a party must send a written petition for disqualification. A petition for disqualification is a written explanation to request assignment of a different ALJ or review judge. A party must promptly make the petition upon discovery of possible bias, conflict of interest or an ex parte contact.

(4) A party must send or deliver the petition to the ALJ or review judge assigned to the case. That ALJ or review judge must decide whether to grant or deny the petition and must state the facts and reasons for the decision.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0245, filed 9/1/00, effective 10/2/00.]

NOTICES

WAC 388-02-0250 What happens after you request a hearing? (1) After you request a hearing, OAH sends a notice of hearing to all parties and their representatives. OAH sends the notice of hearing at least seven business days before the hearing date.

(2) OAH may schedule a prehearing conference. OAH sends a notice of prehearing conference at least seven business days before the prehearing conference date.

(3) You may ask for a prehearing meeting even after you have requested a hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0250, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0255 What information must OAH include in the notice of hearing? (1) A notice of hearing is a written notice that must include:

(a) The names of all parties who receive the notice and, if known, the names and addresses of their representatives;

(b) The name, mailing address, and telephone number of the ALJ, if known;

(c) The date, time, place, and nature of the hearing;

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(d) The legal authority and jurisdiction for the hearing; and

(e) The date of the hearing request.

(2) OAH also sends you information with your notice of hearing telling you the following:

(a) If you fail to attend or participate in a prehearing conference or a hearing, you may lose your right to a hearing. Then the ALJ may send:

(i) An order of default against you; or

(ii) An order dismissing the hearing.

(b) If you need a qualified interpreter because you or any of your witnesses are persons with limited English proficiency, OAH will provide an interpreter at no cost to you.

(c) If the hearing is to be held by telephone or in person, and how to request a change in the way it is held.

(d) How to indicate any special needs for yourself or your witnesses, including the need for an interpreter in a primary language or for sensory impairments.

(e) How to contact OAH if a party has a safety concern.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0255, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0260 May DSHS amend a notice? (1) The ALJ must allow DSHS to amend (change) the notice of a DSHS action before or during the hearing to match the evidence and facts.

(2) DSHS must put the change in writing and give a copy to the ALJ and the other parties.

(3) The ALJ must offer to continue or postpone the hearing to give the parties more time to prepare or present evidence or argument if there is a significant change from the earlier DSHS notice.

(4) If the ALJ grants a continuance, OAH must send, a new hearing notice at least seven business days before the hearing date.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0260, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0265 May you amend your hearing request? (1) The ALJ may allow you to amend your hearing request before or during the hearing.

(2) The ALJ may postpone the hearing to give the other parties more time to prepare or present evidence or argument because of a significant change in the hearing request.

(3) If the ALJ grants a continuance, OAH must send a new hearing notice at least seven business days before the hearing date.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0265, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0270 Must you tell DSHS and OAH when your mailing address changes? (1) You must tell DSHS and OAH, as soon as possible, when your mailing address changes.

(2) If you do not notify DSHS and OAH of a change in your mailing address and they continue to send notices and other important papers to your last known mailing address, the ALJ may assume that you received the documents.

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[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0270, filed 9/1/00, effective 10/2/00.]

CONTINUANCES

WAC 388-02-0275 What is a continuance? A continuance is a change in the date or time of a prehearing conference, hearing or the deadline for other action.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0275, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0280 Who may request a continuance?

(1) Any party may request a continuance either orally or in writing.

(2) Before contacting the ALJ to request a continuance, a party should contact the other parties, if possible, to find out if they will agree to a continuance. If you are unable to contact the parties, OAH or DSHS must assist you in contacting them.

(3) The party making the request for a continuance must let the ALJ know whether the other parties agreed to the continuance.

(a) If the parties agree to a continuance, the ALJ grants it unless the ALJ finds that good cause for a continuance does not exist.

(b) If the parties do not agree to a continuance, the ALJ sets a hearing to decide whether there is good cause to grant or deny the continuance.

(4) If a continuance is granted, OAH sends notice of the changed time and date of the hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0280, filed 9/1/00, effective 10/2/00.]

DISMISSALS

WAC 388-02-0285 What is an order of dismissal? (1)

An order of dismissal is an order sent by the ALJ to end the hearing. The order is made because the party who requested the hearing withdrew the request, failed to appear, or refused to participate, resulting in a default.

(2) If your hearing is dismissed because you did not appear or refused to participate, the DSHS decision stands.

(3) If the hearing is dismissed due to a written agreement between the parties, the parties must follow the agreement.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0285, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0290 If your hearing is dismissed, may you request another hearing? (1) If the ALJ sends an order dismissing your hearing, you may ask that the ALJ vacate (set aside) the order of dismissal.

(2) If the order of dismissal is vacated, your hearing is reinstated, which means you get another opportunity to have a hearing on your initial request for hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0290, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0295 Where do you send a request to vacate an order of dismissal? You must send your request to vacate an order of dismissal to BOA or OAH. You should

specify in your request why the order of dismissal should be vacated. BOA forwards any request received to OAH to schedule a hearing. OAH sends you a notice of the hearing on the request to vacate the order of dismissal.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0295, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0300 What is the deadline for vacating an order of dismissal? (1) You must send your request to vacate an order to OAH or BOA twenty-one calendar days after the date the order of dismissal was mailed to you. If no request is received within that deadline, the dismissal order becomes a final order.

(2) You may make a late request to vacate the order of dismissal for up to one year after it was mailed but you must show good cause according to WAC 388-02-0020 for the late request to be accepted and the dismissal to be vacated.

(3) If you ask to vacate more than one year after the order was mailed, the ALJ may vacate the order of dismissal if the DSHS representative and any other party agrees to waive (excuse) the deadline.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0300, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0305 How does an ALJ vacate an order of dismissal? (1) If your request was received more than twenty-one days, but less than one year after the dismissal order was mailed, the ALJ first must decide if you have good cause according to WAC 388-02-0020.

(2) If your request was timely or you show good cause for missing the deadline, the ALJ will receive evidence and argument at a hearing from the parties on whether the order of dismissal should be vacated.

(3) The ALJ vacates an order of dismissal and reinstates the hearing if you show good cause or if the DSHS representative agrees to waive the deadline. You will then be allowed to present your case about your original request for hearing, either at the same time or at a later date if a continuance is granted.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0305, filed 9/1/00, effective 10/2/00.]

STAYS

WAC 388-02-0310 May a party request a stay of DSHS action? A party may request that an ALJ or review judge stay (stop) a DSHS action until there is a decision entered by the ALJ or review judge. An ALJ or review judge decides whether to grant the stay.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0310, filed 9/1/00, effective 10/2/00.]

SUBPOENAS

WAC 388-02-0315 May a party require witnesses to testify or provide documents? A party may require witnesses to testify or provide documents by issuing a subpoena. A subpoena is an order to appear at a certain time and place

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to give testimony, or to provide books, documents, or other items.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0315, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0320 Who may prepare a subpoena?

(1) ALJs, DSHS, and attorneys for the parties may prepare subpoenas. If an attorney does not represent you, you may ask the ALJ to prepare a subpoena on your behalf. The ALJ may schedule a hearing to decide whether to issue a subpoena.

(2) An ALJ may deny a request for a subpoena. For example, an ALJ may deny a request for a subpoena when the ALJ determines that a witness has no actual knowledge regarding the facts or that the documents are not relevant.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0320, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0325 How is a subpoena served? (1)

Any person who is at least eighteen years old and not a party to the hearing may serve a subpoena.

(2) Service of a subpoena is complete when the server:

(a) Gives the witness a copy of the subpoena; or

(b) Leaves a copy at the residence of the witness with a person over the age of eighteen.

(3) To prove that a subpoena was served on a witness, the person serving the subpoena must sign a written, dated statement including:

(a) Who was served with the subpoena;

(b) When the subpoena was served;

(c) Where the subpoena was served; and

(d) The name, age, and address of the person who served the subpoena.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0325, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0330 May the ALJ quash a subpoena?

(1) A party may request that an ALJ quash (set aside) or change the subpoena request at any time before the deadline given in the subpoena.

(2) An ALJ may set aside or change a subpoena if it is unreasonable.

(3) Witnesses with safety or accommodation concerns should contact OAH.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0330, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0335 Do you have to pay for a subpoena? There is no cost to prepare a subpoena, but you may have to pay for:

(1) Serving a subpoena;

(2) Complying with a subpoena; and

(3) Witness fees according to RCW 34.05.446(7).

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0335, filed 9/1/00, effective 10/2/00.]

HEARING METHODS

WAC 388-02-0340 How is your hearing held? (1)

Hearings may be held in person or by telephone conference.

(2) An in-person hearing is where:

- (a) The parties appear face-to-face with the ALJ; or
- (b) The parties appear by video conference.

(3) Whether a hearing is held in person or by telephone conference, the parties have the right to see all documents, hear all testimony and question all witnesses.

(4) Parties or witnesses may appear in person or by telephone conference at the discretion of the ALJ.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0340, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0345 Is an ALJ present at your hearing? (1) If your hearing is scheduled as an in-person hearing, an ALJ is physically or visually present.

(2) If your hearing is scheduled as a telephone conference, an ALJ is present by telephone.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0345, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0350 Is your hearing recorded? An ALJ must tape record or provide a record or transcript of the hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0350, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0355 Who may attend your hearing?

(1) All parties and their representatives may attend the hearing.

(2) Witnesses may be excluded from the hearing if the ALJ finds good cause.

(3) The ALJ may also exclude other persons from all or part of the hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0355, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0360 May a party convert how a hearing is held? (1) The parties have the right to request that:

(a) A hearing be converted (changed) to an in-person hearing or a telephone conference; or

(b) A witness appear in person or by telephone conference. OAH must advise you of the right to request a change in how a witness appears.

(2) In all DSHS cases, except public assistance cases, a party requesting a change in how a hearing is held must show good cause. A party must also show good cause to change the way a witness appears (in-person or by telephone conference). Some examples of good cause are:

(a) A party does not speak or understand English well.

(b) A party wants to present a significant number of documents during the hearing.

(c) A party does not believe that one of the witnesses or another party is credible, and wants the ALJ to have the opportunity to see the testimony.

(d) A party has a disability or communication barrier that affects their ability to present their case.

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(e) A party believes that the personal safety of someone involved in the hearing process is at risk.

(3) In public assistance cases, a party has the right to request that a hearing be changed without showing good cause to the ALJ. Public assistance programs include:

- (a) Temporary assistance for needy families (TANF);
- (b) General or medical assistance;
- (c) Food stamps; and
- (d) Refugee assistance.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0360, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0365 How does a party convert how a hearing is held or how the witnesses or parties appear? (1) If a party wants to convert the hearing or change how their witnesses or other parties appear, the party must contact OAH to request the change.

(2) The ALJ may schedule a prehearing conference to determine if the request should be granted.

(3) If the ALJ grants the request, the ALJ reschedules the hearing or changes how the witness or party appears.

(4) If the ALJ denies the request, the ALJ must issue a written order that includes findings of fact supporting why the request was denied.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0365, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0370 How are documents submitted for a telephone conference? (1) When a hearing is conducted by telephone, an ALJ may order the parties to provide the hearing documents at least five days before the hearing, so all parties have an opportunity to view them during the hearing.

(2) DSHS may be able to help you copy and send your documents to the ALJ and any other parties.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0370, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0375 What happens at your hearing? At your hearing:

(1) The ALJ:

- (a) Explains your rights;
- (b) Marks and admits or rejects exhibits;
- (c) Ensures that a record is made;
- (d) Explains that a decision is mailed after the hearing;
- (e) Notifies the parties of appeal rights;
- (f) May keep the record open for a time after the hearing if needed to receive more evidence or argument; and

(g) May take actions as authorized according to WAC 388-02-0215.

(2) The parties may:

- (a) Make opening statements to explain the issues;
- (b) Offer evidence to prove their positions, including oral or written statements of witnesses;
- (c) Question the witnesses presented by the other parties; and
- (d) Give closing arguments about what the evidence shows and what laws apply.

(3) At the end of the hearing if the ALJ does not allow more time to send in evidence, the record is closed.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0375, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0380 What is a group hearing? (1) A group hearing may be held when two or more parties request a hearing about similar issues.

(2) Hearings may be combined at the request of the parties or the ALJ.

(3) All parties participating in a group hearing may have their own representative.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0380, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0385 May a party withdraw from a group hearing? (1) A party may withdraw from a group hearing by asking the ALJ for a separate hearing.

(2) If a party asks to withdraw from a group hearing before the ALJ makes a discretionary ruling or the hearing begins, the ALJ must give the party a separate hearing.

(3) If a party later shows good cause, the ALJ may give the party a separate hearing at any time during the hearing process.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0385, filed 9/1/00, effective 10/2/00.]

EVIDENCE

WAC 388-02-0390 What is evidence? (1) Evidence includes documents, objects, and testimony of witnesses that parties give during the hearing to help prove their positions.

(2) Evidence may be all or parts of original documents or copies of the originals.

(3) Parties may offer statements signed by a witness under oath or affirmation as evidence, if the witness cannot appear.

(4) Testimony given with the opportunity for cross-examination by the other parties may be given more weight by the ALJ.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0390, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0395 When may the parties bring in evidence? (1) The parties may bring evidence to any prehearing meeting, prehearing conference, or hearing, or may send in evidence before these events.

(2) The ALJ may set a deadline before the hearing for the parties to provide proposed exhibits and names of witnesses. If the parties miss the deadline, the ALJ may refuse to admit the evidence unless the parties show:

- (a) They have good cause for missing the deadline; or
- (b) That the other parties agree.

(3) If the ALJ gives the parties more time to submit evidence, the parties may send it in after the hearing. The ALJ may allow more time for the other parties to respond to the new evidence.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0395, filed 9/1/00, effective 10/2/00.]

(2001 Ed.)

WAC 388-02-0400 What evidence may the parties present during the hearing? The parties may bring any documents and witnesses to the hearing to support their position. However, the following provisions apply:

(1) The other parties may object to the evidence and question the witnesses;

(2) The ALJ determines whether the evidence is admitted and what weight (importance) to give it;

(3) If the ALJ does not admit the evidence the parties may make an offer of proof to show why the ALJ should admit it;

(4) To make an offer of proof a party presents evidence and argument on the record to show why the ALJ should consider the evidence; and

(5) The offer of proof preserves the argument for appeal.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0400, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0405 What is a stipulation? (1) A stipulation is an agreement among two or more parties that certain facts or evidence is correct or authentic.

(2) If an ALJ accepts a stipulation, the ALJ must enter it into the record.

(3) A stipulation may be made before or during the hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0405, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0410 After the parties agree to a stipulation, may they change or reject it? (1) A party may change or reject a stipulation after it has been made.

(2) To change or reject a stipulation, a party must show the ALJ that:

(a) The party did not intend to make the stipulation or was mistaken when making it; and

(b) Changing or rejecting the stipulation does not harm the other parties.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0410, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0415 What are proposed exhibits? Proposed exhibits are documents or other objects that a party wants the ALJ to consider when reaching a decision. After the document or object is accepted by the ALJ, it is admitted and becomes an exhibit.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0415, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0420 Do the parties mark and number their proposed exhibits? (1) DSHS representatives must mark and number their proposed exhibits and provide copies to the other parties as far ahead of the hearing as possible.

(2) The ALJ may request that you mark and number your proposed exhibits before the hearing. You should bring enough copies of your proposed exhibits for all parties. If you do not bring enough copies, you must make your proposed exhibits available for copying.

(3) If you cannot afford to pay for copies of proposed exhibits, either DSHS or OAH must make the copies for you.

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(4) The ALJ may require proof that you are unable to pay.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0420, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0425 Who decides whether to admit proposed exhibits into the record? (1) The ALJ decides whether or not to admit a proposed exhibit into the record and also determines the weight (importance) of the evidence.

(2) The ALJ admits proposed exhibits into the record by marking, listing, identifying, and admitting the proposed exhibits.

(3) The ALJ may also exclude proposed exhibits from the record.

(4) The ALJ must make rulings on the record to admit or exclude exhibits.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0425, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0430 What may a party do if they disagree with an exhibit? (1) A party may object to the authenticity or admissibility of any exhibit, or offer argument about how much weight the ALJ should give the exhibit.

(2) Even if a party agrees that a proposed exhibit is a true and authentic copy of a document, the agreement does not mean that a party agrees with:

- (a) Everything in the exhibit or agrees that it should apply to the hearing;
- (b) What the exhibit says; or
- (c) How the ALJ should use the exhibit to make a decision.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0430, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0435 When should an ALJ receive proposed exhibits for a telephone hearing? (1) Parties should send their proposed exhibits to the ALJ and the other parties at least five days before the telephone hearing. In some cases, the ALJ may require that the parties send them earlier.

(2) Sending the proposed exhibits to the ALJ before the telephone hearing allows all parties to use them during the hearing.

(3) For a telephone hearing, DSHS may help you send copies of your proposed exhibits to the ALJ and the other parties if you cannot afford to do so.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0435, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0440 What is judicial notice? (1) Judicial notice is evidence that includes facts or standards that are generally recognized and accepted by judges, government agencies, or national associations.

(2) For example, an ALJ may take judicial notice of a calendar, a building code or a standard or practice.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0440, filed 9/1/00, effective 10/2/00.]

[Title 388 WAC—p. 128]

WAC 388-02-0445 How does the ALJ respond to requests to take judicial notice? (1) The ALJ may consider and admit evidence by taking judicial notice.

(2) If a party requests judicial notice, or if the ALJ intends to take judicial notice, the ALJ may ask the party to provide a copy of the document that contains the information.

(3) If judicial notice has been requested, or if the ALJ intends to take judicial notice, the ALJ must tell the parties before or during the hearing.

(4) The ALJ must give the parties time to object to judicial notice evidence.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0445, filed 9/1/00, effective 10/2/00.]

WITNESSES

WAC 388-02-0450 What is a witness? (1) A witness is any person who makes statements or gives testimony that becomes evidence in a hearing.

(2) One type of witness is an expert witness. An expert witness is qualified by knowledge, experience, and education to give opinions or evidence in a specialized area.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0450, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0455 Who may be a witness? (1) A witness may be:

- (a) You or the DSHS representative; or
 - (b) Anyone you, the ALJ, or the DSHS representative asks to be a witness, including DSHS employees.
- (2) The ALJ decides who may testify as a witness.

(3) Unless DSHS agrees, a former DSHS employee may not be an expert witness against DSHS if that employee was actively involved in the case while working for DSHS.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0455, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0460 How do witnesses testify? All witnesses:

(1) Must affirm or take an oath to testify truthfully during the hearing.

(2) May testify in person or by telephone.

(3) May request interpreters from OAH at no cost to you.

(4) May be subpoenaed and ordered to appear according to WAC 388-02-0315.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0460, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0465 May the parties cross-examine a witness? (1) The parties have the right to cross-examine (question) each witness.

(2) If a party has a representative, only the representative, and not the party, may question the witness.

(3) The ALJ may also question witnesses.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0465, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0470 May witnesses refuse to answer questions? Witnesses may refuse to answer questions. How-

ever, if a witness refuses to answer, the ALJ may reject all of the related testimony of that witness.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0470, filed 9/1/00, effective 10/2/00.]

PROOF

WAC 388-02-0475 What evidence does an ALJ consider? (1) The ALJ may only consider admitted evidence to decide the case.

(2) Admission of evidence is based upon the reasonable person standard. This standard means evidence that a reasonable person would rely on in making a decision.

(3) The ALJ may admit and consider hearsay evidence. Hearsay is a statement made outside of the hearing used to prove the truth of what is in the statement. The ALJ may only base a finding on hearsay evidence if the ALJ finds that the parties had the opportunity to question or contradict it.

(4) The ALJ may reject evidence, if it:

- (a) Is not relevant;
 - (b) Repeats evidence already admitted; or
 - (c) Is from a privileged communication protected by law.
- (5) The ALJ must reject evidence if required by law.
 (6) The ALJ decides:

(a) What evidence is more credible if evidence conflicts; and

(b) The weight given to the evidence.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0475, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0480 What does burden of proof mean? The party who has the burden of proof is the party who has the responsibility to provide evidence to persuade the ALJ that a position is correct.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0480, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0485 What is the standard of proof? Standard of proof refers to the amount of evidence needed to prove a party's position. Unless the rules or law states otherwise, the standard of proof in a hearing is a preponderance of the evidence. This standard means that it is more likely than not that something happened or exists.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0485, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0490 How is a position proven at hearing? The ALJ decides if a party has met the burden of proof. The ALJ writes a decision based on the evidence presented during the hearing and consistent with the law.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0490, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0495 What is equitable estoppel? (1) Equitable estoppel is a legal doctrine defined in case law that may prevent DSHS from taking some action against you, such as collecting an overpayment.

(2001 Ed.)

(2) There are five elements of equitable estoppel. The standard of proof is clear and convincing evidence. You must prove all of the following:

(a) DSHS made a statement or took action or failed to take action, which is inconsistent with a later claim or position by DSHS. For example, DSHS gave you money based on your application, then later tells you that you received an overpayment and wants you to pay the money back based on the same information.

(b) You relied on DSHS' original statement, action or failure to act. For example, you believed DSHS acted correctly when you received money.

(c) You will be injured to your detriment if DSHS is allowed to contradict the original statement, action or failure to act. For example, you did not seek help from health clinics or food banks because you were receiving benefits from DSHS and you would have been eligible for these other benefits.

(d) Equitable estoppel is needed to prevent a manifest injustice. For example, you cannot afford to repay the money to DSHS, and you gave DSHS timely and accurate information when required but did not know that DSHS made a mistake.

(e) The exercise of government functions is not impaired. For example, the overpayment was not your fault and it was caused solely by a DSHS mistake.

(3) If the ALJ concludes that you have proven all of the elements of equitable estoppel in subsection (2) of this section with clear and convincing evidence, DSHS is stopped or prevented from taking action or enforcing a claim against you.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0495, filed 9/1/00, effective 10/2/00.]

RECORD CLOSURE

WAC 388-02-0500 What may an ALJ do before the record is closed? Before the record is closed, the ALJ may:

- (1) Set another hearing date;
- (2) Enter orders to address limited issues if needed before writing and mailing a hearing decision to resolve all issues in the proceeding; or
- (3) Give the parties more time to send in exhibits or written argument.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0500, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0505 When is the record closed? The record is closed:

- (1) At the end of the hearing if the ALJ does not allow more time to send in evidence or argument; or
- (2) After the deadline for sending in evidence or argument is over.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0505, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0510 What happens when the record is closed? No more evidence may be taken without good cause after the record is closed.

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[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0510, filed 9/1/00, effective 10/2/00.]

HEARING DECISIONS

WAC 388-02-0515 What happens after the record is closed? (1) After the record is closed, the ALJ must write a hearing decision and send copies to the parties.

(2) The maximum time an ALJ has to send a decision is ninety calendar days after the record is closed, but many DSHS programs have earlier deadlines. Specific program rules may set the deadlines.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0515, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0520 What information must the ALJ include in the decision? The ALJ must include the following information in the decision:

- (1) Identify the hearing decision as a DSHS case;
- (2) List the name and docket number of the case and the names of all parties and representatives;
- (3) Find the facts used to resolve the dispute based on the hearing record;
- (4) Explain why evidence is credible when the facts or conduct of a witness is in question;
- (5) State the law that applies to the dispute;
- (6) Apply the law to the facts of the case in the conclusions of law;
- (7) Discuss the reasons for the decision based on the facts and the law;
- (8) State the result and remedy ordered;
- (9) Explain how to request changes in the decision and the deadlines for requesting them;
- (10) State the date the decision becomes final according to WAC 388-02-0525; and
- (11) Include any other information required by law or DSHS program rules.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0520, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0525 When does a decision become final? (1) In most cases, if no one requests review, the hearing decision is final twenty-one calendar days after it is mailed.

(2) In food stamp cases involving a claim of an intentional program violation, the ALJ decision is preliminary and the review judge sends a final decision whether or not a party requests review.

(3) If a review request is dismissed, the hearing decision becomes final twenty-one calendar days after mailing the hearing decision.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0525, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0530 What if a party disagrees with the decision? (1) If a party disagrees with a decision because of a clerical error, the party may ask for a corrected decision from the ALJ.

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(2) If a party disagrees with the hearing decision and wants it changed, the party must request review by BOA.

(3) If a party wants to stay the DSHS action until review is completed, the party must request a stay from a review judge.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0530, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0535 Who may ask for a change in a decision? Any party to a hearing may ask for a review or a corrected decision.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0535, filed 9/1/00, effective 10/2/00.]

CLERICAL ERRORS IN DECISIONS

WAC 388-02-0540 How are clerical errors corrected? (1) A clerical error is a mistake that does not change the intent of the decision.

(2) The ALJ corrects clerical errors in the hearing decisions by issuing a second decision referred to as a corrected decision.

(3) Some examples of clerical error are:

- (a) Missing or incorrect words or numbers;
- (b) Dates inconsistent with the decision or evidence in the record such as using May 3, 1989, instead of May 3, 1998; or;
- (c) Math errors when adding the total of an overpayment or a child support debt.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0540, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0545 How does a party ask for a corrected decision? (1) A party may ask for a corrected decision by calling or writing the OAH office that held your hearing.

(2) When asking for a corrected decision, please identify the clerical error you found.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0545, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0550 How much time do the parties have to ask for a corrected decision? The parties must ask OAH for a corrected decision on or before the tenth calendar day after the hearing decision was mailed.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0550, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0555 What happens when a party requests a corrected decision? (1) When a party requests a corrected decision, the ALJ must either:

- (a) Send all parties a corrected decision; or
- (b) Deny the request within three business days of receiving it.

(2) If the ALJ corrects the hearing decision and a party does not request review, the corrected decision becomes final twenty-one calendar days after the original hearing decision was mailed.

(3) If the ALJ denies a request for a corrected decision and the party still wants the hearing decision changed, the party must request review from the board of appeals.

(4) Requesting a corrected decision does not automatically extend the deadline to request review by BOA. A party may ask for more time to request review when needed.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0555, filed 9/1/00, effective 10/2/00.]

REQUESTS FOR REVIEW

WAC 388-02-0560 What is review? (1) Review occurs when a party disagrees or wants a change in the hearing decision, other than correcting a clerical error.

(2) A party must request review from the BOA.

(3) The review judge considers the request, the hearing decision, and record, before deciding if the decision may be changed.

(4) Review does not include another hearing by the BOA.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0560, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0565 What evidence does the review judge consider in a decision? (1) The review judge, in most cases, only considers evidence given at the original hearing.

(2) The review judge may allow the parties to make oral argument on review.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0565, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0570 Who may request review? (1) Any party may request BOA to review a hearing decision.

(2) If more than one party requests review, each request must meet the deadlines in WAC 388-02-0580.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0570, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0575 What must a party include in the review request? A party must make the review request in writing and clearly identify the:

(1) Parts of the hearing decision with which the party disagrees; and

(2) Evidence supporting the party's position.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0575, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0580 What is the deadline for requesting review? (1) BOA must receive the written review request on or before the twenty-first calendar day after the hearing decision was mailed.

(2) A review judge may extend the deadline if a party:

- (a) Asks for more time before the deadline expires; and
- (b) Gives a good reason for more time.

(3) A review judge may accept a review request after the twenty-one calendar day deadline only if:

(a) The BOA receives the review request on or before the thirtieth calendar day after the deadline; and

(b) A party shows good reason for missing the deadline.

(2001 Ed.)

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0580, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0585 Where does a party send a review request? (1) A party must send a review request to BOA at the address given in WAC 388-02-0030. A party should also send a copy of the review request to the other parties.

(2) After receiving a party's review request, BOA sends a copy to the other parties, OAH, and representatives giving them time to respond.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0585, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0590 How does a party respond to the review request? (1) A party does not have to respond to the review request. A response is optional.

(2) If a party responds, that party must send the response so that BOA receives it on or before the seventh business day after the date the review request was mailed to the party by BOA.

(3) The party must send a copy of the response to any other party or representative.

(4) If a party needs more time to respond, the party must contact BOA by the deadline in subsection (2) of this section and give a good reason.

(5) A review judge may accept and consider a party's response even if it is received after the deadline.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0590, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0595 What happens after the response deadline? (1) After the response deadline, the record on review is closed unless there is a good reason to keep it open.

(2) A review judge is assigned to the review after the record is closed. To find out which judge is assigned, call BOA.

(3) After the record is closed, the assigned review judge:

- (a) Reviews the case; and
- (b) Sends a review decision that either affirms, changes, dismisses or reverses the hearing decision; or
- (c) Remands (returns) the case to OAH for further action.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0595, filed 9/1/00, effective 10/2/00.]

REVIEW JUDGES

WAC 388-02-0600 What is the authority of the review judge? (1) A review judge has the same decision-making authority as an ALJ in the following cases, but must consider the ALJ's opportunity to observe the witnesses:

- (a) Licensing, certification and related civil fines;
- (b) Rate-making proceedings; and
- (c) Parent address disclosure.

(2) In all other cases, a review judge may only change the hearing decision if:

(a) There are irregularities, including misconduct of a party or misconduct of the ALJ or abuse of discretion by the ALJ, that affected the fairness of the hearing;

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(b) The findings of fact are not supported by substantial evidence based on the entire record;

(c) The decision includes errors of law;

(d) The decision needs to be clarified before the parties can implement it; or

(e) Findings of fact must be added because the ALJ failed to make an essential factual finding. The additional findings must be supported by substantial evidence in view of the entire record and must be consistent with the ALJ's findings that are supported by substantial evidence based on the entire record.

(3) Review judges have the authority to remand cases to the ALJ for further action.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0600, filed 9/1/00, effective 10/2/00.]

REQUESTS FOR RECONSIDERATION OF A REVIEW DECISION

WAC 388-02-0605 What if a party does not agree with a review decision? (1) If a party does not agree with the review decision and wants it changed, the party must either:

(a) Ask the review judge to reconsider the decision; or

(b) Appeal the review decision to superior court which is judicial review according to WAC 388-02-0640.

(2) RCW 34.05.510 to 34.05.598 governs how to appeal a review decision to superior court.

(3) The review decision or the reconsideration decision is the final agency decision. If a party disagrees with that decision, the party must petition for judicial review to change it.

(4) The party may ask the court to stay or stop the DSHS action after filing the petition for judicial review.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0605, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0610 What is reconsideration? (1) Reconsideration is asking the review judge to reconsider the review decision because the party believes the review judge made a mistake.

(2) If the party asks the review judge to reconsider the review decision, the reconsideration process must be completed before you go to court.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0610, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0615 What must a party include in the reconsideration request? The party must make the request in writing and clearly state why the party wants the review judge to reconsider the review decision.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0615, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0620 What is the deadline for requesting reconsideration? (1) The BOA must receive a written reconsideration request on or before the tenth calendar day after the review decision was mailed.

(2) If a reconsideration request is received after the deadline, the deadline to ask for superior court review continues to

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run. The review judge will not reconsider the review decision.

(3) A review judge may extend the deadline if a party:

(a) Asks for more time before the deadline expires; and

(b) Gives a good reason for the extension.

(4) If a party does not request reconsideration or ask for an extension within the deadline, the review judge cannot reconsider the review decision and it becomes the final agency decision.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0620, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0625 Where does a party send a reconsideration request? (1) A party must send a written reconsideration request to BOA at the address in WAC 388-02-0030.

(2) After receiving a reconsideration request, BOA sends a copy to the other parties and representatives giving them time to respond.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0625, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0630 How does a party respond to a reconsideration request? (1) A party does not have to respond to a request. A response is optional.

(2) If a party responds, that party must send a response to BOA by or before the seventh business day after the date BOA mailed the request to the party.

(3) A party must send a copy of the response to any other party or representative.

(4) If a party needs more time to respond, the review judge may extend the deadline if the party gives a good reason in the deadline in subsection (2) of this section.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0630, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0635 What happens after a party requests reconsideration? (1) After BOA receives a reconsideration request, a review judge has twenty calendar days to send a reconsideration decision unless BOA sends notice allowing the review judge more time.

(2) After BOA receives a reconsideration request, the review judge must either:

(a) Write a reconsideration decision; or

(b) Send all parties an order denying the request.

(3) If the review judge does not send an order or notice granting more time within twenty days of receipt of the reconsideration request, the request is denied.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0635, filed 9/1/00, effective 10/2/00.]

REQUESTS FOR JUDICIAL REVIEW

WAC 388-02-0640 What is judicial review? (1) Judicial review is the process of appealing a final hearing decision to a court.

(2) You may appeal a review decision by filing a written petition for judicial review that meets the requirements of RCW 34.05.546. DSHS may not request judicial review.

(2001 Ed.)

(3) You must consult RCW 34.05.510 to 34.05.598 for further details of the judicial review process.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0640, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0645 When must you ask for judicial review? (1) You must file your petition for judicial review with the superior court within thirty calendar days after BOA mails its final decision.

(2) Generally, you may file a petition for judicial review only after you have completed the administrative hearing process.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0645, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0650 How do you serve your petition for judicial review? (1) You must file and serve the petition for judicial review of a review decision within thirty days after the date it was mailed. You must file your petition for judicial review with the court. You must serve copies of your petition on DSHS, the office of the attorney general, and all other parties.

(2) To serve DSHS, you must deliver a copy of the petition to the secretary of DSHS or to BOA. You may hand deliver the petition or send it by mail that gives proof of receipt. The physical location of the secretary is:

DSHS Office of the Secretary
OB-2, 4th Floor
Mail Stop 45010
14th and Jefferson

Olympia, WA 98504-5010

The mailing address of the secretary is:

DSHS Office of the Secretary
P.O. Box 45010
Olympia, WA 98504-5010

The physical and mailing addresses for BOA are in WAC 388-02-0030.

(3) To serve the office of the attorney general and other parties, you may send a copy of the petition for judicial review by regular mail. You may send a petition to the address for the attorney of record to serve a party. You may serve the office of the attorney general by hand delivery to:

Office of the Attorney General
670 Woodland Square Loop S.E.
Lacey, WA 98503

The mailing address of the attorney general is:

Office of the Attorney General
P.O. Box 40124
Olympia WA 98504-0124

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0650, filed 9/1/00, effective 10/2/00.]

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Chapter 388-03 WAC

RULES AND REGULATIONS FOR THE CERTIFICATION OF DSHS SPOKEN LANGUAGE INTERPRETERS AND TRANSLATORS

WAC

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PURPOSE AND SCOPE

WAC 388-03-010 What is the purpose of these rules?

These rules:

- (1) Establish the qualifications for department certified and qualified interpreters and translators; and
- (2) Establish the requirements and procedures for administering and evaluating the department's interpreter and translator examinations.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-010, filed 2/22/00, effective 3/24/00.]

WAC 388-03-020 What is the scope of these rules?

These rules apply to any person who:

- (1) Seeks employment with the department as a bilingual employee;
- (2) Wishes to provide services to the department as an interpreter or translator; or
- (3) Provides department services to limited English proficient (LEP) clients.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-020, filed 2/22/00, effective 3/24/00.]

DEFINITIONS

WAC 388-03-030 What definitions are important to understanding these rules? The following definitions are important to this chapter:

"Authorized interpreter or translator" means a person who has been certified by a certification agency recognized by the department.

"Certified bilingual employee" means a department employee who is certified, as bilingual, by passing a department fluency examination or a department recognized professional association and is required to use their bilingual skills in their work.

"Certified interpreter for spoken languages" means a person who has passed any of the following fluency examinations:

- (1) Department's social services interpreter or medical interpreter certification examination;
- (2) State of Washington office of the administrator for the courts interpreter certification examination;
- (3) Federal courts interpreter certification examination.

"Certified translator for spoken languages" means a person who has passed any of the following fluency examinations:

- (1) Department's translator certification examination;
- (2) American Translators Association (ATA) accreditation examination.

[Title 388 WAC—p. 134]

"Code of professional conduct for interpreters and translators" means department standards that must be met by all interpreters and translators when they provide language services to department programs and clients. Any violation of this code may disqualify an interpreter or translator from providing services to the department.

"Department" means the department of social and health services (DSHS).

"Examination manual" means the language interpreter services and translations section's professional language certification examination manual. To obtain a copy of this manual, telephone or write the LIST office at:

Department of Social and Health Services
Language Interpreter Services and Translations
P.O. Box 45820
Olympia, WA 98504-5820
(360) 664-6037

Or visit the LIST website at: http://asd.dshs.wa.gov/html/oar_list.htm.

"Interpretation" means the oral or manual transfer of a message from one language to another language.

"Language interpreter services and translations" or **"LIST"** means the section within the department that is responsible for administering and enforcing these rules and providing the services contained in this rule.

"Limited English proficient (LEP) client" means a person applying for or receiving department services, either directly or indirectly, who, because of a non-English speaking cultural background, cannot readily speak or understand the English language.

"Qualified interpreter for spoken languages" means a person:

(1) Who has passed a department bilingual fluency screening test in a language other than a department certified language; or

(2) Is authorized by the department pursuant to WAC 388-03-114 to interpret a language based on certification obtained from another state or country which is comparable to the certification process used by the department for its certified languages.

"Source language" means the language from which an interpretation and/or translation is rendered.

"Target language" means the language into which an interpretation and/or translation is rendered.

"Translation" means the written transfer of a message from one language to another.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-030, filed 2/22/00, effective 3/24/00.]

CODE OF PROFESSIONAL CONDUCT

WAC 388-03-050 What is the department's "code of professional conduct for language interpreters and translators"? The "code of conduct" is the professional standard established by the department for all interpreters/translators providing language services to department programs and clients. Any violation of this code may disqualify an interpreter or translator from providing those services. Specifically, the code addresses:

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(1) **Accuracy.** Interpreters/translators must always express the source language message in a thorough and faithful manner. They must:

- (a) Omit or add nothing;
 - (b) Give consideration to linguistic variations in both the source and target languages; and
 - (c) Conserve the tone and spirit of the source language.
- (2) **Cultural sensitivity-courtesy.** Interpreters/ translators must be culturally knowledgeable, sensitive, and respectful of the individual(s) they serve.

(3) **Confidentiality.** Interpreters/translators must not divulge any information obtained through their assignments, including, but not limited to, information from documents or other written materials.

(4) **Disclosure.** Interpreters/translators must not publicly discuss, report, or offer an opinion on current or past assignments, even when the information related to the assignment is not legally considered confidential.

(5) **Proficiency.** Interpreters/translators must pass the department's required bilingual fluency certification examinations or screening tests in order to meet the department's minimum proficiency standard.

(6) **Compensation.** Interpreters/translators must:

- (a) Not accept additional money, consideration, or favors for services reimbursed by the department through language services providers;

- (b) Not use the department's time, facilities, equipment or supplies for private gain or other advantage; and

- (c) Not use or attempt to use their position to secure privileges or exemptions.

(7) **Nondiscrimination.** Interpreters/translators must:

- (a) Always be neutral, impartial and unbiased;
- (b) Not discriminate on the basis of gender, disability, race, color, national origin, age, creed, religion, marital status, or sexual orientation; and

- (c) Refuse or withdraw from an assignment, without threat or retaliation, if they are unable to perform the required service in an ethical manner.

(8) **Self-evaluation.** Interpreters/translators must accurately and completely represent their certification, training, and experience.

(9) **Impartiality-conflict of interest.** Interpreters/translators must disclose to the department any real or perceived conflicts of interest that would affect their professional objectivity. Note: Providing interpreting or translating services to family members or friends may violate the family member or friend's right to confidentiality and/or may be a real or perceived conflict of interest.

(10) **Professional Demeanor.** Interpreters/translators must be punctual, prepared, and dressed appropriately.

(11) **Scope of practice.** Interpreters/translators must not:

- (a) Counsel, refer, give advice, or express personal opinions to their interpreting/translating clients;
- (b) Engage in activities with clients that are not directly related to providing interpreting and/or translating services;
- (c) Have unsupervised contact with clients; and
- (d) Have direct telephone contact with clients unless requested by DSHS staff.

(12) **Reporting obstacles to practice.** Interpreters/translators must always assess their ability to perform a specific interpreting/translating assignment. If they have any reservations about their ability to competently perform an assignment, they must immediately notify their clients and/or employer and offer to withdraw without threat or retaliation. They may remain on the assignment until more appropriate interpreters/translators can be retained.

(13) **Ethical violations.** Interpreters/translators must immediately withdraw from assignments that they perceive are a violation of this code. Any violation of this code may disqualify them from providing services to the department.

(14) **Professional development.** Interpreters/translators must continually develop their skills and knowledge through:

- (a) Formal professional training;
- (b) On-going continuing education; and
- (c) Regular and frequent interaction with colleagues and specialists in related fields.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-050, filed 2/22/00, effective 3/24/00.]

LIST RESPONSIBILITIES FOR CERTIFYING SPOKEN LANGUAGE INTERPRETERS AND TRANSLATORS

WAC 388-03-060 What is the responsibility of the language interpreter services and translations (LIST) section in certifying spoken language interpreters and translators? Language interpreter services and translations (LIST) is the section within DSHS responsible for:

- (1) Establishing and publishing systems, methods, and procedures for certifying, screening and/or evaluating the interpretation and/or translation skills of bilingual employees, interpreters and translators who work with department clients, employees, and service providers;

- (2) Ensuring that certified or qualified bilingual employees and language service contractors are aware of DSHS's code of professional conduct for interpreters and translators.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-060, filed 2/22/00, effective 3/24/00.]

CERTIFICATION/QUALIFICATION OF INTERPRETERS AND TRANSLATORS

WAC 388-03-110 What certification/qualification requirements apply to interpreters and translators? (1)

To be department certified, any department staff member serving in a bilingual capacity or any contracted interpreter/translator providing bilingual services to department clients must pass a bilingual fluency test. No bilingual duties will be assigned to any staff and no contract will be granted to any contractor without proper certification. Once certified:

- (a) Department employees in positions requiring bilingual skills are eligible for assignment pay;
- (b) Applicants for bilingual positions with the department qualify for those positions if they have also passed the applicable department of personnel employment examination; and

(c) Individuals not employed by the department who wish to interpret and/or translate for department clients can be retained by contracted interpreting agencies.

(2) Interpreters can be certified or qualified as:

(a) Social services interpreters by the department; and/or

(b) Legal interpreters by the office of the administrator for the courts; and/or

(c) Medical interpreters by the department.

(3) Translators can be certified by the department or by the American Translators Association (ATA).

(4) When certified and/or qualified, interpreters and translators providing services to department programs and clients must comply with the department's code of professional conduct for interpreters and translators.

(5) Any violation of the code of professional conduct may disqualify an interpreter or translator from providing services to the department, regardless of whether their contract is directly with the department or indirectly through a language agency serving department clients.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-110, filed 2/22/00, effective 3/24/00.]

WAC 388-03-112 When do I become a certified or qualified interpreter or translator? (1) For certified languages, you are considered certified once you pass the required tests.

(2) The effective dates of your certifications are the dates shown on your score report letters.

(3) If necessary, you can use your score report letters to verify your certification status.

(4) Your certificates will be mailed to you within a month from the date you pass all examination requirements. It is your responsibility to:

(a) Inform the LIST section of any change of name and address;

(b) Check the accuracy of the information presented on your certificate; and

(c) Contact the LIST section if your certificate is not received within the normal time period.

(5) For screening languages, you are considered qualified once you pass both the written and oral tests. Instead of a certificate, an authorization letter will be issued to qualified interpreters who pass the required screening tests.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-112, filed 2/22/00, effective 3/24/00.]

WAC 388-03-114 Can I become a department certified interpreter or translator without taking a department examination? There are three ways that you may gain department recognition as an interpreter or translator without taking the department's certification examinations.

(1) If you hold either a state of Washington office of the administrator for the courts interpreter certificate or a federal court interpreter certificate, the department will recognize you as a certified social services interpreter without requiring you to take its examination. However, you must formally submit a written request for recognition and attach a photocopy of your official certificate.

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(2) If the American Translators Association (ATA) accredits you as a certified translator, the department will recognize you as a certified translator without requiring you to take its examination. However, you must formally submit a written request for recognition and attach a photocopy of your official certificate.

(3) If you hold either an interpreter or translator certification from another state or U.S. territory or another country that is comparable to DSHS certification and based upon similar requirements, LIST may recognize your certification. In your request for DSHS recognition, you must submit a photocopy of your official certificate and a copy of the official test manual containing evaluation criteria and passing benchmark. Your request should be submitted to LIST. LIST will decide all requests on a case-by-case basis.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-114, filed 2/22/00, effective 3/24/00.]

WAC 388-03-115 Who determines if my request is "sufficiently documented"? The department determines if your request is sufficiently documented. It may request further proof of your qualification. In all cases, the department's decision regarding the sufficiency of your documentation is final.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-115, filed 2/22/00, effective 3/24/00.]

WAC 388-03-116 What if the certification documents requested by the language interpreter services and translations section are in a foreign language? (1) All documents submitted to LIST in a foreign language must be accompanied by an accurate translation in English.

(2) Each translated document must bear the affidavit of the translator, sworn to before a notary public, certifying that the:

(a) Translator is competent in both the language of the document and the English language; and

(b) Translation is a true and complete translation of the foreign language original.

(3) Applicants must pay all costs related to translating any documents relevant to their request for department certification.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-116, filed 2/22/00, effective 3/24/00.]

WAC 388-03-117 What happens to my request for department recognition as an interpreter or translator? When LIST receives your written request for recognition and the required documentation of your qualification, it will:

(1) Process your request as expeditiously as possible; and

(2) Give you written notification of its decision; and

(3) File your request and enter your name, if your request is approved, into its electronic database of authorized interpreters and translators.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-117, filed 2/22/00, effective 3/24/00.]

WAC 388-03-118 Does the department maintain lists of certified/qualified interpreters and translators? (1) To enable contracted language agencies and department programs to locate and contact certified and/or qualified interpreters and translators, the department maintains lists of certified interpreters, certified translators, and qualified interpreters.

(2) These lists are published and distributed to department contracted language agencies, local department offices, LEP cluster coordinators and regional LEP coordinators.

(3) Any interpreter or translator who considers some information on the list to be confidential, such as mailing addresses and telephone numbers, can have that information removed by writing the Language Interpreter Services and Translations section at: P.O. Box 45820, Olympia, WA 98504-5820.

(4) These lists are updated quarterly to include newly certified and qualified interpreters/translators.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-118, filed 2/22/00, effective 3/24/00.]

EXAMINATIONS—ELIGIBILITY AND REGISTRATION

WAC 388-03-120 Who can take the department's interpreter/translator certification and screening examinations? (1) You are eligible to take any DSHS interpreter/translator certification or screening examination if you are:

- (a) Currently employed by DSHS in a bilingual position; or
- (b) Applying for DSHS positions with bilingual requirements; or
- (c) Currently working with DSHS programs through contracted language agencies; or
- (d) Wishing to work with DSHS programs through contracted language agencies.

(2) There are no education and experience requirements for taking an examination. If you fit into one of the above listed categories, you are eligible to take an examination. However, you must remember that all written and oral tests administered by the department assess language proficiency at a professional interpreter/translator level.

(3) Screening tests will not be substituted for any certificated language tests.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-120, filed 2/22/00, effective 3/24/00.]

WAC 388-03-122 What type of test is given by the department to certify and qualify interpreters and translators? (1) Certification examinations evaluate bilingual proficiency and interpreting/translation skills by comparing your proficiency and skill to minimum competency standards.

(2) Minimum competency standards are determined by the nature of the work involved and by experienced practicing court interpreters/translators, social services interpreters/translators, bilingual professionals, and language specialists.

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(3) Five different types of tests are used to evaluate the bilingual proficiency and interpreting/translation skills of the following categories of people:

- (a) Department employees and new recruits with bilingual assignments (employee test);
- (b) Contracted interpreters providing oral interpretation services to department social service programs (social services interpreter test);
- (c) Contracted translators providing written translation services to department social service programs (translator test);
- (d) Medical interpreters providing interpretation services to department clients in medical settings (medical interpreter test); and
- (e) Licensed agency personnel whose agency is providing contracted services to the department (licensed agency personnel test or LAP test).

(4) For a list of the specific types of examinations and languages tested (and other important testing information), see the most recent edition of the "professional language certification examination manual" published by the language interpreter services and translations section.

(5) Examinations for interpreters include written and oral components. Interpreters must pass the written test before they take the oral test.

(6) Examinations for DSHS bilingual employees usually include written and oral components and these can be taken on the same day.

(7) Examinations for translators include only a written translation component.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-122, filed 2/22/00, effective 3/24/00.]

WAC 388-03-123 What is a screening test? (1) A screening test is a test administered by the department to candidates who wish to become "qualified interpreters." Qualified interpreters, also referred to as noncertificated language interpreters, are individuals who speak a language other than the department's seven certificated languages, which are Cambodian, Chinese (either Cantonese or Mandarin), Korean, Laotian, Russian, Spanish and Vietnamese.

(2) The scope of a screening test is narrower than the scope of a certificated language examination. Screening tests assess a candidate's English and target language skills but the broader, more comprehensive type of assessment used in a certificated language examination is not possible because of limited department resources.

(3) Screening tests are only available for social services interpreters and medical interpreters.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-123, filed 2/22/00, effective 3/24/00.]

WAC 388-03-124 How do I register for a certification or screening examination if I am a department employee or an applicant for a bilingual position with the department? Normally, you can register over the telephone by calling the LIST section at (360) 664-6038. In the Yakima area, you should contact the DSHS Region 2 Personnel Office at:

104 North 3rd Avenue
 Yakima, WA 98902
 (509) 575-2008

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-124, filed 2/22/00, effective 3/24/00.]

WAC 388-03-125 How do I register for a certification or screening examination if I am not a department employee or an applicant for a bilingual position with the department? To register for a certification or screening examination you must follow these steps:

- (1) Call the LIST office and request a copy of the examination manual, an examination application form and a schedule of upcoming test dates.
- (2) Complete and return the examination application form with the required examination fee.
- (3) Wait to receive your examination confirmation letter and pretest package from LIST. If you have not received your letter and package within fifteen working days after you mailed your application and payment, it is your responsibility to contact the LIST office. It is also your responsibility to inform LIST if your name, mailing address or telephone number changes.
- (4) If you are only registering for the oral test or registering to retake a test, you do not need to call the LIST office. Simply complete the application form enclosed with your test score report letter and return it to LIST with the appropriate fee. A confirmation letter will be mailed to you when LIST receives your application and payment.
- (5) Walk-in registration at a test site is not allowed under any circumstances.
- (6) Telephone registration is allowed only for department employees and applicants for department bilingual positions.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-125, filed 2/22/00, effective 3/24/00.]

WAC 388-03-126 What does my pretest package contain? Your pretest package contains directions to the testing site and a study guide that includes sample test questions, sample oral exercises, a list of important terminology and a copy of the department's code of professional conduct.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-126, filed 2/22/00, effective 3/24/00.]

EXAMINATION—FEES

WAC 388-03-130 What examination fees must I pay? The following examination fees apply to all languages tested by LIST:

Testing for certificated languages:

Social services interpreter test	
Written test	\$30.00 per attempt
Oral test	\$45.00 per attempt
Simultaneous test (retake only)	\$25.00 per attempt
Medical interpreter test	
Written test	\$30.00 per attempt
Oral test	\$45.00 per attempt

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Translator test	
Written test	\$50.00 per attempt

Screening for noncertificated languages:

Social services or medical	
Written screening	\$30.00 per attempt
Oral screening	\$45.00 per attempt, per language

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-130, filed 2/22/00, effective 3/24/00.]

WAC 388-03-132 How do I pay my examination fees? (1) You may pay your examination fees with a personal check, certified check, cashier check or money order made out to the "department of social and health services." Do not send cash. LIST will not be responsible for lost cash payments sent through the mail.

(2) If your check or money order is for the wrong amount, LIST will return your payment and your application. You will have to resubmit your application with a correctly prepared check or money order.

(3) If your bank returns your personal check to LIST because of insufficient funds, LIST will not send you a score report letter until your check clears the bank.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-132, filed 2/22/00, effective 3/24/00.]

WAC 388-03-133 Are my examination fees refundable? (1) All examination fees are nonrefundable except:

- (a) If you die before taking the examination, your examination fees are refundable to your estate; or
- (b) If you officially move out of Washington state before taking the examination, your examination fees can be refunded to you.

(2) If you fail to attend your confirmed test session(s) because of an emergency, your test session(s) may be rescheduled but your test fee will not be refunded. A rescheduling due to an emergency will be done only once and only if the emergency is properly documented. Examples of proper documentation would be official police reports or signed physician statements.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-133, filed 2/22/00, effective 3/24/00.]

EXAMINATIONS—SCHEDULING

WAC 388-03-135 What requirements apply to the scheduling of interpreter and translator certification and screening examinations? (1) LIST schedules all department interpreter and translator examinations. Normally, testing for all languages is conducted once a month, statewide, from February through November. No testing is offered in December and January due to potential hazardous driving conditions. (See the examination manual for details.)

(2) If you require special arrangements for taking your test due to a disability, you should indicate this special need during your initial contact with LIST.

(3) LIST testing is currently offered at six statewide locations. (See the examination manual for details.) Testing

site locations can change because of scheduling factors and varying demand for testing services. To stay informed, you should regularly consult LIST's master test schedule. Also, carefully read your test confirmation letter because it contains specific information on test date, test time, and test location.

(4) You must attend the test session(s) indicated in your registration confirmation letters. Except in bona fide emergency situations (see WAC 388-03-133(2)), you will not be allowed to reschedule your examination if you fail to attend your assigned test session(s). If you miss your scheduled examination for reasons other than an emergency, you may schedule another examination by reapplying to take the test and paying the appropriate testing fee.

(5) All requests for a change in testing schedule must be made within ten calendar days from the date your confirmation letter is sent; otherwise LIST considers your test appointment "confirmed" and your examination fees will not be refunded.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-135, filed 2/22/00, effective 3/24/00.]

EXAMINATIONS—ADMINISTRATION AND SCORING

WAC 388-03-138 What procedural requirements apply to administering certification and screening examinations? (1) The department has a "no-comment, no-return" examination policy. Once an examination is given, it becomes the property of the department and it will not be released to anyone, including test candidates.

(2) The department will not discuss specific examination content, including specific test questions or answers, with test candidates or any other party. Candidates can receive general critiques of their test performance if they submit a written request.

(3) Passing scores for the different examinations are established by the department based on bilingual fluency required by law, testing technicalities and the language needs of the department. Test scores will only be reported to candidates in writing. No score information will be released over the telephone to anyone.

(4) All interpreter and translator candidates must follow the test instructions. A failure to follow the instructions may result in an invalid test. Invalid tests will not be scored and, therefore, no test results will be reported to the candidate.

(5) If a candidate arrives late for the written test but decides to go ahead and take it, they will take the test during the remaining time allowed. The lost time resulting from their late arrival will not be made up.

(6) If a candidate arrives late for an oral test, they may lose their assigned time slot. A lost time slot resulting from a late arrival will not be made up.

(7) Tests will not be rescheduled because a candidate arrives late at a testing site except in the case of a bona fide emergency. If you are too late to take the test for some reason other than an emergency, you may schedule another examination by reapplying for the test and paying the appropriate fee.

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[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-138, filed 2/22/00, effective 3/24/00.]

WAC 388-03-140 What if a test candidate is suspected of cheating? If a test administrator suspects cheating during an examination with reasonable evidence, the accused candidate may be declared ineligible for all interpreter and translator certification/qualification tests administered by the department.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-140, filed 2/22/00, effective 3/24/00.]

WAC 388-03-150 How does the department score my bilingual examinations? (1) Depending on the nature of the test or test section, the department uses either an objective or a holistic scoring method to evaluate your examination.

(2) Please consult the examination manual for the evaluation indicators used by the department for each test or sub-test.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-150, filed 2/22/00, effective 3/24/00.]

WAC 388-03-152 When does the department mail my test scores? Score report letters will be sent to candidates when they finish either portion (written or oral) of the test:

(1) For a written test, your scores should be available within two to four weeks from the date you took the examination.

(2) For oral tests, you should receive your scores within four to six weeks from the date you took the examination.

(3) If you wish your test scores mailed to a specific organization or individual, you must personally notify the department in writing and provide the name and mailing address of the organization or individual to whom your score should be sent.

(4) If you do not receive your score report letters within the suggested time periods, you should contact LIST at (360) 664-6037.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-152, filed 2/22/00, effective 3/24/00.]

WAC 388-03-154 Can I appeal my test scores? You have two months, from the date your test score letter is sent, to appeal your test score. Note:

(1) Your appeal must be submitted to the department in writing.

(2) Your appeal will not be honored if it is filed beyond the two-month appeal period.

(3) You will not be allowed to reschedule an examination while your score is being appealed.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-154, filed 2/22/00, effective 3/24/00.]

WAC 388-03-156 How many times can I retake a failed test? You can retake a failed examination until you pass it. However, if you fail a test three times, you must wait six months before taking it a fourth time and wait six months between each subsequent attempt. Each time you retake the test you must pay an examination fee.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-156, filed 2/22/00, effective 3/24/00.]

DECERTIFICATION/DISQUALIFICATION OF INTERPRETERS AND TRANSLATORS

WAC 388-03-170 Can the department deny or revoke my certification or qualification status? The department may deny or revoke either your certification or qualification status if it is proven that you committed one or both of the following acts:

- (1) You have not been truthful when dealing with the department; or
- (2) You have violated the department's code of professional conduct.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-170, filed 2/22/00, effective 3/24/00.]

WAC 388-03-172 What procedures must the department follow if it denies or revokes my certification or qualification? If it is alleged that you have not been truthful when dealing with the department or that you have violated the department's code of professional conduct, the department, before denying or revoking your certification or qualification, must:

- (1) Immediately investigate the allegations made against you; and
- (2) Within sixty days of receiving the allegation, determine if you committed the alleged violations; and
- (3) Within five days of reaching its decision, give you written notification of the decision. The department's notification must be delivered to you by certified mail.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-172, filed 2/22/00, effective 3/24/00.]

WAC 388-03-174 Can I appeal the department's decision to deny or revoke my certification or qualification? If the department denies or revokes your certification or qualification, you have the right to appeal its decision by using the adjudicative proceeding process in chapter 34.05 RCW and chapter 388-08 WAC. However, the department encourages you to first try to resolve your dispute through a less formal process like mediation.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-174, filed 2/22/00, effective 3/24/00.]

WAC 388-03-176 How do I request an adjudicative hearing? To request an adjudicative hearing, you must:

- (1) File a written application with the department's board of appeals within twenty-one days of receiving the department's decision to deny or revoke your certification or qualification.
- (2) Your written application must include:
 - (a) A copy of the department's decision that you are contesting; and
 - (b) A specific statement of the issue(s) and the law involved; and
 - (c) Your reasons for contesting the department's decision.

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(3) Your written application must be delivered to the board of appeals in person, electronically by fax or by certified mail.

(4) Once the board of appeals receives your written application, an adjudicative hearing will be scheduled.

(5) The adjudicative hearing will be governed by the provisions of chapter 34.05 RCW, Administrative Procedure Act.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-176, filed 2/22/00, effective 3/24/00.]

Chapter 388-04 WAC

PROTECTION OF HUMAN RESEARCH SUBJECTS (Formerly chapter 388-10 WAC)

WAC

388-04-010	Purpose.
388-04-020	Definitions.
388-04-030	Statement of policy.
388-04-040	Implementation.
388-04-050	General applicability.
388-04-060	Documentation of research proposals and review dispositions.
388-04-070	Human research review guidelines.

WAC 388-04-010 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.

[99-15-021, recodified as § 388-04-010, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-010, filed 8/12/81.]

WAC 388-04-020 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.

[99-15-021, recodified as § 388-04-020, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-020, filed 8/12/81.]

WAC 388-04-030 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

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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.

[99-15-021, recodified as § 388-04-030, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-030, filed 8/12/81.]

WAC 388-04-040 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.

[99-15-021, recodified as § 388-04-040, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-040, filed 8/12/81.]

WAC 388-04-050 General applicability. The department's human research review rules shall apply to all organizational units of the department. They shall apply to all research and related activities that involve departmental clients, wards, or employees as human subjects or that require disclosure of their personal records, regardless of funding source, and regardless of whether the research is conducted by a departmental employee or by a nondepartmental investigator. The rules shall apply to all research and related activities subcontracted by the department under state and federal grants and contracts to nondepartmental organizations and individuals, regardless of whether the research or related activity involves departmental clients or a nondepartmental subject population.

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[99-15-021, recodified as § 388-04-050, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-050, filed 8/12/81.]

WAC 388-04-060 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.

[99-15-021, recodified as § 388-04-060, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-060, filed 8/12/81.]

WAC 388-04-070 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.

[99-15-021, recodified as § 388-04-070, filed 7/12/99, effective 7/12/99. 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.
- 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 in a hearing to determine the amount of a support obligation.

388-11-120	When is it appropriate to vacate a default order?		4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
388-11-135	Service.		
388-11-140	Modification.	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.
388-11-143	Department review of support orders.		
388-11-145	Notice to parties.		
388-11-150	The parties may resolve any child support case by entering a consent order or an agreed settlement.		
388-11-155	Duration of obligation.		
388-11-170	Collection of debts determined.		
388-11-180	Procedural reference.	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.
388-11-205	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.		
388-11-300	Amending notices.		
388-11-305	Uniform Interstate Family Support Act—Notices served in another state.		
388-11-310	Request for late hearing—Good cause.		
388-11-320	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?	388-11-060	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.
388-11-335	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?		
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.	388-11-070	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.
388-11-020	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.	388-11-080	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.
388-11-030	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.	388-11-090	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.
388-11-032	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.	388-11-105	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).
388-11-035	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.	388-11-110	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.
388-11-040	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	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.
- 388-11-285 Notice and finding of financial responsibility. [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.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 388-11-290 Notice and finding of parental responsibility. [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.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 388-11-295 Notice and finding of medical responsibility. [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.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 388-11-315 Temporary administrative orders. [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.] Repealed by 00-09-076, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-400 Physical custodians—Rights to participate in hearings. [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.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 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.
- 388-11-410 Notice of proposed child support 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.] Repealed by 00-15-016, filed 7/10/00, effective 10/1/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 388-11-415 Support establishment notice—Physical custodian accepts proposed child support amount. [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.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 388-11-420 Support establishment notice—Physical custodian objects to the proposed child support amount. [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.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 388-11-425 Hearings on support establishment notices. [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.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 388-11-430 Settlement and consent order. [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.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

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

"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.

"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:

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

(2) 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.

"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.

"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.

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

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

"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.

"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.

"Custodial parent" means the person (whether parent or nonparent) with whom a child resides the majority of the time.

"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.

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

"Dependent child" means a person:

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

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

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

(a) A full-time student; and

(b) 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.

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

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

(2) The representation's materiality;

(3) The representation's falsity;

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

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

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

(7) The latter's:

(a) Reliance on the truth of the representation;

(b) Right to rely upon it; and

(c) Subsequent damage.

"Genetic testing" means tests of blood, tissues, or bodily fluids.

"Good cause" for the purposes of late hearing requests 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.

"Health care costs," for the purpose of:

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

(2) 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.

"Hearing" means an adjudicative proceeding authorized by this chapter, chapter 388-13, 388-14, or 388-14A 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.

"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, 388-11-295, 388-14A-3115, 388-14A-3120, or 388-14A-3125.

"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.

"Noncustodial parent" means the natural parent, adoptive parent, responsible stepparent, or person having signed an affidavit acknowledging paternity which has been filed with the state center for health statistics, from whom the division of child support seeks support for a dependent child because the child did not reside the majority of the time period in question in that parent's household.

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

(1) Directly benefiting a dependent child; and

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

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

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

(1) 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;

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

(3) Tracing activity as follows:

(a) 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;

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

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

(d) Case maintenance in the agency's automated locate program.

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

(5) 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;

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

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

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

"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 because the child resided with someone else during the period for which support is sought.

"Responsible stepparent" means a stepparent having established an in loco parentis relationship with the dependent 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 or the secretary's designee.

"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.

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

- (1) Establishing a support obligation and ordering payment thereon of a set or determinable amount; or
- (2) Specifically relieving a responsible parent of a support obligation.

"Support debt" means:

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

(2) 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;

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

(4) 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.

"Support establishment notice" means a notice and finding of financial responsibility under WAC 388-11-285 or 388-14A-3115, a notice and finding of parental responsibility under WAC 388-11-290 or 388-14A-2120, or a notice and finding of medical responsibility under WAC 388-11-295 or 388-14A-3125.

"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.

"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.

"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 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-11-011, filed 7/10/00 and 9/25/00, effective 11/6/00. 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 in a hearing to determine the amount of a support obligation. (1) In hearings held under this chapter and chapter 388-14A WAC to contest a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition, the administrative law judge (ALJ) must determine:

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

(b) The net monthly income of the noncustodial parent and any custodial parent;

(c) The noncustodial 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 noncustodial parent's share of any special child-rearing expenses;

(e) The noncustodial parent's obligation to provide medical support under WAC 388-11-215 (or as later amended);

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

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

(2) The ALJ must allow the division of child support (DCS) to orally amend the notice at the hearing to conform to the evidence. The ALJ may grant a continuance, when deemed necessary, to allow the noncustodial parent and/or the custodial parent additional time to present rebutting evidence and/or argument as to the amendment.

(3) The ALJ may not require DCS to produce or obtain information, documents, or witnesses to assist the noncustodial or custodial parent in proof of defenses to liability. However, this rule does not apply to relevant, nonconfidential information or documents that DCS has in its possession.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-11-100, filed 7/10/00 and 9/25/00, effective 11/6/00. 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 When is it appropriate to vacate a default order? (1) If a party fails to appear at a hearing, the administrative law judge (ALJ) must, 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 as later amended) and 388-14A-3131, 388-14A-3132, or 388-14A-3140.

(2) The ALJ must state in the decision that the:

(a) Support debt and the current support obligation stated in the notice are assessed, determined, and subject to collection action;

(b) Health insurance provisions of the notice are subject to direct enforcement action; or

(c) Relief sought in the notice served by the division of child support is granted.

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

(4) Any party against whom the ALJ 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.

(5) DCS must:

(a) Request that the office of administrative hearing (OAH) 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. OAH must send the notice to the last known address of the party.

(6) If, in a hearing under this section, the ALJ finds that the petitioner has good cause for vacating the default order, the ALJ:

(a) Must 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 parent originally objected to.

(7) The ALJ must apply civil rule 60 to determine whether the petitioner has good cause.

(8) Before vacating an order of default at the request of the NCP or CP, the ALJ must consider the prejudice to the non-DCS party that did appear for hearing.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-11-120, filed 7/10/00 and 9/25/00, effective 11/6/00. 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 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 The parties may resolve any child support case by entering a consent order or an agreed settlement. (1) The division of child support (DCS) may enter a consent order or agreed settlement to finalize any dispute in which a party requests a hearing. DCS attempts to settle matters through agreement when possible.

(a) An agreed settlement is signed only by the parties (DCS, the custodial parent and the noncustodial parent).

(b) A consent order must be signed by the parties and by an administrative law judge (ALJ). The ALJ approves a con-

sent order without requiring testimony or a hearing, unless entry of the order would be unlawful.

(2) An agreed settlement or consent order is final and enforceable on:

(a) The date the last party signs the agreed settlement, if all parties signed the agreed settlement;

(b) The date the ALJ signs the consent order; or

(c) If the ALJ defaults one of the parties to the proceeding, the latest of the following dates:

(i) The date the ALJ signed the consent order;

(ii) The date the last party signed the agreed settlement;

or

(iii) The date the order of default is final.

(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 (or as later amended); and

(c) Petition to vacate the settlement or consent order under WAC 388-11-120 (or as later amended). However, the ALJ may only vacate a settlement or consent order after making a finding of fraud by a party, or on any other basis that would result in manifest injustice.

(4) If a hearing has been scheduled, DCS files a copy of the agreed settlement or consent order with the office of administrative hearings (OAH), and OAH issues an order dismissing the hearing. There are no hearing rights on the order dismissing the hearing.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-11-150, filed 7/10/00 and 9/25/00, effective 11/6/00. 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 Administra-

tive 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.

(2001 Ed.)

(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 paren-

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tal 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 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 388-11-300 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) Except as specified in WAC 388-14A-3105, where grounds for personal jurisdiction exist under RCW 26.21.075 or other Washington law, the division of child support (DCS) 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 or 388-14A-3115; and

(b) A notice and finding of parental responsibility under WAC 388-11-290 or 388-14A-3120;

(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 noncustodial parent, within sixty days of service in another state:

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

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

(i) WAC 388-11-285(5) or 388-14A-3115 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 noncustodial parent, within sixty days of service in another state:

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

(b) Files a written request for a hearing under WAC 388-11-290(9) or 388-14A-3120 with DCS; 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.

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(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 noncustodial parent, within sixty days of service of the paternity test costs in another state:

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

(b) Files a written request for a hearing under WAC 388-11-290(9) or 388-14A-3120.

(6) Administrative law judges and parties must 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 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-11-305, filed 7/10/00 and 9/25/00, effective 11/6/00. 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, 388-14, or 388-14A 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 or 388-14A-3850(ff) is issued. Upon request, the administrative law judge (ALJ) must, based on the evidence presented at hearing, issue an order under WAC 388-11-315 or 388-14A-3850(ff), setting or denying temporary support pending the initial decision.

(c) If the ALJ does not find good cause for filing a late hearing request, the ALJ 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 ALJ 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 ALJ may issue a decision which gives credit against future sup-

port 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 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-11-310, filed 7/10/00 and 9/25/00, effective 11/6/00. 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 388-11-320 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.
- (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?

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(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.]

Chapter 388-13 WAC

RECOVERY OF SUPPORT PAYMENTS

WAC

388-13-010	Debt, assignment, recoupment, set-off.
388-13-020	Notice of support debt.
388-13-030	Service of notice of support debt.
388-13-040	Failure to make answer or request for hearing.
388-13-050	Petition for hearing after twenty days—Stay.
388-13-060	Timely application for hearing.
388-13-070	Hearing—Initial decision.
388-13-085	Collection action.
388-13-090	Limitation on proceeding.
388-13-100	Acknowledgment of debt.
388-13-110	Default.
388-13-120	Procedural reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-13-080	Review of initial decision. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-080, filed 12/14/79.] Repealed by 90-04-077 (Order 3005), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090.
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WAC 388-13-010 Debt, assignment, recoupment, set-off. (1) Sections 17 and 18, chapter 171, Laws of 1979 ex. sess. [RCW 74.20.320 and 74.20A.270], provide that a custodian of children or other person who receives support moneys which moneys were paid, in whole or in part, in satisfaction of a support obligation owing to the department pursuant to 42 U.S.C. 602 (a)(26)(A), sections 17 and 22, chapter 171, Laws of 1979 ex. sess., or RCW 74.20A.030 has a duty to remit said moneys to the office of support enforcement within eight days of receipt by the custodian or other person and is indebted to the department in an amount equal to the amount of the support money received and not remitted.

(2) By not remitting support moneys described in subsection (1) of this section, a custodial parent or other person is deemed, without the necessity of signing any document, to have made an irrevocable assignment to the department of an equal amount of any support delinquency not already assigned to the department, but owing to the custodial parent or other person, or an equal amount of any support delinquencies which may accrue in the future. The office of support enforcement is authorized to utilize the collection procedures of chapter 74.20A RCW to collect this assigned delinquency, satisfying the obligation owed under subsection (1) of this section by the custodial parent or other person.

(3) The office of support enforcement may also make a set-off to effect satisfaction of the debt under subsection (1) of this section from support moneys in its possession or in the possession of a county clerk or other forwarding agent if said moneys were paid to satisfy a support delinquency.

(4) Action may be taken alternatively or simultaneously under subsections (1), (2) and (3) of this section but in no event may the department recoup and retain more moneys than the debt described under subsection (1) of this section,

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refunding the excess, without deduction of fees, to the custodian of the children.

(5) The custodial parent or other person shall be given an accounting of actions taken under subsections (2) or (3) of this section.

[Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-010, filed 12/14/79.]

WAC 388-13-020 Notice of support debt. The notice of support debt shall set forth:

(1) The amount of support moneys claimed by the department as property of the department by assignment, subrogation or by operation of law or legal process under chapter 74.20A RCW;

(2) The legal basis for the claim of ownership by the department;

(3) A description of the person, firm, corporation, association, or political subdivision who is or has been in possession of the support moneys together with sufficient detail to enable identification of the moneys in issue;

(4) A statement that, effective with the date of service of the notice, all moneys not yet disbursed or spent and all like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any hearing which is requested;

(5) A statement that the notice shall be answered, under oath and in writing, within twenty days of the date of service of the notice;

(6) A statement that the answer made under subsection (5) of this section shall include true answers to the matters inquired of and that said answer shall also acknowledge the department's right to the moneys or request an administrative hearing to determine ownership of the moneys in issue;

(7) A statement that the burden of proof in said hearing is on the department to establish ownership of the support moneys claimed;

(8) A statement that, if the person, firm, corporation, association, or political subdivision or officer or agent thereof fails to answer and/or make a request for hearing in a timely manner, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW; and

(9) A statement that a support debt, as assessed and determined, is subject to collection action and that the property of the debtor, without further advance notice or hearing, is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt: Provided, That no collection action may be taken against a recipient of public assistance during the period of time the recipient remains on assistance except as provided in RCW 74.20A.270 and WAC 388-14-200(4).

[Statutory Authority: RCW 74.08.090, 86-05-009 (Order 2340), § 388-13-020, filed 2/12/86; 80-01-026 (Order 1465), § 388-13-020, filed 12/14/79.]

WAC 388-13-030 Service of notice of support debt. The notice of support debt shall be served on the person, firm, corporation, association, or political subdivision or any officer or agent thereof by the office of support enforcement or its agent in the manner prescribed for the service of a summons in a civil action, or by certified mail, return receipt

requested. The receipt shall be prima facie evidence of service.

[Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-030, filed 12/14/79.]

WAC 388-13-040 Failure to make answer or request for hearing. If the person, firm, corporation, association, or political subdivision or any officer or agent thereof served with a notice of support debt fails to answer, in a timely manner, the claim of the department shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW.

[Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-040, filed 12/14/79.]

WAC 388-13-050 Petition for hearing after twenty days—Stay. (1) The person, firm, corporation, association, political subdivision or any officer or agent thereof served with a notice of support debt at any time within one year from the date of service of said notice may petition the secretary or the secretary's designee for a hearing, as provided for but not previously granted under WAC 388-13-070, upon a showing of any of the grounds enumerated in RCW 4.72.010 or CR 60. A copy of said petition shall also be served by certified mail, return receipt requested, or by service in the manner of a summons in a civil action on the district field office of the office of support enforcement. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on an appeal made under chapter 34.05 RCW.

(2) Any moneys held and/or taken by collection action prior to the date of any such stay and any support moneys claimed by the department, including moneys to be received in the future, to which the department may have a claim, shall be held in trust pending the final decision and appeal, if any, to be disbursed in accordance with the final decision. The secretary or the secretary's designee shall condition the stay to provide for the trust.

(3) If a petition for a hearing is filed, the department shall serve the notice of hearing on the appellant, the appellant's attorney, or other designated representative by certified mail or other method showing proof of receipt.

(4) The department shall notify the appellant that it is the appellant's responsibility to notify the department of the appellant's mailing address at the time the petition is filed and also of any change of address after filing the petition. Mailing by certified mail, return receipt requested, to the last address provided by the appellant shall constitute service under chapters 74.20A and 34.05 RCW.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-13-050, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-050, filed 12/14/79.]

WAC 388-13-060 Timely application for hearing. (1) Any debtor who objects to all or any part of a notice of support debt shall have the right, for not more than twenty days from the date of service of the notice of support debt, to file

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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.]

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WAC

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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

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- (Order 2606), § 388-14-302, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-302, filed 2/12/86; 85-01-004 (Order 2174), § 388-14-302, filed 12/6/84; 84-15-057 (Order 2123), § 388-14-302, filed 7/18/84; 81-05-021 (Order 1605), § 388-14-302, filed 2/11/81; 80-01-026 (Order 1465), § 388-14-302, filed 12/14/79; Order 1054, § 388-14-302, filed 9/25/75.] Repealed by 90-16-041 (Order 3043), filed 7/24/90, effective 8/24/90. Statutory Authority: RCW 74.08.090.
- 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.
- 388-14-445 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.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

WAC 388-14-010 Office of support enforcement as the Title IV-D agency. (1) The department of social and health services of the state of Washington through the office of support enforcement establishes the following provisions as the state plan for the child support enforcement program. Authority for this plan is under Title IV-D of the Social Security Act and chapters 74.20 and 74.20A RCW. The plan shall be in effect state-wide.

(2) The office is the designated, single, and separate organizational unit within the state of Washington to administer the plan.

(3) The office is the agency referred to in federal law as the Title IV-D agency. The office shall perform all duties assigned to the Title IV-D agency.

(4) The office may enter into contracts for support enforcement and related services with:

(a) Other state agencies;

(b) Other states or foreign countries for action under the Uniform Reciprocal Enforcement of Support Act and other laws to enforce or collect child support, locate absent parents, or establish paternity. These contracts may include the procedures for:

(i) Making referrals;

(ii) Assigning debts;

(iii) Reporting actions and activities;

(iv) Coordination of activities under and ensuring compliance with the Uniform Reciprocal Enforcement of Support Act.

(c) Private parties;

(d) With the secretary, Department of Health and Human Services to refer and certify cases:

(i) To the federal parent locator service;

(ii) To the secretary of the treasury for action to collect support debts;

(iii) For action to enforce support debts in the U.S. district courts.

(5) The office shall manage the Title IV-D plan. The office shall:

(a) Oversee all activities under the plan to ensure the standards for an efficient and effective program are met;

(b) Evaluate the quality and scope of services provided under the plan;

(c) Ensure that federal and state requirements for records management, accounting, and fiscal control are met;

(d) Provide all services under the plan in appropriate cases, including action to locate parents, establish paternity, and establish, enforce, and collect support moneys;

(e) Assure that referrals and other communications with the Title IV-A agency meet the requirements of the Title IV-D and Title IV-A state plans.

(6) Under chapter 26.23 RCW, the office is designated as the agency responsible for administering the Washington state support registry.

(7) The office is responsible for the state-wide administration of wage withholding under Title IV-D.

[Statutory Authority: RCW 74.08.090, 88-07-012 (Order 2606), § 388-14-010, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-010, filed 2/12/86; Order 1054, § 388-14-010, filed 9/25/75.]

WAC 388-14-020 Definitions. The definitions contained in WAC 388-11-011 are incorporated into and made a part of this chapter.

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, temporary 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;

(2001 Ed.)

(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 assistance, 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.

[Title 388 WAC—p. 166]

[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 sup-

port 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;

(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 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.

(a) 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.

(b) A notice of intent to distribute support money served in another state becomes final according to WAC 388-14-496.

(4) 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.

(5) 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.

(6) The payee under the support order may file a late hearing request on a notice of intent to distribute support money.

(a) The payee under the support order does not need to show good cause for filing a late hearing request under WAC 388-11-310.

(b) 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.

(7) 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.

(8) 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.

(2001 Ed.)

(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

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(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.

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(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:

(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 ser-

VICES 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

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(h) Include or attach a list, by date, of the support payments received from the responsible parent during the period the support debt accrued.

(4) If a person other than the applicant has legal custody of the dependent child by order of a court, the applicant shall affirm the legal custodian:

(a) Was not wrongfully deprived of custody by the applicant; and

(b) Is not excused from making support payments under WAC 388-11-065(10).

(5) If an applicant is not a resident of this state:

(a) The office may decline the application if:

(i) The office has an open case for the applicant, opened at the request of another state; or

(ii) Neither the applicant nor the responsible parent have any contacts with the state of Washington;

(b) The applicant shall state, under oath, that the applicant does not have an open IV-D case in another state.

(6) The office may deny an application which is incomplete, contains unclear or inconsistent statements, or is not supported by necessary documents.

(7) Upon denying an application, the office shall send the applicant a written notice of denial by regular mail and shall include a statement:

(a) Of the reasons for the denial; and

(b) The applicant may request an adjudicative proceeding to contest the denial.

[Statutory Authority: RCW 74.08.090 and 45 CFR 303.106. 94-15-046 (Order 3754), § 388-14-310, filed 7/15/94, effective 8/15/94. Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-310, filed 6/9/92, effective 7/10/92; 90-16-041 (Order 3043), § 388-14-310, filed 7/24/90, effective 8/24/90; 88-07-012 (Order 2606), § 388-14-310, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-310, filed 2/12/86; 80-01-026 (Order 1465), § 388-14-310, filed 12/14/79; Order 1054, § 388-14-310, filed 9/25/75.]

WAC 388-14-350 Location of absent parents. (1) The office of support enforcement shall maintain a service to locate absent parents utilizing all sources of information and available records in this state or in other states, and the parent locator service in the department of health and human services.

(2) The office of support enforcement will receive applications to undertake location activities for:

(a) Persons receiving public assistance in the state of Washington for the benefit of dependent children.

(b) Any agency or attorney of any state seeking to collect support obligations pursuant to an agreement entered into with the office of support enforcement under the state plan; or a court having authority to issue an order against an absent parent for the support and maintenance of a child; or the resident parent, legal guardian, attorney or agent of a child who is not receiving public assistance in the state of Washington for application to use the federal parent locator service.

(c) The IV-D agency of another state to locate an absent parent who is in the state of Washington.

(d) Authorized persons as defined in 45 C.F.R. 303.15 to use the federal parent locator service in connection with parental kidnapping or child custody cases.

(3) Referrals at a minimum must include the absent parent's name, and, if known, the absent parent's social security

number, whether the absent parent is or has been a member of the armed services, whether the absent parent is receiving or has received any federal compensation or benefits, and any other information which might assist in location activities. In addition, the referral must include a request to be transmitted to the federal parent locator service which request must be countersigned by the chief, office of support enforcement, or his or her designee requesting the information and attesting that:

(a) The request is being made to locate an individual for the purpose of establishing paternity, securing support, or in connection with parental kidnapping or child custody cases, and for no other purpose;

(b) Any information obtained from the parent locator service shall be treated as confidential; and

(c) The certifying agency will take protective measures to safeguard personal information received from the parent locator service.

(4) Locate requests to the parent locator service of the state of Washington by a IV-D agency of another state pursuant to subsection (2)(c) of this section shall, after unsuccessful but diligent and reasonable efforts to locate, be returned to the IV-D agency of origin for action as appropriate including referral to the federal parent locator service.

(5) The office of support enforcement, after utilizing local and state resources, will submit remaining referrals after sixty days to the federal parent locator service or to another IV-D parent locator service as appropriate.

(6) The office of support enforcement is authorized to enter into arrangements and otherwise cooperate with the secretary, department of health and human services in carrying out the purposes of 42 U.S.C. 653, including collection of fees for utilizing the federal parent locator service.

[Statutory Authority: RCW 74.08.090, 83-21-014 (Order 2036), § 388-14-350, filed 10/6/83; Order 1054, § 388-14-350, filed 9/25/75.]

WAC 388-14-360 Cooperation with other states. The office of support enforcement will, in accordance with standards prescribed by the secretary, department of health, education and welfare cooperate with any other state in:

(1) Establishing paternity, if necessary;

(2) Locating an absent parent residing in this state against whom any action is being taken under a program of another state established under a Title IV-D plan.

(3) Securing compliance by an absent parent residing in this state with an order issued by a court of competent jurisdiction equivalent to the superior court of the state of Washington against said parent for the support and maintenance of a child or children of said parent with respect to whom aid is being provided under a Title IV-D plan.

(4) Carrying out other functions required under a Title IV-D plan. The office of support enforcement on behalf of the department of social and health services will comply with such other requirements and standards as the secretary of the department of health, education and welfare determines to be necessary to the establishment of an effective program for locating absent or noncustodial parents, establishing paternity, obtaining support orders, and collecting support payments.

[Order 1054, § 388-14-360, filed 9/25/75.]

[Title 388 WAC—p. 174]

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 day-care 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

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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.

[Title 388 WAC—p. 176]

[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

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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 obliga-

tion 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 department provides residential care for a dependent child or children, the responsible parent or parents shall satisfy their obligation to support such child or children by paying to the department the amount specified in a court order when there is a superior court order for support, or by paying the amount determined under RCW 74.20A.055.

(2) The office of support enforcement is responsible on behalf of the department for taking action under the provisions of chapters 74.20 and 74.20A RCW and this chapter to enforce and collect support obligations as to children receiving residential care paid for by the department.

(3) The department may not collect and retain a support payment or a portion thereof in a given month for a dependent child or children for whom the department is providing residential care from a responsible parent who is the head of household if the income, as defined in RCW 74.04.005, for that month of the head of household and the remaining dependents was below or the effect of the support collection was to reduce the income of the household below the need standard for aid to families with dependent children. The obligation of the head of household to provide support for the child or children receiving residential care, however, will continue to accrue during any month the department is precluded from collecting and retaining support payments under this section.

(4) If the department has collected support payments from the head of household during a month or months where the income of the household was below or the effect of the collection was to reduce the income of the household below the need standard, the head of household may request, in writing, a conference board in accordance with WAC 388-14-385.

(5) The head of household has the burden of proving at the conference board that the income of the household was below or was reduced below the need standard during the month or months payments were collected.

(6) If the conference board determines the department has collected support payments from the head of household that the department is not entitled to retain in accordance with this section, the office of support enforcement shall promptly refund, without interest, any such support payments, or the portion of such a payment having the effect of reducing the income of the household below the need standard.

(7) This section is not applicable to payments collected prior to August 23, 1983.

[Statutory Authority: RCW 74.08.090, 83-21-014 (Order 2036), § 388-14-395, filed 10/6/83.]

WAC 388-14-410 Release of information to consumer reporting agency. When a consumer reporting agency, as defined by 45 CFR 303.105(a), requests information regarding the amount of overdue support owed by a responsible parent, the office of support enforcement shall provide such information if the amount of the support debt exceeds one thousand dollars. Prior to releasing such information, however, a written notice concerning the proposed release of the information shall be sent to the responsible parent's last known address. The notice shall provide the responsible parent has ten days from the date of the notice to request a conference board to contest the accuracy of the information. If the responsible parent requests a conference board, the office of support enforcement shall not release the information until a conference board decision has been issued.

[Statutory Authority: RCW 74.08.090, 86-05-009 (Order 2340), § 388-14-410, filed 2/12/86.]

WAC 388-14-415 Notice of support owed. (1) 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 fur-

ther 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 Once a support enforcement case is opened, under what circumstances can it be closed? Once the division of child support (DCS) starts providing support enforcement services under RCW 26.23.045 and chapter 74.20 RCW, the case must remain open, unless DCS determines that:

(1) There is no current support order, and the support debt owed by the noncustodial parent (NCP) is less than five hundred dollars, or cannot be enforced under Washington law;

(2) The NCP or putative (alleged) father is dead with no assets, income or estate available for collection;

(3) The NCP has no assets or income available for collection and is not able to provide support during the child's minority because of being:

(a) Institutionalized in a psychiatric facility;

(b) Incarcerated without possibility of parole; or

(c) Medically verified as totally and permanently disabled with no evidence of ability to provide support.

(4) The applicant, agency or recipient of nonassistance services submits a written request for closure, and there is no current assignment of medical or support rights;

(5) DCS has enough information to use an automated locate system, and has not been able to locate the NCP after three years of diligent efforts;

(6) DCS does not have enough information to use an automated locate system, and has not been able to locate the NCP after one year of diligent efforts;

(7) DCS is unable to contact the applicant, agency or recipient of services for at least sixty days;

(8) DCS documents failure to cooperate by the physical custodian or the initiating jurisdiction, and that cooperation is essential for the next step in enforcement;

(9) DCS cannot obtain a paternity order because:

(a) The putative father is dead;

(b) Genetic testing has excluded all putative fathers;

(c) The child is at least eighteen years old;

(d) DCS, a court of competent jurisdiction or an administrative hearing determines that establishing paternity would not be in the best interests of the child in a case involving incest, rape, or pending adoption; or

(e) The biological father is unknown and cannot be identified after diligent efforts, including at least one interview by DCS or its representative with the recipient of support enforcement services.

(10) DCS, a court of competent jurisdiction or an administrative hearing determines that the recipient of services has wrongfully deprived the noncustodial parent of physical custody of the child as provided in WAC 388-11-065(3);

(11) DCS, the department of social and health services, a court of competent jurisdiction or an administrative hearing determines that action to establish or enforce a support obligation cannot occur without a risk of harm to the child or the physical custodian;

(12) DCS has provided locate-only services in response to a request for state parent locator services (SPLS);

(13) The NCP is a citizen and resident of a foreign country, and:

(a) NCP has no assets which can be reached by DCS; and

(b) The country where NCP resides does not provide reciprocity in child support matters.

(14) The child is incarcerated or confined to a juvenile rehabilitation facility for a period of ninety days or more; or

(15) Any other circumstances exist which would allow closure under 45 CFR 303.11 or any other federal statute or regulation.

[Statutory Authority: RCW 26.23.035, 34.05.220 and 74.20A.310. 99-20-012, § 388-14-420, filed 9/24/99, effective 10/25/99. 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 388-14-421 Under what circumstances may DCS deny a request to close a support enforcement case?

(1) The division of child support (DCS) may deny a request to close a support enforcement case when:

(a) There is a current assignment of support or medical rights on behalf of the children in the case;

(b) There is accrued debt under a support order which has been assigned to the state;

(c) Support or medical rights on behalf of the children have previously been assigned to the state;

(d) The person who requests closure is not the recipient of support enforcement services; or

(e) A superior court order requires payments to the Washington state support registry (WSSR).

(2) If there is no current assignment of support or medical rights, DCS may close the portion of the case which is owed to the physical custodian, but if there is accrued debt under a support order which has been assigned to the state, DCS keeps that portion of the case open.

(3) If a superior court order specifies that the noncustodial parent (NCP) must make payments to the WSSR, but the physical custodian does not want support enforcement services, DCS keeps the case open as a payment services only (PSO) case, which means that:

(a) DCS provides payment processing and records maintenance, and

(b) DCS does not provide enforcement services.

[Statutory Authority: RCW 26.23.035, 34.05.220 and 74.20A.310. 99-20-012, § 388-14-421, filed 9/24/99, effective 10/25/99.]

WAC 388-14-422 Who is mailed notice of DCS' intent to close a case? (1) Sixty days before closing a case the division of child support (DCS) sends a notice of intent to close, advising the parties why DCS is closing the case.

(a) DCS does not send a notice when closing a case under WAC 388-14-420 (11) or (12).

(b) DCS does not provide sixty days' prior notice when closing a case under WAC 388-14-420(4).

(2) DCS mails a notice by regular mail to the last known address of the physical custodian and the noncustodial parent.

(3) In an interstate case, DCS mails the notice to the physical custodian by regular mail in care of the other state's child support agency.

(4) If DCS is closing an interstate case because of noncooperation by the initiating jurisdiction, DCS also mails the notice to the other state's child support agency.

[Statutory Authority: RCW 26.23.035, 34.05.220 and 74.20A.310. 99-20-012, § 388-14-422, filed 9/24/99, effective 10/25/99.]

WAC 388-14-423 What if I don't agree with the case closure notice? (1) Only the person who applied for support enforcement services, also known as the recipient of services, may request a hearing to challenge closure of a case.

(2) If the recipient of services requests a hearing, the other party may participate in the hearing.

(3) The closure of a child support case does not stop the physical custodian or noncustodial parent from filing an application for support enforcement services in the future, but the reason for closure may affect whether the division of child support will open a new case.

[Statutory Authority: RCW 26.23.035, 34.05.220 and 74.20A.310. 99-20-012, § 388-14-423, filed 9/24/99, effective 10/25/99.]

WAC 388-14-424 What happens to payments that come in after a case is closed? After support enforcement services are terminated, DCS returns support money to the noncustodial parent except if the case remains open as a payment services only (PSO) case as described in WAC 388-14-421(4).

[Statutory Authority: RCW 26.23.035, 34.05.220 and 74.20A.310. 99-20-012, § 388-14-424, filed 9/24/99, effective 10/25/99.]

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.

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(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 388-14-450 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 coverage, 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 All Washington employers must report new hires to the Washington state support registry. (1) RCW 26.23.040 requires all employers doing business in the state of Washington to comply with the employer reporting requirements regarding new hires.

(2) The minimum information that must be reported is the employee's name, date of birth, social security number and date of hire.

(3) An employer who submits a copy of the employee's completed W-4 form complies with the filing requirements of RCW 26.23.040(3).

(4) An employer may choose to voluntarily report the other statutory elements.

[Statutory Authority: RCW 26.23.040, 99-20-011, § 388-14-490, filed 9/24/99, effective 10/25/99; 92-13-026 (Order 3403), § 388-14-490, filed 6/9/92, effective 7/10/92.]

(2001 Ed.)

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.

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(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.

(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

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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;

(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

(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
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.]

388-14A-3875 What if a party does not agree with a temporary support order?

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 388-14A WAC

DIVISION OF CHILD SUPPORT RULES

WAC

- 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order?
- 388-14A-3102 When the parents have signed a paternity affidavit, which support establishment notice does the division of child support serve on the noncustodial parent?
- 388-14A-3105 How does the division of child support serve support establishment notices?
- 388-14A-3110 When can a support establishment notice become a final order?
- 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue.
- 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity.
- 388-14A-3125 The notice and finding of medical responsibility is used to set a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services.
- 388-14A-3130 What happens if a parent makes a timely request for hearing on a support establishment notice?
- 388-14A-3131 What happens if neither parent appears for the hearing?
- 388-14A-3132 What happens if only one parent appears for the hearing?
- 388-14A-3133 What happens when the noncustodial parent and the custodial parent both appear for the hearing?
- 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices.
- 388-14A-3140 What can happen at a hearing on a support establishment notice?
- 388-14A-3200 How does DCS determine my support obligation?
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- 388-14A-3850 When may someone ask for a temporary support order?
- 388-14A-3855 How does a party request a temporary order when the hearing is continued?
- 388-14A-3860 How does a party request a temporary order when a petition for review has been filed?
- 388-14A-3865 Duties of the administrative law judge when a party requests a temporary support order.
- 388-14A-3870 When does a temporary support order end?

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WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order? (1) When there is no order setting the amount of child support a noncustodial parent (NCP) should pay, the division of child support (DCS) serves a support establishment notice on the NCP and the custodial parent. A support establishment notice is an administrative notice that can become an enforceable order for support if nobody requests a hearing on the notice.

(2) DCS may serve a support establishment notice when there is no order that:

- (a) Establishes the noncustodial parent's support obligation for the child(ren) named in the notice; or
- (b) Specifically relieves the noncustodial parent of a support obligation for the child(ren) named in the notice.

(3) Depending on the legal relationship between the NCP and the child for whom support is being set, DCS serves one of the following support establishment notices:

(a) Notice and finding of financial responsibility (NFFR), see WAC 388-14A-3115. This notice is used when the NCP is either the mother or the legal father of the child. WAC 388-14A-3102 describes when DCS uses a NFFR to set the support obligation of a father who has signed a paternity affidavit.

(b) Notice and finding of parental responsibility (NFPR), see WAC 388-14A-3120. This notice is used when the NCP was not married to the mother but has filed an affidavit or acknowledgment of paternity. WAC 388-14A-3102 describes when DCS uses a NFPR to set the support obligation of a father who has signed a paternity affidavit.

(c) Notice and finding of medical responsibility (NFMR), see WAC 388-14A-3125. This notice is used when DCS seeks to set only a medical support obligation instead of a monetary child support obligation.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3100, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3102 When the parents have signed a paternity affidavit, which support establishment notice does the division of child support serve on the noncustodial parent? (1) When the parents of a child are not married, they may sign an affidavit of paternity, also called an acknowledgment of paternity. The legal effect of the affidavit or acknowledgment depends on when it is filed, in what state it is filed, and whether both parents were over age eighteen when the affidavit was signed.

(2) For paternity affidavits filed before August 14, 1997 with the center for health statistics in the state of Washington, the division of child support (DCS) serves a notice and finding of parental responsibility (NFPR). See WAC 388-14A-3120.

(3) For paternity affidavits filed on or after August 14, 1997 with the center for health statistics in the state of Washington, it depends on how much time has elapsed since filing:

(a) If less than sixty days have passed since filing, DCS serves a NFPR under WAC 388-14A-3120, because the par-

ents can rescind (withdraw) the affidavit within sixty days of filing and request genetic testing; or

(b) If sixty or more days has passed since filing, DCS serves a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115, because the affidavit has become a conclusive presumption of paternity under RCW 26.26.040.

(4) For paternity affidavits filed with the vital records agency of another state, DCS determines whether to serve a NFFR or NFPR depending on the laws of the state where the affidavit is filed.

(5) DCS relies on paternity affidavits if the mother and the father were eighteen years of age or older at the time they signed the affidavit, or have reached eighteen years of age since signing the affidavit. A party who was under eighteen at the time the affidavit was signed and filed in Washington after August 14, 1997 has sixty days after their eighteenth birthday to void the affidavit; for affidavits filed in other states, the law of the state of filing determines whether the affidavit is voidable.

(6) If the mother was married at the time of the child's birth, but not to the man acknowledging paternity, the man to whom she was married must also have signed the affidavit to deny paternity.

(7) If the affidavit is legally deficient in any way, DCS may refer the case for paternity establishment in the superior court.

(8) If the mother is the noncustodial parent, DCS serves a NFFR.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3102, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3105 How does the division of child support serve support establishment notices? The division of child support (DCS) serves a notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR) in the following manner:

(1) On the noncustodial parent:

- (a) By certified mail, return receipt requested; or
- (b) By personal service.

(2) On the custodial parent:

(a) By first class mail to the last known address, if the custodial parent is the one who applied for services.

(b) In the same manner as on the noncustodial parent, if the custodial parent is not the one who applied for services.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3105, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3110 When can a support establishment notice become a final order? (1) The notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR) becomes a final, enforceable order if neither the custodial parent or the noncustodial parent objects and requests a timely hearing on the notice. An objection is also called a hearing request.

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(2) If a timely objection is filed, the division of child support (DCS) cannot enforce the terms of the notice until a final order as defined in this section is entered.

(3) To be timely, the noncustodial parent must object within the following time limits:

(a) Within twenty days of service, if the noncustodial parent was served in Washington state.

(b) Within sixty days of service, if the noncustodial parent was served outside of Washington state.

(4) To be timely, the custodial parent must object within twenty days of service.

(5) An objection to a support establishment notice is a request for hearing on the notice.

(6) The effective date of the hearing request is the date the division of child support (DCS) receives the request for hearing.

(7) When an NFPR is served, the order will not become a final order if either parent requests genetic testing under WAC 388-11-048 (or as later amended) within the following time limits:

(a) The noncustodial parent must request genetic testing within twenty days of service, if the noncustodial parent was served in Washington state and the affidavit has not yet become a final determination of paternity.

(b) The noncustodial parent must request genetic testing within sixty days of service, if the noncustodial parent was served outside of Washington state and the affidavit has not yet become a final determination of paternity.

(c) The custodial parent must request genetic testing within twenty days of service and may request genetic testing only if the affidavit has not yet become a final determination of paternity.

(d) For parties who have filed paternity affidavits in Washington after August 14, 1997, a request for genetic testing does not by itself operate to rescind the affidavit.

(8) The noncustodial parent or custodial parent must make the hearing request or request for genetic testing, either in writing or orally, at any DCS office. See WAC 388-14-500 (or as later amended) regarding oral requests for hearing.

(9) After a timely request for hearing, the final order is one of the following, whichever occurs latest:

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

(b) An initial decision for which twenty-one days have passed and no party has filed a petition for review (this includes an order of default if neither party appears for hearing); or

(c) A review decision.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3110, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue. (1) A notice and finding of financial responsibility (NFFR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.055.

(2) The NFFR:

(a) Advises the noncustodial parent and the custodial parent (who can be either a parent or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR.

(b) Includes the information required by WAC 388-11-210 (or as later amended) and RCW 74.20A.055.

(c) Includes the noncustodial parent's health insurance obligation, as required by WAC 388-11-215 (or as later amended).

(d) May include an obligation to provide support for day-care or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(e) Warns the noncustodial parent and the custodial parent that at an administrative hearing, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

(3) After service of the NFFR, the noncustodial parent and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(4) The noncustodial parent must make all support payments to the Washington state support registry after service of the NFFR. DCS does not give the NCP credit for payments made to any other party after service of a NFFR, except as provided by WAC 388-11-015 and 388-11-280 (or as these sections are later amended).

(5) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFFR is a final order. WAC 388-14A-3110 describes when the notice becomes a final order.

(6) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFFR can end sooner or later than age eighteen.

(7) An affidavit or acknowledgment of paternity filed in Washington state on or after August 14, 1997 becomes a legal finding of paternity under RCW 26.26.040 (1)(e) unless it is rescinded (withdrawn) within sixty days of filing. If sixty days have passed since the affidavit or acknowledgment was filed, DCS may serve a NFFR to establish a support obligation.

(8) If the parents filed a paternity affidavit or acknowledgment of paternity in another state, and by that state's law paternity is therefore conclusively established, DCS may serve a NFFR to establish a support obligation.

(9) A hearing on a NFFR is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The NCP has the burden of proving any defenses to liability.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-14A-3115, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of pater-

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nity. (1) A notice and finding of parental responsibility (NFPR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.056.

(2) The NFPR differs from a notice and finding of financial responsibility (NFFR)(see WAC 388-14A-3115) because the parties may request genetic testing to contest paternity after being served with a NFPR.

(3) DCS serves a NFPR when:

(a) An affidavit acknowledging paternity is on file with the center for health statistics and was filed before August 14, 1997;

(b) An affidavit acknowledging paternity is on file with the center for health statistics and was filed on or after August 14, 1997 but the sixty-day period for rescission has not yet passed; or

(c) An affidavit acknowledging paternity is on file with the vital records agency of another state and the laws of that state allow the parents to withdraw the affidavit or challenge paternity.

(4) DCS attaches a copy of the acknowledgment of paternity or certification of birth record information to the NFPR.

(5) The NFPR advises the noncustodial parent and the custodial parent (who is either the mother or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFPR fully and fairly advises the parents of their rights and responsibilities under the NFPR. The NFPR warns the noncustodial parent and the custodial parent that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFPR, if necessary for an accurate support order.

(6) The NFPR includes the information required by WAC 388-11-210 (or as later amended), RCW 74.20A.055, and 74.20A.056.

(7) The NFPR includes the noncustodial parent's health insurance obligation, pursuant to WAC 388-11-215 (or as later amended).

(8) The NFPR may include an obligation to provide support for daycare expenses or special child-rearing expenses, pursuant to chapter 26.19 RCW.

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

(10) After service of the NFPR, the noncustodial parent and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(11) The noncustodial parent must make all support payments to the Washington state support registry after service of the NFPR. DCS does not give the NCP credit for payments made to any other party after service of the NFPR, except as provided by WAC 388-11-015 and 388-11-280 (or as these sections are later amended).

(12) DCS may take immediate wage withholding action and enforcement action without further notice under chapters

26.18, 26.23, and 74.20A RCW when the NFPR is a final order. See WAC 388-14A-3110 for when the notice becomes a final order.

(13) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFPR can end sooner or later than age eighteen.

(14) Either the noncustodial parent, or the mother, if she is also the custodial parent, may request genetic tests under WAC 388-11-048 (or as later amended), notwithstanding the language of WAC 388-11-048, which refers only to the father. A mother who is not the custodial parent may at any time request that DCS refer the case for paternity establishment in the superior court.

(15) DCS does not stop enforcement of the order unless DCS receives a timely request for hearing or a timely request for genetic tests. See WAC 388-14A-3110 for time limits. DCS does not refund any money collected under the notice if the noncustodial parent is later:

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

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

(16) If the noncustodial parent requested genetic tests and was not excluded as the father, he may request within twenty days from the date of service of the genetic tests in Washington, or sixty days from the date of service of the genetic tests outside of Washington:

(a) A hearing on the NFPR.

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

(17) If the noncustodial parent was not excluded as the father, the mother, if she is also the custodial parent, may within twenty days of the date of service of the genetic tests request:

(a) A hearing on the NFPR; or

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

(18) If the affidavit or acknowledgment was filed in Washington after August 14, 1997, but sixty days have not passed since filing, DCS serves a NFPR. If the NCP wishes to contest paternity he must rescind (withdraw) the acknowledgment at the center for health statistics before the sixty-day period ends or there will be a legal finding of paternity under RCW 26.26.040 (1)(e). A request to DCS for genetic testing is not sufficient to withdraw the paternity affidavit.

(19) If the NCP is excluded by genetic testing, DCS may refer the case for paternity establishment in the superior court.

(20) A hearing on a NFPR is for the limited purpose of resolving the accrued support debt, current support obligation and reimbursement to DCS for paternity-related costs. The NCP has the burden of proving any defenses to liability.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3120, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3125 The notice and finding of medical responsibility is used to set a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services. (1)

[Title 388 WAC—p. 190]

A notice and finding of medical responsibility (NFMR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support pursuant to chapter 74.20A RCW to establish and enforce a health insurance obligation.

(2) DCS may serve a NFMR when:

(a) The custodial parent (who is either a parent or the physical custodian of the child) or a dependent child receives or is certified eligible to receive medical assistance and is not receiving cash grant public assistance under 74.12 RCW; and

(b) The custodial parent has requested medical support enforcement services only and has asked DCS in writing not to collect monetary child support.

(3) The NFMR advises the NCP and the CP of the medical support obligation for the children named in the notice. The NFMR fully and fairly advises the parties of their rights and responsibilities under the NFMR.

(4) The NFMR warns the noncustodial parent and the custodial parent that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFMR, if necessary for an accurate support order.

(5) The NFMR includes:

(a) The information required by WAC 388-11-210 (or as later amended);

(b) The noncustodial parent's health insurance obligation, pursuant to WAC 388-11-215 (or as later amended);

(c) The maximum premium amount the noncustodial parent must pay; and

(d) The income basis used to calculate the maximum premium amount, pursuant to WAC 388-14A-3200.

(6) The income basis for an obligation established by DCS for a NFMR is not binding on any party in any later action to establish a cash child support obligation.

(7) After service of the NFMR, the noncustodial parent (NCP) and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(8) DCS may take enforcement action under RCW 26.18.170, WAC 388-11-215, and 388-14-480 (or as these sections are later amended) without further notice when the NFMR is a final order. See WAC 388-14A-3110 for how a notice becomes a final order.

(9) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFMR can end sooner or later than age eighteen.

(10) If the custodial parent applies for full enforcement services while a hearing on a NFMR is pending, DCS may, at any time before the hearing record is closed, convert the hearing to a hearing on a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115 or a notice and finding of parental responsibility (NFPR) under WAC 388-14A-3120. To convert the hearing, DCS serves a NFFR or NFPR on the parents and files a copy with the administrative law judge (ALJ). The ALJ may grant a continuance if a party requests additional time to respond to the claim for monetary child support.

(11) In a NFMR hearing, the ALJ must determine the:

(2001 Ed.)

(a) Basic support obligation, without deviations; and

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

(12) A hearing on a NFMR is for the limited purpose of resolving the NCP's medical support responsibility. The NCP has the burden of proving defenses to liability.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3125, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3130 What happens if a parent makes a timely request for hearing on a support establishment notice? (1) A timely request for hearing is an objection made within the time limits of WAC 388-14A-3110. For late (or untimely) hearing requests, see WAC 388-14A-3135.

(2) If either parent makes a timely request for hearing, the division of child support (DCS) submits the hearing request to the office of administrative hearings (OAH) for scheduling.

(3) OAH sends a notice of hearing by certified mail to all parties, notifying each party of the date, time and place of the hearing. DCS, the noncustodial parent, and the custodial parent are all parties to the hearing.

(4) A timely request for hearing stops the support establishment notice from becoming a final order, so DCS cannot collect on the notice. However, in appropriate circumstances, the administrative law judge (ALJ) may enter a temporary support order under WAC 388-14A-3850.

(5) A hearing on an objection to a support establishment notice is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The NCP has the burden of proving any defenses to liability.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3130, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3131 What happens if neither parent appears for the hearing? (1) If neither parent appears at the scheduled hearing after being sent a notice of hearing, the administrative law judge (ALJ) enters an initial decision and order on default, declaring the support establishment notice's claim for support to be final and subject to collection action.

(2) The initial decision and order on default is subject to collection action on the twenty-second day after the order of default was mailed by the office of administrative hearings.

(3) A parent that did not appear may petition to vacate the default order pursuant to WAC 388-11-120 (or as later amended).

(a) If the ALJ vacates the order of default, the ALJ then conducts a full hearing on the merits of the NFFR, NFPR or NFMR. All parties may participate in the hearing.

(b) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3131, filed 7/10/00 and 9/25/00, effective 11/6/00.]

(2001 Ed.)

WAC 388-14A-3132 What happens if only one parent appears for the hearing? (1) If one parent appears at the hearing, but the other parent fails to appear after being sent a notice of hearing, the administrative law judge (ALJ) enters an order of default against the parent that did not appear. The hearing proceeds as described in WAC 388-14A-3140.

(2) The division of child support (DCS) and the parent that did appear may enter a consent order, but not an agreed settlement. The obligation in the consent order may be higher or lower, or different from, the terms set forth in the notice, without further notice to the nonappearing parent, if necessary for an accurate support order. The terms of the consent order become final on the twenty-second day after the mailing of the order of default to the parent that did not appear.

(3) DCS and the parent that did appear may proceed to hearing. The ALJ may enter an initial decision setting an obligation which is higher or lower, or different from, the terms set forth in the notice, without further notice to the nonappearing parent, if necessary for an accurate support order.

(4) The parent that did not appear may petition to vacate the order of default pursuant to WAC 388-11-120 (or as later amended). The ALJ must consider the prejudice to the party that appeared for hearing before vacating an order of default.

(5) If the ALJ vacates the order of default, the ALJ then conducts a full hearing on the merits of the notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR) or notice and finding of medical responsibility (NFMR). All parties may participate in the hearing.

(6) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3132, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3133 What happens when the non-custodial parent and the custodial parent both appear for the hearing? If both parents appear at the hearing:

(1) All parties may enter an agreed settlement or consent order. WAC 388-11-150 (or as later amended) describes when an agreed settlement or consent order is a final order.

(2) All parties may proceed to hearing, after which the ALJ issues an initial decision and order. The ALJ may enter an initial decision setting an obligation which is higher or lower, or different from, the terms set forth in the notice, if necessary for an accurate support order.

(3) In a hearing under this section, the division of child support (DCS) shall proceed first to document the support amount that DCS believes to be correct. Following DCS's presentation, the custodial parent (CP) and the noncustodial parent (NCP) may proceed in turn to show why the DCS position is wrong.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3133, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices. (1)

[Title 388 WAC—p. 191]

For orders established before August 30, 1997, if the noncustodial parent did not timely object to the notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR), only the noncustodial parent may petition for a late hearing, pursuant to WAC 388-11-310 (or as later amended).

(2) For orders established after August 30, 1997, if neither parent timely objected to the NFFR, NFPR, or NFMR, either the noncustodial parent or the custodial parent may petition for a late hearing, pursuant to WAC 388-11-310 (or as later amended). See WAC 388-14A-3110 for the time limits for a timely hearing request.

(3) The division of child support (DCS) continues to enforce the order even if a late request for hearing is filed.

(4) If DCS receives the late hearing request within one year of the date of service of the notice, the parent requesting the hearing is not required to show good cause to have a hearing on the merits of the notice.

(5) If DCS receives the late hearing request more than a year after the date of service of the notice, the parent requesting the hearing must show good cause why the hearing request was not timely. WAC 388-11-011 (or as later amended) contains the definition of good cause.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-14A-3135, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3140 What can happen at a hearing on a support establishment notice? (1) When a parent requests a hearing on a notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR), the hearing is limited to resolving the accrued support debt, current support and future support obligation.

(2) The noncustodial parent has the burden of proving any defenses to liability. See WAC 388-11-065 (or as later amended).

(3) Both the NCP and the custodial parent (CP) must show cause why the terms in the NFFR, NFPR, or NFMR are incorrect.

(4) The administrative law judge (ALJ) or review judge has authority to enter a support obligation that may be higher or lower than the amounts set forth in the NFFR, NFPR, or NFMR, including the support debt, current support, and the future support obligation. The ALJ or review judge may enter an order that differs from the terms stated in the notice, including different debt periods, if the obligation is supported by credible evidence presented by any party at the hearing, without further notice to any nonappearing party, if the ALJ or review judge finds that due process requirements have been met.

(5) The ALJ has no authority to determine custody or visitation issues.

(6) When a party has advised the ALJ that they will participate by telephone, the ALJ attempts to contact that party on the record before beginning the proceeding or rules on a motion. The ALJ may not disclose to the other parties the telephone number or the location of the party appearing by phone.

(7) In certain cases, there is no "custodial parent" because the child or children are in foster care.

(a) If the NCP fails to appear for hearing, see WAC 388-14A-3131.

(b) If the NCP appears for hearing, see WAC 388-14A-3133.

(8) In certain cases, there can be two NCPs, called "joint NCPs." This happens when a husband and wife are jointly served a support establishment notice for a common child who is not residing in their home.

(a) If both NCPs fail to appear for hearing, see WAC 388-14A-3131;

(b) If both NCPs appear for hearing, see WAC 388-14A-3133; or

(c) One joint NCP may appear and represent the other joint NCP.

(9) When the CP asserts good cause level B (see WAC 388-422-0020), DCS notifies the CP that they will continue to receive documents, notices and orders. The CP may choose to participate at any time. Failure to appear at hearing results in a default order but does not result in a sanction for noncooperation under WAC 388-14-201 (or as later amended).

(10) If any party appears for the hearing and elects to proceed, absent the granting of a continuance the ALJ hears the matter and enters an initial decision and order based on the evidence presented. The ALJ includes 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.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-14A-3140, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3200 How does DCS determine my support obligation? The division of child support (DCS) determines support obligations using the Washington state child support schedule, which is found in chapter 26.19 RCW, for the establishment and modification of support orders.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-14A-3200, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3205 How does DCS calculate my income? (1) The division of child support (DCS) calculates a parent's income using the best available information, in the following order:

(a) Actual income;

(b) Estimated income, if DCS has:

(i) Incomplete information;

(ii) Information based on the prevailing wage in the parent's trade or profession; or

(iii) Information that is not current.

(c) Imputed income under RCW 26.19.071(6).

(2) DCS calculates support obligations using the methods set forth in WAC 388-11-205 (or as later amended).

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3205, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3850 When may someone ask for a temporary support order? (1) There are two times when a temporary support order is appropriate in the course of an administrative hearing:

(a) If in a hearing to establish a support obligation or to determine the amount due under an existing order, the administrative law judge (ALJ) postpones the hearing. A postponement is also called a continuance (see WAC 388-14A-3855); or

(b) If any party files a petition for review of an initial decision which establishes or determines a current support obligation (see WAC 388-14A-3860).

(2) For the purposes of this section and WAC 388-14A-3855 through 388-14A-3875, "a party" means the division of child support (DCS), the noncustodial parent, or the physical custodian of the child.

[Statutory Authority: RCW 74.20A.055 and 74.08.090, 00-09-076, § 388-14A-3850, filed 4/18/00, effective 5/19/00.]

WAC 388-14A-3855 How does a party request a temporary order when the hearing is continued? (1) A party may make a request that a scheduled hearing be postponed either prior to the date of the hearing, or on the date of the hearing.

(2) When the administrative law judge (ALJ) grants a continuance prior to the day of hearing, a party must request entry of a temporary support order at the time the ALJ rules on the request for continuance.

(3) When the ALJ grants a continuance on the day of hearing, a party must request entry of a temporary support order before the hearing is adjourned.

(4) When a party requests a temporary support order due to a continuance, the ALJ must either:

(a) Conduct a temporary order hearing at the same time the ALJ hears the motion for continuance; or

(b) Set a time and date within ten business days when the ALJ will hear testimony on the need for and amount of a temporary order.

(5) The ALJ may hear testimony by telephone conference call.

(6) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

[Statutory Authority: RCW 74.20A.055 and 74.08.090, 00-09-076, § 388-14A-3855, filed 4/18/00, effective 5/19/00.]

WAC 388-14A-3860 How does a party request a temporary order when a petition for review has been filed?

(1) If the temporary order is requested because of the filing of a petition for review, a party must request the temporary order within ten days of:

(a) The date that party files the petition for review; or

(b) The date that party receives notice that another party has filed a petition for review.

(2001 Ed.)

(2) The request must be made to the office of administrative hearings (OAH) office that entered the initial decision.

(3) The administrative law judge (ALJ) who entered the initial decision must hear the motion for temporary order. If that ALJ is not available, the chief ALJ must designate a substitute ALJ.

(4) The ALJ may enter a temporary order based on the record that was created at the hearing, or may set a telephone conference call hearing within ten working days.

(5) The ALJ may hear testimony by telephone conference call.

(6) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

[Statutory Authority: RCW 74.20A.055 and 74.08.090, 00-09-076, § 388-14A-3860, filed 4/18/00, effective 5/19/00.]

WAC 388-14A-3865 Duties of the administrative law judge when a party requests a temporary support order.

(1) An administrative law judge (ALJ) who hears a request for a temporary support order must:

(a) Issue a written order which either:

(i) Determines the responsible parent's current and future support obligation beginning no later than the month following the hearing; or

(ii) Denies the request for a temporary support order.

(b) Include in the temporary order:

(i) 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;

(ii) A statement that amounts collected will be distributed and may be subject to recovery under WAC 388-14-272 from the physical custodian; and

(iii) The information required by WAC 388-11-210 (1)(a) through (j), and 388-11-210(2).

(c) Issue the temporary order within twenty calendar days of the date the request for temporary order is heard by the ALJ.

(2) If the temporary order is entered subsequent to a continuance, the ALJ must set a new hearing date within ninety days from the date of the date the ALJ hears the request for continuance;

(3) The ALJ must comply with the DSHS rules on child support and include a Washington state child support schedule worksheet when entering a temporary support order.

[Statutory Authority: RCW 74.20A.055 and 74.08.090, 00-09-076, § 388-14A-3865, filed 4/18/00, effective 5/19/00.]

WAC 388-14A-3870 When does a temporary support order end? (1) A temporary support order ends on the date an initial decision becomes a final order or on the date of a review decision, if any, whichever is later.

(2) If the parties settle all issues in the case by signing an agreed settlement or consent order, the temporary support order ends on the date the agreed settlement or consent order becomes a final order.

[Statutory Authority: RCW 74.20A.055 and 74.08.090, 00-09-076, § 388-14A-3870, filed 4/18/00, effective 5/19/00.]

WAC 388-14A-3875 What if a party does not agree with a temporary support order? (1) A temporary support order or the denial of a TSO is not an initial decision subject to review under WAC 388-08-464. This means that no party has the right to file a petition for review of a temporary support order.

(2) The terms of a temporary order are not binding on the administrative law judge (ALJ) who later enters the initial decision in the matter.

(3) The issuance of a temporary support order does not affect any party's right to ask for review of the initial decision subsequently entered in the matter.

[Statutory Authority: RCW 74.20A.055 and 74.08.090, 00-09-076, § 388-14A-3875, filed 4/18/00, effective 5/19/00.]

Chapter 388-15 WAC

SOCIAL SERVICES FOR FAMILIES, CHILDREN AND ADULTS

WAC

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.
388-15-150	Child foster care.
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388-15-194	Home and community services—Nursing services.
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.
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388-15-651	Definitions.
388-15-652	Adult day care (COPEs level I).
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388-15-654	Plan of care.
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388-15-656	Administration and organization.
388-15-657	Staffing.
388-15-658	Personnel requirements.
388-15-659	Facility.
388-15-660	Coordination of services.
388-15-661	Clients in residential care or nursing facility care settings.
388-15-662	Expenditures not to exceed.

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),

388-15-030	§ 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.
388-15-100	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.
388-15-110	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.
388-15-120	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	Adult protective services. [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.] Repealed by 00-03-029, filed 1/11/00, effective 2/11/00. Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9).
388-15-137	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.
388-15-138	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.
388-15-139	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.
388-15-140	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.
388-15-145	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.
	Residential care discharge allowance. [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 5/11/86; 79-12-028 (Order 1456), § 388-15-145, filed 11/16/79.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-170 Definitions. [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.] Decodified by 99-15-076, filed 7/20/99, effective 7/20/99. Recodified as 388-165-110.
- 388-15-171 Subsidized child care for teen parents. [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.] Decodified by 99-15-076, filed 7/20/99, effective 7/20/99. Recodified as 388-165-120.
- 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.
- 388-15-174 Subsidized child care for seasonal workers. [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.] Decodified by 99-19-087, filed 9/17/99, effective 9/17/99.
- 388-15-175 Child care for child protective services (CPS) and child welfare services (CWS). [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.] Decodified by 99-15-076, filed 7/20/99, effective 7/20/99. Recodified as 388-165-140.
- 388-15-176 In-home/relative child care. [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.] Decodified by 99-15-076, filed 7/20/99, effective 7/20/99. Recodified as 388-165-235.
- 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.
- 388-15-196 Individual providers and home care agency providers. [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050, 99-03-041, § 388-15-196, filed 1/14/99, effective 2/14/99. 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19600 How do I apply to be an individual provider of an adult client? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050, 99-03-041, § 388-15-19600, filed 1/14/99, effective 2/14/99. 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19610 What requirements must an adult client's individual provider or a home care agency provider meet? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050, 99-03-041, § 388-15-19610, filed 1/14/99, effective 2/14/99. 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19620 How do I get paid as an individual provider? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050, 99-03-041, § 388-15-19620, filed 1/14/99, effective 2/14/99. 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19630 Under what conditions will the department deny payment to an individual provider or a home care agency provider? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050, 99-03-041, § 388-15-19630, filed 1/14/99, effective 2/14/99. 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19640 Does the individual provider or the home care agency provider have responsibilities in addition to the service plan? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050, 99-03-041, § 388-15-19640, filed 1/14/99, effective 2/14/99. 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19650 What are the educational requirements for an individual provider or a home care agency provider? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050, 99-03-041, § 388-15-19650, filed 1/14/99, effective 2/14/99. 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.

- 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19660 Do all individual providers or home care agency providers have to take the fundamentals of caregiving training? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19660, filed 1/14/99, effective 2/14/99. 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19670 Are there special rules about training for parents who are the individual providers of division of developmental disabilities (DDD) adult children? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19670, filed 1/14/99, effective 2/14/99. 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19680 Are there special rules about training for parents who are the individual providers of non-DDD adult children? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19680, filed 1/14/99, effective 2/14/99. 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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-198 Home and community services—Client and provider responsibilities. [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.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-200 Health support services. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-201 Long-term care functional eligibility. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-206 Volunteer chore 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, § 388-15-206, 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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-207 Chore personal care services for adults—Legal basis—Purpose—Goals. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 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.
- 388-15-209 Chore personal care services—Eligibility. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 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 74.08.090, 91-08-011 (Order 3152), § 388-15-212, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-212, filed 7/13/90, effective 8/13/90; 89-13-084 (Order 2815), § 388-15-212, filed 6/21/89; 88-17-064 (Order 2674), § 388-15-212, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-212, filed 3/2/88. Statutory Authority: ESHB 1221. 87-22-013 (Order 2550), § 388-15-212, filed 10/26/87. Statutory Authority: RCW 74.08.090. 86-12-040 (Order 2383), § 388-15-212, filed 5/30/86; 84-22-017 (Order 2165), § 388-15-212, filed 10/31/84; 83-21-007 (Order 2028), § 388-15-212, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-212, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-212, filed 8/28/81; 81-11-044 (Order 1652), § 388-15-212, filed 5/20/81; 81-06-063 (Order 1618), § 388-15-212, filed 3/4/81; 79-01-042 (Order 1361), § 388-15-212, filed 12/21/78.] 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.
- 388-15-214 Chore personal care services—Budget control. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-215 Chore personal care services—Program limitations. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 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.
- 388-15-219 Chore personal care service—Payment and client participation. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-222 Chore personal care services—Employed disabled—Incentive income and resource exemption. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 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.
- 388-15-360 Refugee assistance. [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.] Repealed by 00-22-085, filed 10/31/00, effective 12/1/00. Statutory Authority: RCW 74.08.090.
- 388-15-548 Residential services. [Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-548, filed 7/28/86.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 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.
- 388-15-551 Adult family home—Authority to purchase care—Standards. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-552 Adult family home—Eligible persons. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-553 Adult family home—Determination of need. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-554 Adult family home—Placement in facility. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-555 Adult family home—Payments—Standards—Procedures. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-560 Congregate care—Definition—Authority to purchase care—Standards. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-562 Congregate care—Eligible persons. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-563 Congregate care—Residents of other states. [Statutory Authority: RCW 74.08.044. 81-01-077 (Order 1579), § 388-15-563, filed 12/17/80.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-564 Congregate care—Determination of need. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-566 Congregate care—Placement in facility. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-568 Congregate care—Payment—Standards—Procedures. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 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.
- 388-15-600 Community options program entry system (COPES)—Purpose—Legal basis. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-610 COPES—Eligibility. [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.] Repealed by 00-13-077, filed 6/19/00, effective 7/20/00. Statutory Authority: RCW 74.39A.030.
- 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.
- 388-15-620 COPES—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, § 388-15-620, 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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-630 COPES—Payment procedures. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-690 Respite care services—Definitions. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-695 Respite care services—Caregiver eligibility. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-700 Respite care services—Distribution of cost. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-705 Respite care services—Rates of payment. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-710 Respite care services—Service priorities. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-715 Respite care services—Service priority categories. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-810 Medicaid personal care services—Legal basis—Purpose. [Statutory Authority: RCW 74.08.090, 89-18-029 (Order 2856), § 388-15-810, filed 8/29/89, effective 9/29/89.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 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.
- 388-15-830 Medicaid personal care services—Eligibility. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 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.
- 388-15-880 Medicaid personal care services—Payment procedures. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-890 Medicaid personal care services—Program limitations. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-895 Termination of services. [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.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.

- 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 388-15-130 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

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authority. (1) **Acceptance of reports.** The department shall accept a report of CA/N from any source, including a report made anonymously. Reports shall be made directly to the department's division of children and family services (DCFS) local office per RCW 26.44.030. The department shall:

(a) Determine whether reports allege incidents, conditions, or circumstances meeting the definition of CA/N in RCW 26.44.020 and WAC 388-15-130; and

(b) Have the authority to refuse to investigate reports which do not meet the statutory definition of CA/N.

(2) **Reports to law enforcement.** The department shall report to the appropriate law enforcement agency any reported incident of death, sexual abuse, or nonaccidental physical injury of a child and any incident where the CPS investigation reveals reasonable cause to believe a crime has been committed against a child. The department shall create and send the incident report to law enforcement within three working days following:

(a) Receipt of a complaint alleging death, sexual abuse, or nonaccidental physical injury of a child;

(b) Discovery of information during a CPS investigation, creating reasonable cause to believe a child died, suffered sexual abuse, or had a nonaccidental physical injury; or

(c) Discovery of information during a CPS investigation, creating reasonable cause to believe a crime has been committed against a child.

(3) **Investigation.** The department, except as provided by RCW 26.44.050 and WAC 388-15-130(2), shall be responsible for investigation of reports of suspected CA/N.

(a) The department shall begin its investigation within twenty-four hours for all CA/N reports where a child is assessed to be at risk of imminent harm.

(b) The department shall investigate all other reports meeting the legal definition of CA/N, but may determine an appropriate response time based on the assessed risk of CA/N.

(c) The department:

(i) Shall develop and maintain records of department investigations of CA/N per RCW 26.44.035; and

(ii) May arrange for ongoing services by another agency.

(d) Upon receiving a report of incidents, conditions, or circumstances of CA/N, the department shall:

(i) Have access to any and all records of the child in the possession of mandated reporters and reporters' employers;

(ii) Have the authority to interview a child without prior parental notification or consent;

(iii) Have authority to interview a child outside of the presence of parents at locations determined by the department to be suitable for an interview. The child or the department may have a third party present at the interview when the third party does not jeopardize the investigation per RCW 26.44.030;

(iv) Have authority to photograph the child victims for the purpose of documenting the physical condition of the child per RCW 26.44.050; and

(v) Notify the child's parent, guardian, or caretaker about the interview per RCW 26.44.030(9).

(e) The department shall complete the investigation within ninety days from the date of report. The department shall make written findings of all investigations including:

(i) A description of any injuries or harm inflicted on the child;

(ii) An account of the department's investigation;

(iii) The findings regarding specific allegations;

(iv) An assessment of risk to the child; and

(v) The department's disposition of the case as described under RCW 13.34.120 and 26.44.040.

(4) **Limits to authority.** The department:

(a) Shall have the authority to share information for case planning and case consultation purposes with mandated reporters and agencies which have provided or will provide services to the child and family per RCW 26.44.030; and

(b) May share information with community child protection teams, designated members of Washington Indian tribes, and/or citizen advisory groups to assist in case planning, consultation, and policy review per RCW 26.44.030.

(5) **Service options (ninety-day rule).** Within ninety days of receipt of a report alleging a child is at risk of CA/N, the department shall:

(a) Develop, with the family, a mutually agreed upon written service plan;

(b) File a dependency petition with the juvenile court; or

(c) Close the case.

(6) **Juvenile court case plans.** When the department files a dependency petition, the department shall develop a written social study and proposed case plan for the court to consider at the dispositional hearing per RCW 13.34.120. The department shall:

(a) Mail a dependency petition copy to the parents and the parents' attorney ten or more days before the disposition hearing; and

(b) Provide the parents an opportunity to review and comment on the plan at the local DCFS office.

(7) **Reopening closed cases.** The department may reopen any closed case for good cause including, but not limited to:

(a) Further allegations of CA/N;

(b) Additional information pertaining to the department's investigation; or

(c) When necessary witnesses or other persons, for example, parent or child, are located or become available to complete the investigation.

(8) **Length of eligibility.** Any child reported to the department shall be eligible for child protective services. A child shall remain eligible until the child is no longer:

(a) Abused or neglected; or

(b) At risk of CA/N subject to the provisions of WAC 388-15-130 and 388-15-132.

[Statutory Authority: RCW 26.44.050 and 26.44.070. 93-13-021 (Order 3567), § 388-15-132, filed 6/9/93, effective 7/10/93. Statutory Authority: RCW 74.15.030, 89-07-024 (Order 2773), § 388-15-132, filed 3/8/89. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-15-132, filed 9/10/79; Order 1238, § 388-15-132, filed 8/31/77.]

WAC 388-15-134 Child protective services—Notification. (1) **Duty to notify.** The department shall notify the parent or legal custodian of a child when:

(a) The department is investigating a report alleging an act or acts of child abuse or neglect (CA/N); and

(i) Their child is alleged to be the victim; and/or

(ii) The department interviews a child alleged to be the victim of CA/N.

(b) The department takes a child into custody pursuant to a court order issued under RCW 13.34.050;

(c) The department receives custody of a child from law enforcement pursuant to RCW 26.44.050; and

(d) The department files a dependency petition.

(2) **Notification of noncustodial parents.**

(a) The department shall notify noncustodial parents when a child is taken into custody pursuant to RCW 26.44.050 or 13.34.050 and placed into the custody of the department, and

(b) Notification shall also occur when the department files a dependency petition.

(3) **Notification 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 388-15-150 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

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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 388-15-194 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 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 388-15-202 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 participate in shopping and doing the shopping when the client is unable to participate.

(g) "Housework" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(h) "Laundry" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(i) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(j) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, 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

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TASK	0	M	S	T
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 388-15-220 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.

[Title 388 WAC—p. 210]

(3) Services include the casework functions of determination of need for service, the development with the clients, of a service plan, and ongoing evaluation of that plan during the period of placement. Homemaker services also include the direct provision of, as well as the formal and informal teaching of, limited personal care, home management of household budgets, maintenance and care of the home, food preparation and nutrition, the supervision and development of children and adults unable to care for themselves, and information and referral regarding community resources to improve home and family functioning. These services may be directed toward adult and child protective services situations, and include the observation, evaluation and reporting of individual functioning in the home.

(4) Goals for homemaker services shall be limited to those specified in WAC 388-15-010 (1)(a) through (e). Also see WAC 388-15-010(2).

[Statutory Authority: RCW 74.08.090. 81-17-024 (Order 1689), § 388-15-220, filed 8/12/81; 80-15-003 (Order 1551), § 388-15-220, filed 10/2/80; Order 1238, § 388-15-220, filed 8/31/77; Order 1088, § 388-15-220, filed 1/19/76.]

WAC 388-15-240 Family planning. (1) Family planning services are those services which enable individuals including minors and handicapped persons, to make choices regarding the number and spacing of children. These services include outreach, information, referral, support services (such as transportation and child care), counseling, education, medical care and follow-up. Family planning medical services include physical examinations, lab tests, diagnosis, treatment, surgical procedures as appropriate, drugs, supplies, devices furnished, prescribed by or under the supervision of a physician.

(2) Goals for family planning shall be limited to those specified in WAC 388-15-010 (1)(a) through (e). Also see WAC 388-15-010(2).

(3) Family planning is a federally mandated service offered to all appropriate persons in the aid to families of dependent children program and also to any appropriate individual who meets the state's financial eligibility requirements (including anyone who within three months has been an applicant for or a recipient of AFDC (see WAC 388-15-020 (1)(e)(i))). Services will be provided promptly to all of the foregoing individuals who voluntarily request such services.

[Order 1238, § 388-15-240, filed 8/31/77; Order 1204, § 388-15-240, filed 4/1/77; Order 1147, § 388-15-240, filed 8/26/76; Order 1088, § 388-15-240, filed 1/19/76.]

WAC 388-15-400 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

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whose income does not exceed the standard in WAC 388-15-020 who:

- (a) Are released from a mental hospital, or
- (b) Need alternate care to continue to live in the community.

(3) Services provided to accomplish the objective to assist the recipient to maintain or be restored to the greatest possible degree of independent functioning and self help shall be any appropriate adult services described in WAC 388-15-100 through 388-15-400.

(4) Services to be provided to accomplish this objective for recipients of AFDC age 21 or under being released from mental institutions shall be any appropriate family or children's service described in WAC 388-15-100 through 388-15-400.

(5) See also chapter 388-95 WAC.

[Order 1088, § 388-15-400, filed 1/19/76.]

WAC 388-15-570 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 run-aways 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.

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(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 388-15-650 Purpose. To assist individuals to remain in the community in the least restrictive environment while enabling families and other caregivers to continue providing needed support. WAC 388-15-650 through 388-15-662 is to regulate adult day health facilities that receive Medicaid or state general funding for client care. Adult day health programs that do not receive any Medicaid or state general funds are exempt from these requirements.

[Statutory Authority: RCW 74.39A.007 and 74.08.090, 99-12-072, § 388-15-650, filed 5/27/99, effective 6/27/99.]

WAC 388-15-651 Definitions. "Adult day care"

(level I). Adult day care provides supervised daytime programs where frail and disabled adults can participate in social, educational, and recreational activities. Services at this level are the basic "core services" that must be provided in all adult day care and adult day health programs. Level I is appropriate for clients who have chronic medical conditions that do not require the services of a skilled health professional on a routine basis. A registered nurse and social worker provide consultation regarding the individual's participation in the program and assessment of the client's overall well-being and need for additional services. Level I offers respite to caregivers by providing a safe alternative to home care.

"Adult day health" (level II). Adult day health is a structured program that provides licensed rehabilitative and skilled nursing services in an environment that also offers social work services and socialization for frail and disabled adults. Level II services provide rehabilitative, nursing, and professional level of psychological/counseling services with a focus on prevention, teaching, and health monitoring. Each participant has a specialized plan of care designed to structure his or her participation and to address particular needs.

"Certification." The process by which an area agency on aging as authorized by the department certifies an adult day health center to be eligible for Medicaid (Title XIX) reimbursement for direct, level II services provided to eligible individuals. The program must directly provide the services and meet requirements set by the department including fiscal requirements for contracting with the department. Adult day health centers that do not accept Medicaid or state-funded clients are not certified through this process.

"Core services." A common set of services that is provided by all programs. Services must include: client screen-

ing, individual assessment, plan of care; basic health monitoring with consultation from a registered nurse; social services, therapeutic activities, at least one nutritional meal per day, including modified diet if needed; coordination and/or provision of transportation; and emergency care for participants.

"Intake evaluation." The screening process conducted by the adult day health program must be completed in order to gain an initial assessment of the appropriateness of the adult day health program for the client. During the intake process, clients for whom the program is not appropriate, are referred to other community agencies.

"Plan of care." The written plan that is developed with the participation of the client, and/or the client's authorized representative, is monitored by the individual responsible from the multidisciplinary team for each participant's plan. The plan of care details the services to be provided through identifying services needed with goals, objectives, and duration of the services.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-651, filed 5/27/99, effective 6/27/99.]

WAC 388-15-652 Adult day care (COPEs level I). (1) Determining eligibility for COPEs level I adult day care.

(a) Home and community services staff (HCS) or area agency on aging (AAA) case managers determine eligibility, by determining the needs of the client cannot be appropriately met in a less structured setting and in accordance with the criteria listed in subsection (2) of this section.

(b) The need for services must be documented in the plan of care, assessed, and re-authorized at regular, specified intervals.

(c) A physician does not need to authorize adult day care services as is required for level II adult day health.

(2) A person who is eligible for COPEs and needing supervision or activities of daily living who can benefit from level I services to remain in their own home may receive level I services if it is an approved part of the clients service plan developed by HCS staff, AAA staff or authorized sub-contractors.

Eligibility criteria for adult day care COPEs level I. Clients are eligible when they are:

(a) Eligible for COPEs as defined in WAC 388-15-620; and

(b) Ineligible for, and/or are eligible for, but do not have access to, level II adult day health; and

(c) Determined to be in need of one or more of the following services:

(i) Provision of personal care as defined in WAC 388-15-202(38);

(ii) Basic health monitoring with consultation from a registered nurse;

(iii) Therapeutic activities; or

(iv) Supervision or protection.

(3) Identifying providers. The AAA directly designates adult day care level I providers through a COPEs contract.

(4) Rates and sources of payment for adult day care level I.

(a) Transportation is not reimbursed under this rate. Arrangements for transportation for eligible Medicaid recipi-

ents are made with the local Medicaid transportation brokers or with individual client COPEs funds.

(b) Services are reimbursed on an hourly basis up to four hours per day. Any service provided over four hours per day shall be reimbursed at the daily rate. Effective July 1, 1999 the rates are as follows:

Counties	COPEs Level I	
	Daily rate	Hourly rate
King	\$34.51	\$8.62
Benton, Clark, Franklin, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima	\$30.70	\$7.68
All other counties	\$29.10	\$7.27

(c) Service plan for adult day care level I. The level I service is a part of the COPEs service plan for the client. This plan is developed by HCS, AAA (or authorized subcontractor) staff. A client/participant may receive both level I and level II services on different days. If, according to an adult day health center plan of care, a client/participant may need a level II service three days per week, but only wishes and would benefit from socialization or activities of daily living (ADL) assistance two additional days, both services may be authorized to complement the week.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-652, filed 5/27/99, effective 6/27/99.]

WAC 388-15-653 Adult day health (level II). (1) Determining eligibility for level II.

(a) Certified providers assess the prospective client's need for day health. The assessment must include all services that the client has been authorized to receive. A state-approved assessment tool must be used. The two approved tools are:

(i) The OARS multidimensional functional assessment; and

(ii) The comprehensive assessment (CA) provided by AASA. The CA must not contain the AASA/DSHS logo.

(b) The adult day health provider must document the client's need for skilled nursing care or rehabilitative therapy and the frequency of the planned care provision.

(c) Day health providers must verify each client's Medicaid (Title XIX) and/or COPEs eligibility.

(d) The provider must obtain a current medical report from the client's physician. The report must have been completed and dated by the client's physician within the last three months. The facility must inform the physician that he or she is documenting the need for skilled nursing or professional rehabilitative therapy services. The facility staff must obtain, from the attending physician, the following additional medical information:

(i) Frequency with which the client must be seen by the physician (client must agree to visits as ordered by the physician);

(ii) Orders for physical, speech, and hearing or other rehabilitative therapy; and

(iii) The physician's signature shall indicate that the client has a medical need for adult day health services and orders the development of a plan of care, and the provision of adult day health services.

(e) The multidisciplinary team, in preparing the plan of care, shall include input from the attending physician of any client funded by Medicaid.

(f) The plan of care shall be forwarded to the attending physician within one week of completion.

(g) Medicaid clients shall have their plan of care reassessed at least once every three months by the multidisciplinary team, which is to include the clients attending physician.

(h) Progress notes on Medicaid clients must be recorded weekly.

(i) Changes in the Medicaid clients plan of care are to be filed in their case record and a copy forwarded to the clients physician.

(2) Eligibility criteria for adult day health level II.

(a) Applicants are considered eligible for level II when they are:

(i) Active Title XIX recipients in the following categories:

Medical ID Code	Medical program eligibility
CNP	Categorically needy program
CNP-QMB	Categorically needy qualified medical beneficiaries
GAU/W	General assistance unemployable alcohol and drug addiction treatment and support act

or

(ii) Enrolled COPES clients receiving at least one COPES service (not including level II day health).

(b) In addition to subsection (1)(a) of this section, eligible clients must also be in need of one or more of the following and not have access to:

(i) Skilled nursing services: Skilled nursing services are services provided by a registered nurse (RN), or a licensed practical nurse (LPN). Reminding or coaching a client is not a skilled service. Skilled nursing services may include, but is not limited to, one or more of the following:

(A) Observation and assessment: This service may be medically necessary for a client who is in an unstable condition.

(B) Teaching and training activities: Teaching and training activities enable the client to become independent. Examples of teaching a client are:

- (I) Self-administration of an injection,
- (II) Prefill insulin syringes,
- (III) Irrigate a catheter,
- (IV) Care for a colostomy or ileostomy,
- (V) Dressing changes and aseptic techniques,
- (VI) Management of activities of daily living,
- (VII) Understand an illness, medications, its symptoms and how to cope.

(C) Intervention: Services provided directly by the licensed nurse may include, but are not limited to:

- (I) Insert or irrigate a catheter,
- (II) Administer medications or medical gases,
- (III) The administration and management of infusion therapy services.

(ii) Rehabilitative therapies: Therapy services must be medically necessary for preventing further deterioration or restoring a function affected by the client's illness, disability,

or injury. These services must be provided by or under the supervision of the therapist.

(A) Physical therapy: Physical therapy must be provided according to applicable state practice laws and regulations. Physical therapy may include but not be limited to:

(I) Assessing the participant's mobility level, strength, range of motion, endurance, balance, ability to transfer.

(II) Provide treatment to relieve pain and/or develop, restore, or maintain functioning.

(III) Establish a maintenance program and provide written and verbal instructions to program staff and the family/caregiver to assist the participant with implementation.

(B) Occupational therapy: Occupational therapy services must be provided according to applicable state practice laws and regulations. Occupational therapy may include, but are not limited to:

(I) Administer basic evaluation to determine baseline level of functioning, ability to transfer, range of motion, balance, strength and coordination, activities of daily living and cognitive-perceptual functioning.

(II) Teach and train participant and/or staff in the use of therapeutic, creative, and self-care activities to improve or maintain the participant's capacity for self-care and independence, and increase the range of motion, strength and coordination.

(C) Speech pathology and audiology: Speech pathology and audiology services must be provided according to applicable state practice laws and regulations. Services may include, but are not limited to:

(I) Establish a treatment program to improve communication ability and correct disorders.

(II) Provide speech therapy procedures that include auditory comprehension tasks, visual and/or reading comprehensive tasks, language intelligibility tasks, or training involving the use of alternative communication devices.

(III) Swallowing assessment and treatment.

(c) The client must receive services from one of the licensed professionals listed above. If, at the time of reassessment, it is determined that the participant requires fewer or more days of attendance, based on documentation of care delivered, the plan of care will be adjusted.

(3) Identifying providers. Level II providers for billing purposes are designated through a contract with the DSHS medical assistance administration (MAA). In order to be eligible to contract with MAA, they must be certified by the AAA. The AAA is required to conduct an annual review for continuing certification for each provider.

(4) Rates for level II and sources of payment.

(a) Transportation is not reimbursed under level II adult day health rate. Arrangements for transportation are made with the local Medicaid transportation brokers.

(b) Effective July 1, 1999 the rates are as follows:

Counties	Rate
	Level II
King	\$44.92
Benton, Clark, Franklin, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima	\$40.73
All other counties	\$38.49

(c) There is a one time only intake evaluation that is reimbursed at eighty-four dollars and fifty-six cents.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-653, filed 5/27/99, effective 6/27/99.]

WAC 388-15-654 Plan of care. The plan of care:

(1) Is developed by the multidisciplinary team of the adult day health program. In determining days of attendance for each participant, the program will assess the individual for the frequency of need for any of the above listed services. In addition, the plan should determine the frequency for active psycho-social therapy, which includes assessment for and treatment of mental illness, which must be provided by an appropriate therapist as defined in RCW or state regulations.

(2) For level II determine the frequency of attendance based on frequency of need for skilled nursing or rehabilitation therapy.

(3) Must be authorized by the participant's physician. The physician must be informed that he or she is documenting the participant's need for services described in the plan of care.

(4) Must include at a minimum the following:

- (a) Identified needs in each service area;
- (b) Time-limited measurable goals and objectives of the care for the person served;
- (c) Type and scope of interventions to be provided in order to reach predicted outcomes;
- (d) Discharge/transition plan for the person, including specific criteria for discharge/transition.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-654, filed 5/27/99, effective 6/27/99.]

WAC 388-15-655 Title XIX adult day health certification and monitoring. (1) Administration.

(a) Role of the AAA.

(i) The AAA, as authorized by the department, is responsible for the administration of the certification process for determining eligibility of an adult day health program to receive Medicaid (Title XIX) funds. The AAA will make the initial certification and annual review (recertification) of applicants. A letter of certification will be given to applicants meeting all requirements, administrative and fiscal, for contracting with the department. The AAA shall notify the department in writing of all certifications.

(ii) When an applicant applying for initial certification does not meet all the certification requirements, certification will be denied. A notice from the AAA setting forth the reason for denial will be mailed to the applicant within thirty days after completion of the site visit.

(iii) The department may take action such as, but not limited to, stop placement, corrective action or revocation of certification at any time the adult day health center is found not to be in compliance with client eligibility requirements, or not meeting the administrative or fiscal requirements. The AAA shall notify the program in writing of the reasons for revocation. Revocation will become effective sixty days after notice is mailed to the facility. Revocation may be suspended if the program submits an approved corrective action plan within thirty days after the mailing date of the revocation

notice. The AAA will determine the date by which the corrective action must be completed.

(2) Minimum requirements for certification.

(a) Mission statement, articles of incorporation and bylaws.

(b) Names and addresses of the board of directors (including minutes of the last three meetings) if the applicant is a nonprofit organization. Names and addresses of all owners if the applicant is a proprietary.

(c) Organizational chart.

(d) Total program operating budget including all revenue sources and client fees generated.

(e) Program policies and operating procedures manual (all programs must operate at least three days a week and provide a structured program for participants at least four hours a day.

(f) Personnel policies and job descriptions of each paid staff position and volunteer positions.

(g) Definitions, policies and procedures about suspected abuse, neglect, or exploitation and mandatory reporting to adult protective services.

(h) Financial statement or the latest audit report of the organization by a certified public accountant (CPA).

(i) A floor plan of the facility indicating usage of space with interior measurements.

(j) Building inspection report, fire department inspection report, local health department inspection report, and food handler permit if food is prepared in the facility.

(k) Updated TB test for each staff member.

(l) All forms used in client's case records/files.

(m) Program/activities calendar for the month prior to application.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-655, filed 5/27/99, effective 6/27/99.]

WAC 388-15-656 Administration and organization.

(1) Governing board.

(a) Unless the program is independently owned or functions through a governmental unit, a formal governing body shall have full legal authority and fiduciary responsibility for the operation of the program, adopting bylaws, and rules that address:

(i) Purposes of the program;

(ii) Governing body's composition and size, and members' and committee chairs' terms of office;

(iii) Frequency of meetings.

(b) The organization shall develop a written plan, reviewed on a regular basis, that addresses:

(i) The core values and mission of the organization, that promote seeing the persons served as the focus of the adult day health program;

(ii) That supports leadership that identifies and demonstrates ethical behavior in business, marketing, communication, and the provision of services; and

(iii) Information dissemination from a variety of sources to plan and improve performance and to educate, inform and demonstrate to all stakeholders the value of adult day health services.

(2) The advisory committee.

(a) Every adult day health program shall have a body that serves as an advisory committee. When an adult day health program is a subdivision or subunit of a multifunction organization, a committee or subcommittee of the governing body of the multifunction organization may serve as the advisory committee of the program.

(b) For a single purpose agency the governing body may fulfill the functions of the advisory committee.

(c) The advisory committee shall meet at least twice a year, but preferably quarterly, and shall have an opportunity, at least annually, to review and make recommendations on program policies. The advisory committee should be representative of the community and include family members of current or past participants and nonvoting staff representatives.

(3) A written plan of operation.

The administrator shall be responsible for the development of a current, written plan of operation with approval of the governing body. The plan of operation shall be reviewed, and if necessary, revised annually. The plan may include:

- (a) Short- and long-range program goals;
- (b) Definition of the target population, including number, age and needs of participants;
- (c) Geographical definition of the service area;
- (d) Hours and days of operation;
- (e) Description of basic services and any optional services;
- (f) Policies and procedures for service delivery;
- (g) Policies and procedures for admission and discharge;
- (h) Policies and procedures for assessment and reassessment, and the development of a plan of care with participants and/or family/caregiver by an interdisciplinary team;
- (i) Staffing pattern;
- (j) A plan for utilizing community resources;
- (k) Policies and procedures for recruitment, orientation, training, evaluation, and professional development of staff and volunteers;
- (l) General record policies;
- (m) Statement of participant rights;
- (n) Mandated reporting procedures;
- (o) Marketing plan;
- (p) Strategic planning;
- (q) Accident, illness, and emergency procedures;
- (r) Grievance procedures;
- (s) Procedures for reporting suspected abuse;
- (t) Payment mechanisms, funding sources and rates; or
- (u) Operational budget.

(4) A written emergency plan. A written plan for handling emergencies shall be developed, and posted at each program site and on all program owned vehicles. Staff shall be trained to ensure smooth implementation of the emergency plan. If a single participant is present, at least one staff member on site shall be trained in cardiopulmonary resuscitation (CPR) and first aid.

(5) Lines of supervision and responsibility.

(a) To ensure continuity of direction and supervision, there shall be a clear division of responsibility between the governing body and the adult day health program administrator.

(b) An administrator shall be appointed and given full authority and responsibility to plan, staff, direct, and implement the program. The administrator shall also have the responsibility for establishing collaborative relations with other community organizations to ensure necessary support services to participants and their families/caregivers.

(c) The administrator or the individual(s) designated by the administrator shall be on site to manage the program's day-to-day operations during hours of operation. If the administrator is responsible for more than one site, or has duties not related to adult day health administration or provision of services, a program director shall be designated for each additional site and shall report to the administrator.

(d) An organizational chart shall be developed to illustrate the lines of authority and communication channels, and shall be provided to all staff.

(6) Administrative policies and procedures.

(a) Every adult day health program shall demonstrate fiscal responsibility by utilizing generally accepted principles of accounting in all its financial transactions. Fiscal policies, procedures, and records shall be developed to enable the administrator to meet the fiscal reporting needs of the governing body.

(b) Every adult day health program shall develop a plan to address the future financial needs of the program. The plan shall include projected program growth, capital purchases, projected revenue, projected expenses, and plans for fund raising.

(7) Quality improvement.

(a) Every adult day health program shall develop a quality improvement plan, with specific measurable objectives, designed to meet requirements of any licensing, funding sources, and professional standards.

(b) Policies and procedures for monitoring program quality and determining further action shall be developed by the administrator with the advice of the multidisciplinary staff team and the advisory committee with the approval of the governing body.

(8) Personnel policies and practices.

(a) There shall be a written job description for each staff position that specifies:

- (i) Qualifications for the job;
- (ii) Delineation of tasks; and
- (iii) Lines of supervision and authority.

(b) Each employee shall receive, review, and sign a copy of the job description at the time of employment. Volunteers who function as staff also shall be provided written descriptions of responsibilities.

(c) Provision shall be made for orientation of new employees and volunteers. All staff and volunteers shall receive regular in-service training and staff development that meet their individual training needs. This shall be documented.

(d) Probationary evaluations and annual performance evaluations, in accordance with job descriptions, shall be conducted and shall conform to the policy of the funding or parent organization. Staff members shall review the written evaluation, that shall be signed by both the employee and supervisor. Copies shall be kept in locked personnel files.

(e) Each employee shall receive and/or review a copy of the program's personnel policies at the time of employment.

(f) Each employee shall have an individual file containing: Employee's qualifications, verification of training completed, signed job description and all performance evaluations. In addition, personnel files shall contain a copy of a current license or certificate, if applicable to the staff position, and certification of CPR and first aid training, if applicable.

(g) Whenever volunteers function in the capacity of staff, all applicable personnel policies pertain.

(h) The program shall conform to federal and state labor laws, must be in compliance with equal opportunity guidelines, and must adhere to federal and state employment regulations.

(9) Participant policies. Policies shall define the target population, admission criteria, discharge criteria, medication policy, participant rights, fee schedule, confidentiality, grievance procedures, and staff/participant ratios. Policies shall conform to the following:

(a) Nondiscrimination policy. No individual shall be excluded from participation in or be denied the benefits of or be otherwise subjected to discrimination in the adult day health program on the grounds of age, race, color, sex, religion, or national origin, creed, marital status, Vietnam era or disabled veteran's status, sensory, physical, or mental handicap.

(b) Bill of rights. A participant bill of rights shall be developed, posted, distributed to, and explained to participants, families, staff, and volunteers in the language understood by the individual.

(c) Illness/injury procedure. There shall be written procedures to be followed in case a participant becomes ill or is injured. The procedures shall be posted in at least one visible location at all program sites and shall be thoroughly explained, to staff, volunteers and participants. The procedures shall describe arrangements for hospital inpatient and emergency room service and include directions on how to secure ambulance transportation.

(d) Medications. Participants who need to take medications while at the program, and who are sufficiently mentally alert, shall be encouraged and expected to bring, keep and take their own medications as prescribed. Some participants may need assistance with their medications, and a few may need to have their medications administered by program staff. In order for program staff to administer any prescribed medication, there must be a written authorization from the participant's physician stating that the medication is to be administered at the program site and identifying the licensed person responsible for administration.

(e) The program shall develop written mediation procedures that are explained to all staff and anyone else who has responsibility in this area. At a minimum, these procedures shall describe the following:

(i) How medications will be stored;

(ii) Under what conditions licensed program staff will administer medications;

(iii) How medications brought to the program by a participant must be labeled;

(iv) How general medications such as aspirin or laxatives are to be used;

(v) How the use of medications will be entered in participants' case records.

(10) General record.

The adult day health program shall maintain a secure participant record system to ensure confidentiality. The record system shall include, but is not limited to:

(a) A permanent registry of all participants with dates of admission and discharge;

(b) A written policy on confidentiality and the protection of records that defines procedures governing their use and removal, and conditions for release of information contained in the records;

(c) A written policy on conditions that require authorization in writing by the participant or the legally responsible party for release of appropriate information not otherwise authorized by law;

(d) A written policy providing for the retention and storage of records for at least five years (or in accordance with state or local requirement) from the date of the last service to the participant;

(e) A written policy on the retention and storage of such records in the event the program discontinues operation, depending on the requirements of funding sources;

(f) A policy and procedure manual governing the record system and procedures for all agency staff;

(g) Maintenance of records on the agency's premises in secure storage area;

(h) Notes and reports in the participant's record that are typewritten or legibly written in ink, dated, and signed by the recording person with his/her title.

(11) Participant records. The following shall be maintained as a record for each participant. This shall include, but is not limited to, the following:

(a) Application and enrollment forms;

(b) Medical history and functional assessment (initial and ongoing);

(c) Plan of care (initial and reviews) and revisions;

(d) Fee determination form;

(e) Service contract;

(f) Signed authorizations for releases of medical information and photos, as appropriate;

(g) Signed authorizations for participant to receive emergency medical care if necessary;

(h) Correspondence;

(i) Attendance and service records;

(j) Transportation plans;

(k) Where appropriate:

(i) Medical information form;

(ii) Documentation of physicians' orders;

(iii) Physical examinations;

(iv) Treatment, therapy, and medication notes;

(l) Progress notes, chronological and timely;

(m) Where appropriate, discharge plan and summary;

(n) Current photograph of client;

(o) Emergency contacts;

(p) Signed statement that participant or legal representative has read the policies of the program with respect to the Patient Self-Determination Act of 1990.

(12) Administrative records. Administrative records shall include the following:

- (a) Personnel records (including personnel training);
- (b) Fiscal records;
- (c) Statistical records;
- (d) Government-related records (funding sources/regulatory);
- (e) Contracts;
- (f) Organizational records;
- (g) Results of quality improvement plan which could include annual evaluation, utilization review, or care plan audit;
- (h) Board and advisory group meeting minutes;
- (i) Certificates of fire and health inspections;
- (j) Incident reports;
- (k) Emergency plan;
- (l) Criteria for participant termination.

(13) Community relations. Adult day health programs shall provide information on adult day health to target populations and the general public. Participants and their families shall be made aware of community agencies for financial, social, recreational, educational and medical services. In addition, the program staff shall establish linkages with other community agencies and institutions to coordinate services and form service networks.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-656, filed 5/27/99, effective 6/27/99.]

WAC 388-15-657 Staffing. (1) Staff selection is dependent on participant needs, program design, and regulatory requirements. The program must have the proper balance of professionals and paraprofessionals or nonprofessionals to adequately meet the needs of participants. Services must be delivered by those with adequate professional training. One staff person can have multiple functions; for example, an administrator who is also responsible for providing nursing services or social services.

(2) All core services shall have an administrator/program director and an activity coordinator on staff. Health care and social services personnel may be on staff or consulting. Personnel delivering level II services may be on staff or on contract.

(3) Staffing levels in all adult day health programs will vary based upon the number of participants and the care provided. The staffing level shall be sufficient to:

- (a) Serve the number and functioning levels of adult day health program participants;
- (b) Meet program objectives;
- (c) Provide access to other community resources.

(4) The staff-participant ratio shall be a minimum of one to six. Persons counted in the staff-participant ratio are those who provide direct service with participants. When there is more than one participant present there shall be at least two staff members on the premises, one of whom is directly supervising the participants.

(5) As the number of participants with functional impairments increases, the staff-participant ratio shall be adjusted accordingly. Programs serving a high percentage of participants who are severely impaired shall have a staff-participant

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ratio of one to four. All programs shall have a written policy regarding staff-participant ratios.

(6) To ensure adequate care and safety of participants, there shall be provision for qualified substitute staff.

(7) Volunteers shall be included in the staff ratio only when they conform to the same standards and requirements as paid staff, meet the job qualification standards of the organization, and have designated responsibilities.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-657, filed 5/27/99, effective 6/27/99.]

WAC 388-15-658 Personnel requirements. (1) Administrator. The administrator:

(a) Is responsible for the development, coordination, supervision, fiscal control and evaluation of services provided through the adult day health program.

(b) Shall have a master's degree and one year supervisory experience in health or social services (full-time or equivalent) or a bachelor's degree and two years supervisory experience in a social or health service setting.

(2) Program director.

(a) For level I, adult day care services the program director shall have a bachelor's degree in health, social services or a related field, with one year supervisory experience (full-time or equivalent) in a social or health service setting, or a high school diploma and four years of experience in a health or social services field of which two years must be supervision.

(b) For level II, adult day health services, minimum requirements for the program director shall be a bachelor's degree in health, social services or a related field, with one year supervisory experience (full-time or equivalent) in a social or health service setting.

(3) Social worker.

(a) The social worker shall have a master's degree in social work or counseling and at least one year of professional work experience (full-time or the equivalent), or a bachelor's degree in social work or counseling and two years of experience in a human service field.

(b) Depending on the setting and licensing requirements, social work functions may be performed by other human service professionals, such as rehabilitation counselors, gerontologists, or mental health workers (although they may not call themselves social workers without appropriate credentials).

(4) Registered nurse (RN). The nurse shall be a registered nurse (RN) with valid state credentials and a minimum of one year applicable experience (full-time equivalent).

(5) Licensed practical nurse (LPN). The licensed practical nurse (LPN) shall have valid state credentials and a minimum of one year applicable experience (full-time equivalent).

(6) Activities coordinator. The activities coordinator shall have a bachelor's degree in recreational therapy or a related field and one year of experience (full-time equivalent) in social or health services or an associate degree in recreational therapy or a related field plus two years of appropriate experience.

(7) Certified occupational therapy assistant (COTA) or physical therapy assistant. The COTA or physical therapy

assistant shall be certified with valid state credentials and a minimum of one year applicable experience (full-time equivalent).

(8) Nursing assistant/certified (NAC). The nursing assistant shall be certified with valid state credentials and a minimum of one year applicable experience (full-time equivalent).

(9) Program assistant/aide/personal care aide. The program assistant or aide shall have one or more years of experience in working with adults in a health care or social service setting.

(10) Therapists. Physical therapists, occupational therapists, speech therapists, recreation therapists, mental health therapists or any other therapists, utilized shall have valid state credentials and one year of experience in a social or health setting.

(11) Consultants. Consultants shall be available to provide services as needed in order to supplement professional staff and enhance the program's quality.

(12) Secretary/bookkeeper. The secretary/bookkeeper shall have at least a high school diploma or equivalent and skills and training to carry out the duties of the position.

(13) Driver. The driver shall have a valid and appropriate state driver's license, a safe driving record, and training in first aid and CPR. The driver shall meet any state requirements for licensure or certification.

(14) Volunteers. The volunteers shall be individuals or groups who desire to work with adult day health participants and shall take part in program orientation and training. The duties of volunteers shall be mutually determined by volunteers and staff. Duties, to be performed under the supervision of a staff member, shall either supplement staff in established activities or provide additional services for which the volunteer has special talents.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-658, filed 5/27/99, effective 6/27/99.]

WAC 388-15-659 Facility. (1) Location.

(a) Selection of a location for a program facility shall be based on information about potential participants in its service area and be made in consultation with other agencies, organizations, and institutions serving older individuals and those with functional impairments, as well as considering the availability of a suitable location.

(b) Space.

(i) The facility shall comply with applicable state and local building regulations, zoning, fire, and health codes or ordinances. When possible, the facility shall be located on the street level. If the facility is not located at street level, it is essential to have a ramp and/or elevators. An evacuation plan for relocation of participants shall also be in place in the event of an emergency.

(ii) Each adult day health program, when it is co-located in a facility housing other services, shall have its own separate identifiable space for main activity areas during operational hours. Certain space can be shared, such as the kitchen and therapy rooms.

(iii) The facility shall have sufficient space to accommodate the full range of program activities and services. The facility shall provide at least sixty square feet of program

space for multi-purpose use for each day health participant. In determining adequate square footage, only those activity areas commonly used by participants are to be included. Dining and kitchen areas are to be included only if these areas are used by participants for activities other than meals. Reception areas, storage areas, offices, restrooms, passage ways, treatment rooms, service areas, or specialized spaces used only for therapies are not to be included when calculating square footage.

(iv) The facility shall be adaptable to accommodate variations of activities (group and/or individual) and services. The program shall provide and maintain essential space necessary to provide services and to protect the privacy of the participants receiving services. There shall be sufficient private space to permit staff to work effectively and without interruption. There shall be sufficient space available for private discussions.

(v) There shall be adequate storage space for program and operating supplies.

(vi) The facility's restrooms shall be located as near the activity area as possible, preferably no more than forty feet away. The facility shall include at least one toilet for each ten participants. Programs that have a large number of participants that require more scheduled toileting or assistance with toileting shall have at least one toilet for each eight participants. The toilet shall be equipped for use by mobility-limited persons, easily accessible from all program areas, and one or two of the toilet areas should be designed to allow assistance from one or two staff.

(vii) Each bathroom shall contain an adequate supply of soap, toilet tissues and paper towels.

(ix) In addition to space for program activities, the facility shall have a rest area and designated areas to permit privacy and to isolate participants who become ill or disruptive, or may require rest. It shall be located away from activity areas and near a restroom and the nurse's office. There shall be at least one bed, couch or recliner for each ten participants which can be used for resting or the isolation of a participant who is ill or suspected of coming down with a communicable disease. If beds are used, the mattresses shall be protected and linen changed after each use by different participants.

(x) A loading zone with sufficient space for getting on and off a vehicle shall be available for the safe arrival and departure of participants. There should be sufficient parking available to accommodate family caregivers, visitors, and staff. Adequate lighting should be provided.

(2) Atmosphere and design.

(a) The design shall facilitate the participants' movement throughout the facility and encourage involvement in activities and services. The environment shall reinforce orientation and awareness of the surroundings by providing cues and information about specific rooms, locations, and functions that help the participant to get his/her orientation to time and space.

(b) A facility shall be architecturally designed in conformance with the requirements of sections 504 of the Rehabilitation Act of 1973 to accommodate individuals with a disability and meet any state and local barrier-free requirements and/or the Americans with Disabilities Act.

(c) Illumination levels in all areas shall be adequate, and careful attention shall be given to avoiding glare. Attention shall be paid to lighting in transitional areas such as outside to inside and different areas of the facility.

(d) Sound transmission shall be controlled. Excessive noise, such as fan noise, shall be avoided.

(e) Comfortable conditions shall be maintained within a comfortable temperature range. Excessive drafts shall be avoided uniformly throughout the facility.

(f) Sufficient furniture shall be available for the entire participant population present. Furnishings shall accommodate the needs of participants and be attractive, comfortable, sturdy and safe. Straight-backed chairs with arms shall be used during activities and meals.

(g) An adult day health facility shall be visible and recognizable as a part of the community. The entrance to the facility shall be clearly identified. It shall also be appealing and protective to participants and others.

(h) When necessary, arrangements shall be made with local authorities to provide safety zones for those arriving by motor vehicle and adequate traffic signals for people entering and exiting the facility.

(i) A telephone shall be available for participant use.

(3) Safety and sanitation.

(a) The facility and grounds shall be safe, clean, and accessible to all participants. It shall be designed, constructed, and maintained in compliance with all applicable local, state, and federal health and safety regulations.

(b) There shall be an area for labeled medication, secured and stored apart from participant activity areas. If medications need to be refrigerated, they should be in a locked box - if not in their own refrigerator.

(c) Safe and sanitary handling, storing, preparation, and serving of food shall be assured. If meals are prepared on the premises, kitchen appliances, food preparation area, and equipment must meet state and local requirements.

(d) Toxic substances, whether for activities or cleaning, shall be stored in an area not accessible to participants. They must be clearly marked, the contents identified, and stored in original containers.

(e) At least two well-identified exits shall be available. Nonslip surfaces or bacteria-resistant carpets shall be provided on stairs, ramps, and interior floors.

(f) Alarm/warning systems are necessary to ensure the safety of the participants in the facility in order to alert staff to potentially dangerous situations. It is recommended that call bells be installed or placed in the rest areas, restroom stalls, and showers.

(g) An evacuation plan shall be strategically posted in each facility.

(h) The facility shall be free of hazards, such as high steps, steep grades, and exposed electrical cords. Steps and curbs shall be painted and the edges of stairs marked appropriately to highlight them. All stairs, curb cuts, ramps, and bathrooms accessible to those with disabilities shall be equipped with properly anchored handrails.

(i) Procedures for fire safety as approved by the local fire authority shall be adopted and posted, including provisions for fire drills, inspection and maintenance of fire extinguishers, periodic inspection, and training by fire department per-

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sonnel. The program shall conduct and document quarterly fire drills and keep reports of drills on file. Improvements shall be made based on the fire drill evaluation. Smoke detectors shall also be used.

(j) Emergency first-aid kits shall be visible and accessible to staff. Contents of the kits shall be replenished after use and reviewed as needed. A nurse or personnel trained in first aid and CPR shall be on hand whenever participants are present. Infection control procedures shall be followed by all staff. All staff shall be trained in and use Universal Precautions.

(k) There shall be sufficient maintenance and house-keeping personnel to assure that the facility is clean, sanitary, and safe at all times. Maintenance and housekeeping shall be carried out on a regular schedule and in conformity with generally accepted sanitation standards, without interfering with the program.

(l) If smoking is permitted, an adequately ventilated special area away from the main program area shall be provided and supervised.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-659, filed 5/27/99, effective 6/27/99.]

WAC 388-15-660 Coordination of services. The need for coordination of care shall be considered for each participant. If the person is a client of another agency and/or receiving services from the department, the plan of care shall be developed in conjunction with the services provided by the other agencies or the department.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-660, filed 5/27/99, effective 6/27/99.]

WAC 388-15-661 Clients in residential care or nursing facility care settings. Residential clients may receive adult day health level II services when the service is an approved part of the service plan developed by AASA staff. Clients receiving nursing facility care shall not be authorized adult day health services. Clients who reside in enhanced adult residential care, adult residential care, assisted living or adult family homes shall not be authorized COPES funded adult day care.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-661, filed 5/27/99, effective 6/27/99.]

WAC 388-15-662 Expenditures not to exceed. If program expenditures exceed the budget appropriations, the department shall have the authority to limit services by setting forth alternative ways of determining eligibility such as:

(1) Authorizing service to only those clients with the greatest care needs.

(2) Department staff shall assess and authorize all adult day health services.

(3) Limit the number of days a client may receive services.

(4) The department shall comply with established rules and procedures for client notification should action in this section become necessary.

[Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-662, filed 5/27/99, effective 6/27/99.]

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 388-31 WAC

LIFELINE TELEPHONE ASSISTANCE PROGRAM

WAC

388-31-010	Purpose of program.
388-31-015	Definitions.
388-31-020	Conditions of eligibility.
388-31-025	WTAP benefits.
388-31-030	Notification and eligibility periods.
388-31-035	WTAP fund.

WAC 388-31-010 Purpose of program. The Washington telephone assistance program (WTAP) is designed to help low-income households afford access to local exchange telephone service.

[Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-010, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-010, filed 9/17/87.]

WAC 388-31-015 Definitions. (1) "Local exchange company" means a telecommunication company providing local exchange telecommunication service, i.e., the telephone company.

(2) "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.

[Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-015, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-015, filed 9/17/87.]

WAC 388-31-020 Conditions of eligibility. To receive WTAP benefits, an applicant shall:

- (1) Be a recipient of:
 - (a) Aid to families with dependent children (AFDC);
 - (b) Family independence program (FIP);
 - (c) Supplemental security income (SSI);
 - (d) General assistance (GA-U or GA-S);
 - (e) Food stamps;
 - (f) Refugee assistance;
 - (g) Medical coupons;
 - (h) Community options program entry system (COPES);

or

- (i) Chore services.

(2) Be an adult. For WTAP eligibility, the term adult may include a person seventeen years of age or younger who is:

- (a) A financially needy payee of a qualifying assistance unit; and
- (b) The responsible head of household.
- (3) Make application to the local exchange company using the assigned department of social and health services case number; and

(4) Have local exchange telecommunications service billed in the applicant's name; and

(5) To be eligible for the monthly rate discount, subscribe to the lowest available local exchange flat rate service. Single party service shall qualify as the lowest available flat rate for a person otherwise eligible who is sixty years of age or older or who receives medical assistance.

[Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-020, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-020, filed 9/17/87.]

WAC 388-31-025 WTAP benefits. (1) Household benefits under WTAP shall be limited to funds available in the WTAP fund.

(2) Households participating in WTAP shall be eligible for a:

(a) Discount on local exchange flat rate services to the extent the local exchange flat rate exceeds the WTAP service rate as established by the Washington utilities and transportation commission. The local exchange flat rate shall include any federal end user access charges and any other charges necessary to obtain local exchange service;

(b) Waiver of deposit requirements on local exchange service; and

- (c) Fifty percent discount on service connection fees.

Any connection fee discounts available from other programs shall be added to the WTAP discount, thus paying part or all the remaining fifty percent.

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(3) Benefits under WTAP are limited to one residential access per household.

(4) The households's waiver of deposit and the fifty percent discount on service connection fees shall be available once per service year.

[Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-025, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-025, filed 9/17/87.]

WAC 388-31-030 Notification and eligibility periods.

(1) The department shall notify recipients of qualifying assistance programs of their eligibility for WTAP.

(2) Recipient eligibility for WTAP shall continue from July 1 or the date qualifying assistance is approved, whichever is more recent, through the next June 30.

[Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-030, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-030, filed 9/17/87.]

WAC 388-31-035 WTAP fund. (1) Limited to funds available in the WTAP fund, the department shall reimburse local exchange companies for administrative and program expenses associated with the WTAP. The department shall:

(a) Reduce payment amount to the maximum extent possible by a waiver of all or part of the federal end user access charge;

(b) Reimburse from the WTAP fund;

(c) Limit payments to services provided after the household's eligibility for the WTAP is established; and

(d) Ensure local exchange companies fully document and support in detail all administrative and program expenses billed to the department in the required monthly invoices. The department shall limit reimbursable administrative expenses to:

(i) Salaries and benefits for documented time required for implementing and maintaining the WTAP, with the exception that time required for the correction of case number errors is not an allowable expense;

(ii) Documented travel expenses incurred for attending hearings, meetings, or training pertaining to the WTAP;

(iii) Documented expenses incurred for supplies and materials required to implement and maintain the WTAP;

(iv) Documented postage and handling for delivery of WTAP material;

(v) Change of service charges from a private line to a party line in order to participate in WTAP, not to exceed the amount tariffed, as necessary to meet the requirements of WAC 480-122-010 (3)(c);

(vi) Administrative charge for change of service orders specified by tariffs; and

(vii) Documented indirect costs associated with implementing and maintaining WTAP.

(2) The department shall recover its administrative costs from the WTAP fund.

(3) The department shall establish procedures for reimbursement from the WTAP fund and shall only reimburse for:

(a) Invoices submitted within ninety days following the month the expense occurred;

(b) Correct, verifiable, billing items; and

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(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 388-46 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

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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 388-60 WAC

DOMESTIC VIOLENCE PERPETRATOR PROGRAM STANDARDS

WAC

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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) Marital 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;

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(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.]

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.

(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).

(2001 Ed.)

(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:

(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;

(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.		9/10/75.] Repealed by 85-13-062 (Order 2242), filed 6/18/85. Statutory Authority: RCW 74.08.090.
388-70-440	Adoption services for children.		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.
388-70-450	Adoptive planning for Indian children by department staff.	388-70-049	Requests from parents. [Regulation 70.050, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-460	Adoption services for families.		Overpayments of foster care. [Order 913, § 388-70-052, filed 3/1/74.] Repealed by Order 1186, filed 2/3/77.
388-70-470	Interstate procedures.	388-70-050	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.
388-70-480	Record confidentiality.	388-70-052	Foster care—Responsibility of foster parents. [Order 623, § 388-70-055, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
388-70-510	Adoption support for children—Legal basis—Purpose.		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.
388-70-520	Adoption support for children—Definitions.	388-70-053	Services to the child in his own home. [Regulation 70.060, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-530	Adoption support for children—Eligible child.		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.
388-70-540	Adoption support for children—Application.		Foster care—Payment. [Order 623, § 388-70-065, filed 10/27/71.] Repealed by Order 825, filed 7/26/73.
388-70-550	Adoption support for children—Types and amounts of payments.	388-70-055	Referrals to juvenile court. [Regulation 70.070, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-560	Adoption support for children—Criteria governing amount of payment.		Foster care. [Regulation 70.080, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-570	Adoption support for children—Agreement for adoption support.	388-70-056	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.
388-70-580	Adoption support for children—Review of support payment.		Payment for foster care. [Regulation 70.090, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-590	Adoption support for children—Appeal from secretary's decision—Hearing.	388-70-060	Adoption services. [Regulation 70.100, filed 3/22/60.] Repealed by Order 1167, filed 10/27/76.
388-70-595	Reimbursement for nonrecurring adoption finalization costs.		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.
388-70-600	Local Indian child welfare advisory committee—Purpose.	388-70-064	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.
388-70-610	Local Indian child welfare advisory committee—Membership.		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.
388-70-615	Local Indian child welfare advisory committee—Subcommittees.	388-70-065	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.
388-70-620	Local Indian child welfare advisory committee—Functions.		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.
388-70-630	Local Indian child welfare advisory committee—Meetings.	388-70-066	Medical care. [Regulation 70.120, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-640	Local Indian child welfare advisory committee—Confidentiality.		Foster homes. [Regulation 70.130, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-700	Juvenile records.	388-70-067	Interstate movement of children. [Regulation 70.140, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
		388-70-068	Adoption studies for the superior court. [Regulation 70.150, filed 3/22/60.] Repealed by Order 1167, filed 10/27/76.

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		

- 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,
- (f) The placement of the child in the type of foster care facility which best meets its needs,
- (g) Medical services according to the rules of the department's medical program,
- (h) Supervision of the foster care placement. This may be direct supervision through departmental casework services; or indirect supervision through evaluation of periodic reports as specified in WAC 388-70-235 from private child caring agencies, institutions or maternity homes with whom the department has contractual arrangements.

[Statutory Authority: RCW 74.08.090, 78-09-098 (Order 1335), § 388-70-012, filed 9/1/78; Order 1123, § 388-70-012, filed 6/7/76; Order 913, § 388-70-012, filed 3/1/74.]

WAC 388-70-013 Authorization for foster care placement. A child may be placed in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into custody pursuant to chapter 13.32A RCW, Runaway Youth Act. A child shall in no event remain in temporary residential care for more than seventy-two hours from the time of initial contact with the law enforcement officer, except as otherwise provided in this section.

(2) A petition, by child, parent or parents, or the department requesting alternative residential placement for the child has been filed pursuant to RCW 13.32A.120 or 13.32A.140, or approved pursuant to RCW 13.32A.170, or upon a child having been admitted directly by RCW 13.32A.090.

(3) A child has been placed in shelter care as provided in the following:

(a) The child has been taken into custody and placed in shelter care when there is probable cause to believe, pursuant to RCW 26.44.050, that the child is abused or neglected and the child would be injured or could not be taken into custody as provided in RCW 13.34.050.

(b) A petition has been filed with the juvenile court alleging the child is dependent; that the child's health, safety, and welfare will be seriously endangered if not taken into custody and the juvenile court enters an order placing the child in shelter care. See RCW 13.34.050 and 13.34.060.

(c) No child shall be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody, unless a court order has been entered for continued shelter care.

(d) No child shall be detained for longer than thirty days without a court order, authorizing continued shelter care.

(4) A juvenile court has determined a child is dependent and the court's order of disposition issued pursuant to RCW 13.34.130 removes the child from his or her home.

(5) A juvenile court has terminated the parent and child relationship pursuant to chapter 13.34 RCW and placed the custody of the child with the department or a licensed child placing agency.

(6) The child and his or her parent or parents agree to the arrangement and/or continuation of alternative residential

placement pursuant to RCW 74.13.031, as evidenced by a written consent to placement subject to limitations in subsection (8) of this section.

(7) If a child is to be placed in group care, such placement shall only be made when the department has assessed the child's and family's needs and determined group care is the most appropriate placement option.

(a) The department will only provide financial support for a child's group care placement when the placement is in a licensed group care facility, and

(b) The department has custody of the child and the authority to remove the child in a cooperative manner after at least seventy-two hours notice to the child care provider; such notice may be waived in emergency situations.

(8) The child's parent or parents or legal guardian or guardians has voluntarily requested, on forms prescribed by the department, the placement of the child by the department or a licensed child placement agency into foster care and the department concurs such placement is currently necessary.

(a) By the end of one hundred eighty days, the child shall return to his or her parent or guardian unless the juvenile court has made a judicial determination that return to the parent or guardian is contrary to the welfare of the child, or that continued placement in foster care is in the best interest of the child.

(b) The DCFS regional administrator or area manager may grant exceptions to the one hundred eighty-day limit on voluntary placements subject to the following limitation:

(i) DSHS conducted an administrative review fulfilling the requirements of P.L. 96-272 and the review chairperson recommends continuation of voluntary placement; and

(ii) The exception shall not cause the child to remain in care for greater than eighteen months without a court review hearing which meets the dispositional hearing requirements of P.L. 96-272; and

(iii) The child's return to the home is imminent; or

(iv) The child is seventeen years of age or older.

[Statutory Authority: RCW 74.08.090, 88-17-059 (Order 2669), § 388-70-013, filed 8/17/88; 86-04-030 (Order 2337), § 388-70-013, filed 1/29/86. Statutory Authority: RCW 74.12.340, 82-16-064 (Order 1849), § 388-70-013, filed 7/30/82. Statutory Authority: RCW 74.08.090, 82-06-001 (Order 1764), § 388-70-013, filed 2/18/82. Statutory Authority: RCW 74.13.109 and 74.08.090, 81-18-031 (Order 1686), § 388-70-013, filed 8/27/81. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-70-013, filed 9/10/79. Statutory Authority: RCW 74.08.090, 78-09-098 (Order 1335), § 388-70-013, filed 9/1/78; Order 1186, § 388-70-013, filed 2/3/77; Order 1123, § 388-70-013, filed 6/7/76.]

WAC 388-70-022 Payment of foster care. (1) Payment is made for foster care upon:

(a) Documentation of the need for the type and level foster care as determined by the department and

(b) Documentation of authority for the placement of a child in foster care as required by WAC 388-70-013 and

(c) Receipt of a request for payment of the care to be provided.

(2) All persons and agencies to whom the department makes payment must be appropriately licensed and approved, or, if not subject to licensing, be certified or otherwise approved as meeting licensing or other appropriate requirements of the department.

(3) Payment is made for out-of-state foster care placements only after approval from the two state offices involved.

(4) Authorization of payment is the responsibility of social services. The determination of the amount of parental support, except when stated in a superior court order, is the responsibility of the office of support enforcement.

(5) Foster care payments may be made to persons granted guardianship according to section 51, chapter 155, Laws of 1979.

[Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-70-022, filed 9/10/79. Statutory Authority: RCW 74.08.090. 79-04-062 (Order 1384), § 388-70-022, filed 3/28/79; 78-09-098 (Order 1335), § 388-70-022, filed 9/1/78; Order 1260, § 388-70-022, filed 12/29/77, effective 2/1/78; Order 1123, § 388-70-022, filed 6/7/76; Order 913, § 388-70-022, filed 3/1/74.]

WAC 388-70-024 Payment of foster care—Effective date. (1) A foster care payment is effective the date a child is placed in care if an application for foster care payment is received within seven working days of placement. If an application is not received within seven working days of placement, the effective date of care is the date the application is received.

(2) The effective date of termination of family foster care payments for children in family foster care is the date:

(a) The child no longer needs foster care.

(b) The child reaches the age of eighteen. If the child is attending but has not finished high school or equivalent at the age of eighteen and has a need for continued family foster care services, payments may be continued until the date the high school program or equivalent is completed. Such payments shall not be extended beyond age twenty-one.

(3) Payment for group foster care is limited to children who are at least six years of age but under the age of eighteen. The effective date of termination of foster care payments for children in group foster care is the date:

(a) The child no longer needs group foster care.

(b) The child has been in group care eighteen consecutive months.

(c) The child reaches the age of eighteen. If the child is attending but has not finished high school or equivalent at the age of eighteen and has a need for continued group care services, payments may be continued until the date the high school program or equivalent is completed or the child has spent eighteen consecutive months in group care, whichever comes first.

[Statutory Authority: RCW 74.12.340. 82-16-064 (Order 1849), § 388-70-024, filed 7/30/82. Statutory Authority: RCW 74.08.090. 82-04-070 (Order 1753), § 388-70-024, filed 2/3/82; 78-09-098 (Order 1335), § 388-70-024, filed 9/1/78; Order 1123, § 388-70-024, filed 6/7/76; Order 1040, § 388-70-024, filed 8/7/75; Order 1020, § 388-70-024, filed 4/29/75; Order 913, § 388-70-024, filed 3/1/74.]

WAC 388-70-031 Foster parent liability fund. (1) The state of Washington, department of social and health services, under chapter 283, Laws of 1991, establishes a fund to pay liability claims on behalf of foster parents licensed under chapter 74.15 RCW. The department shall administer this fund and shall pay a foster parent's liability claim subject to available funds, individual claim limits, and eligibility criteria as established under this chapter.

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(2) The department's foster parent liability fund shall provide foster parent liability injury and property damage claims made by a:

(a) Third party;

(b) Natural parent; or

(c) Guardian or guardian ad litem.

(3) A foster parent liability coverage shall:

(a) Only apply to an occurrence arising from a foster parent's act or omission in the good faith provision of foster child care and supervision; and

(b) Be subject to all legal limitations on a foster parent's liability.

[Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-031, filed 11/27/91, effective 12/28/91.]

WAC 388-70-032 Period of coverage. The department's coverage under the foster parent liability fund shall be effective for claims arising out of occurrences on or after July 1, 1991.

[Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-032, filed 11/27/91, effective 12/28/91.]

WAC 388-70-033 Persons eligible for coverage. A person eligible for foster parent liability fund coverage shall be a foster parent licensed by the department or a licensed child placing agency as described under chapter 74.15 RCW.

[Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-033, filed 11/27/91, effective 12/28/91.]

WAC 388-70-034 Limits of coverage. (1) The foster parent's liability fund coverage shall be limited to twenty-five thousand dollars per occurrence. "Occurrence" shall be defined for purposes of this WAC as the event precipitating the claim.

(2) The foster parent's claim for a twenty-five thousand dollar limitation per occurrence shall apply regardless of whether there are multiple claims arising from the same occurrence.

(3) For purposes of this section, the department shall consider a liability claim against one or more foster parents occupying the same household as a single occurrence claim.

(4) The department's aggregate coverage of the foster parent liability fund shall be limited to the availability of funds specifically appropriated for the foster parent coverage minus costs associated with administering the coverage.

(5) The department foster parent liability fund shall pay a claim on behalf of a licensed foster parent, within the occurrence and aggregate funding limits, for personal injury or property damage of a third party arising from a foster parent's act or omission in the good faith provision of family foster care and supervision of a foster child.

(6) The department shall not make a payment of claims from this liability fund if the foster parent is not liable to the third party or the foster child's natural parent or guardian because of any:

(a) Immunities;

(b) Limitations; or

(c) Exclusions provided by law.

(7) The department's coverage under this foster parent liability fund shall be in excess of any other available liability insurance.

(8) The department shall not pay a foster parent money from this liability fund unless the foster parent exhausts all proceeds available from another valid and collectible liability insurance.

[Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-034, filed 11/27/91, effective 12/28/91.]

WAC 388-70-035 Exclusions. (1) The department's foster parent liability fund shall not pay any liability fund claims arising out of a foster parent's illegal conduct or bad faith acts in providing family foster care.

(2) A foster parent's illegal conduct or bad faith act shall include, but is not limited to any:

(a) Loss arising out of a dishonest, fraudulent, criminal or intentional act or omission;

(b) Loss arising out of licentious, immoral, or sexual behavior;

(c) Actual giving of any alcoholic beverage, which causes or contributes to the intoxication of a foster child, for whatever reason or cause; and

(d) Judgment based on alienation of affection against a foster parent.

(3) The department shall specifically exclude the following from foster parent's liability fund coverage:

(a) A claim based on an occurrence not arising from the family foster care relationship. This exclusion shall include a foster child's act occurring:

(i) As a result of the foster child's visit to or with the natural parent; or

(ii) While temporarily assigned outside the jurisdiction of the foster parent.

(b) A bodily injury or property damage arising out of the operation or use of any motor vehicle, aircraft, or water craft owned by, operated by, rented to, or loaned to any foster parent; or

(c) An injury or damage arising out of an occurrence before July 1, 1991.

[Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-035, filed 11/27/91, effective 12/28/91.]

WAC 388-70-036 Subrogation. (1) If the department pays a liability fund claim to a foster parent, the department shall be subrogated to a foster parent's rights of recovery against any person or organization against whom the foster parent may have a legal claim.

(2) The foster parent shall sign and deliver to the department any documents necessary to secure such foster parent's rights of subrogation for the state.

[Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-036, filed 11/27/91, effective 12/28/91.]

WAC 388-70-037 Investigation of claims. (1) The department may conduct an appropriate investigation of any foster parent liability fund claim.

(2) The foster parent shall fully cooperate with the department for any liability fund claims filed against the foster parent.

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[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 suffi-

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cient time for the development of a plan including the involvement of the child whenever possible.

(2) There are two types of receiving homes:

(a) Regular receiving homes for children age zero through seventeen, and

(b) Specialized receiving homes for children age twelve through seventeen who are runaways or in conflict with their parents.

(3) Receiving homes supported by the department shall be limited to the number the DCFS administrator determines necessary in his or her geographical area. The criteria to be followed are:

(a) Each DCFS office or private agency shall document need for a receiving home and present the request in writing, giving the specifics, to the DCFS administrator.

(b) All receiving homes shall be licensed as foster family homes.

(c) The need for a receiving home or homes must carry a direct relationship to the department's or private agency's type of program and service responsibilities.

(d) The intent of the service is to allow the department or private agency to develop and carry out a suitable plan for the child.

(4) Length of stay guidelines for receiving homes are as follows:

(a) Regular receiving homes provide care up to thirty days;

(b) Specialized receiving homes provide care up to fifteen days.

(5) Every six months the DCFS administrator shall receive a written report on each receiving home, resubstantiating continued use and need.

(6) Foster family homes regularly providing care for children on a temporary, emergent, or interim basis and are available for placement twenty-four hours per day shall be designated as regular or specialized receiving homes.

(a) Regular receiving homes shall be paid thirty-three dollars and thirty-two cents per month for each bed available for the emergency placement of children. In addition, the daily rate for receiving home care shall be twelve dollars and twenty cents per day per child.

(b) Specialized receiving homes shall be paid sixty-seven dollars and seventeen cents per month for each bed available for the emergency placement of children. In addition, the daily rate for specialized receiving home care shall be sixteen dollars and sixty-six cents per day per child.

(7) Other foster homes occasionally providing temporary, emergent, or interim care shall not be designated as receiving homes nor receive the retainer fee, but shall be reimbursed for such care at the receiving home rate of twelve dollars and twenty cents per day per child.

(c) Payments in excess of the standards in subsection (6)(a) and (b) of this section may be authorized by the DCFS administrator or his or her designee for individual, child-specific situations.

(8) Temporary or emergency care for a child shall not exceed thirty days. After thirty days, the rate for children remaining in care in a receiving home shall be that for regular full-time foster care except as authorized by the DCFS

administrator. Clothing and personal incidentals are purchased for the child in receiving home care as needed.

(9) Private group care facilities may, at the discretion of the DCFS administrator, be utilized to provide interim care for children and youths requiring care in a group setting. Unless an alternate agreement is made, contracted group care facilities shall be paid for providing interim care at their established daily rate.

[Statutory Authority: RCW 74.08.090, 86-04-030 (Order 2337), § 388-70-044, filed 1/29/86; 85-13-062 (Order 2242), § 388-70-044, filed 6/18/85; 81-09-042 (Order 1634), § 388-70-044, filed 4/15/81; 79-11-085 (Order 1445), § 388-70-044, filed 10/24/79; 78-09-098 (Order 1335), § 388-70-044, filed 9/1/78; Order 1260, § 388-70-044, filed 12/29/77, effective 2/1/78; Order 1208, § 388-70-044, filed 4/29/77; Order 1149, § 388-70-044, filed 8/26/76; Order 1052, § 388-70-044, filed 9/10/75; Order 965, § 388-70-044, filed 8/29/74; Order 963, § 388-70-044, filed 8/19/74; Order 913, § 388-70-044, filed 3/1/74.]

WAC 388-70-048 Payment standards—Specialized rate foster family care—Child with special needs. In addition to the basic rate for regular foster family home care specified in this chapter, an additional amount may be paid for the specialized care of a child with special needs as determined by the department. The additional amounts are:

(1) Children with behavioral/emotional problems	\$ 140.63 per month
(2) Intellectually/physically handicapped children	\$ 140.63 per month

[Statutory Authority: RCW 74.08.090, 86-04-030 (Order 2337), § 388-70-048, filed 1/29/86; 85-13-062 (Order 2242), § 388-70-048, filed 6/18/85; 81-09-042 (Order 1634), § 388-70-048, filed 4/15/81; 79-11-085 (Order 1445), § 388-70-048, filed 10/24/79; 78-09-098 (Order 1335), § 388-70-048, filed 9/1/78; Order 1149, § 388-70-048, filed 8/26/76; Order 1052, § 388-70-048, filed 9/10/75; Order 963, § 388-70-048, filed 8/19/74; Order 913, § 388-70-048, filed 3/1/74.]

WAC 388-70-051 Education related foster care. (1) Licensed foster care will be provided for a handicapped child away from his home when requested by a school district and in concurrence with the wishes of the parents.

(2) Payment will be made by the school district when the only need for foster care arises from the need for an education. The department may pay the cost of foster care if the primary reason for placement in foster care is not educational.

[Statutory Authority: RCW 74.08.090, 78-09-098 (Order 1335), § 388-70-051, filed 9/1/78; Order 924, § 388-70-051, filed 4/15/74.]

WAC 388-70-054 Temporary absence of child from foster care. (1) When a child is temporarily absent from a foster care facility, the actual number of days absent will be paid by the department, provided:

(a) The number of consecutive days of absence does not exceed fifteen within a thirty-day period;

(b) Written notification is provided to the responsible center or DCFS office three days in advance of planned visits exceeding seventy-two hours;

(c) The planned visits of less than seventy-two hours are reported to the responsible center or DCFS office in the child's quarterly progress report prepared by the private agency;

(d) The responsible center or DCFS office is notified on the next working day following the child's unplanned absence (notification may be made by a telephone call to the center or DCFS office followed by written notification within five working days from the facility);

(e) A licensed vacant bed is held for the child;

(f) The child will be accepted back by the facility; and

(g) The center or DCFS office is notified of the date of child's return.

(2) Written verification to the absent child's responsible center or DCFS office will contain the following information:

(a) Planned visits;

(i) Child's name,

(ii) Where the child will visit,

(iii) Beginning and ending dates of the absence, and

(iv) A statement as to whether or not the child's unoccupied bed is being held for the child's return to the facility.

(b) Unplanned absences;

(i) Child's name, age, and home address;

(ii) Time and date the child left the premises;

(iii) A statement as to whether the child is acceptable back by the facility; and

(iv) A statement as to whether or not the child's unoccupied bed will be held for the child's return to the facility.

(3) In respect to absences from foster homes supervised by voluntary child-placing agencies, the preceding procedures will apply.

(4) When there is a planned temporary absence from a child foster family home supervised by a center or DCFS office, the service worker will be involved in the plan. In the case of an unplanned absence, the foster parents will notify the service worker orally, as soon as is practical, of the child's name, time, and date the child left the premises and whether or not the child's unoccupied bed will be held.

(5) In addition to the preceding requirements, the following limitations are placed on the payments for temporary absences of children from a children's group foster care facility and/or a child foster family home:

(a) A child's cumulative total of forty-five days absence within a six-month period is the maximum allowable for payment.

(b) With adequate justification of unusual circumstances, an exception may be submitted for consideration of extension of the consecutive fifteen days and the accumulative forty-five days limitation.

[Statutory Authority: RCW 74.08.090. 85-13-062 (Order 2242), § 388-70-054, filed 6/18/85; 79-11-105 (Order 1449), § 388-70-054, filed 10/31/79; Order 1123, § 388-70-054, filed 6/7/76; Order 965, § 388-70-054, filed 8/29/74; Order 913, § 388-70-054, filed 3/1/74.]

WAC 388-70-058 Reimbursement for damage or loss caused by child in foster family care. (1) Within the limits of the amount allotted for this purpose, the department may reimburse foster family providers caring for children in DCFS-approved placements, for some damages or losses incurred by the provider and caused by children in their care. Unless an exception is granted by the DCFS administrator, claims shall be limited to three hundred dollars per item or one thousand dollars aggregate per occurrence no matter what type of coverable loss is incurred. Claims must be sub-

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mitted 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

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for which the child is eligible, unless specifically exempted by the terms and conditions of the receipt of the income.

(b) Receipt of other income as described above shall not relieve the child's responsible parent(s) of the liability for payment of child support in accordance with WAC 388-70-075 through 388-70-084.

(2) Any person, agency, or court which receives any payments on behalf of a child in foster care shall remit such payments to the office of support enforcement, in accordance with WAC 388-70-082.

(3) Resources in the control of a child in foster care shall be treated in accordance with WAC 388-28-400 through 388-28-455.

[Statutory Authority: RCW 74.08.090, 83-04-061 (Order 1943), § 388-70-069, filed 2/2/83; Order 1123, § 388-70-069, filed 6/7/76.]

WAC 388-70-075 Parents' obligation to support child in foster care. (1) Parents of children in foster care paid by the department satisfy their legal obligation to support their children when there is a superior court order for support by paying the amounts specified in the order or in the absence of a superior court order, by paying the amount determined under RCW 74.20A.055 and regulations promulgated in chapter 388-11 WAC.

(2) The provision for a written agreement between the department and the responsible parent(s) for payment of support for a child placed in foster care provided for in RCW 74.20A.030 shall not be utilized. In lieu thereof, in the absence of a superior court order requiring support from a parent of a child receiving foster care, the regulations promulgated in chapter 388-11 WAC shall provide the exclusive constitutional remedies to assert debts claimed under RCW 74.20.292, 74.20A.030 and/or 74.20A.250 and/or 26.16.205.

(3) The office of support enforcement is responsible on behalf of the department of social and health services to take action under the provisions of chapter 74.20A RCW and chapter 388-11 WAC to enforce support obligations as to children in foster care paid for by the department.

[Order 1123, § 388-70-075, filed 6/7/76; Order 918, § 388-70-075, filed 3/14/74; Order 623, § 388-70-075, filed 10/27/71.]

WAC 388-70-078 Standards for parental participation in cost of foster care—Minimum scale recommended to court. Recommendations to the superior court, specifically including the juvenile court, to establish, raise, lower, release or forgive support payments for a child placed in foster care may be made only by staff of the office of support enforcement and will be made only in accordance with the provisions of WAC 388-11-190. No department or private child care staff other than the staff of the office of support enforcement may make statements to or agreements with parent(s) or their representatives as to support enforcement matters affecting an amount of support debt.

[Order 1123, § 388-70-078, filed 6/7/76; Order 918, § 388-70-078, filed 3/14/74.]

WAC 388-70-080 Referral of child in foster care to department's office of support enforcement. A referral by the CSO to the respective district office of support enforce-

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ment serving that region is to be made for every foster care placement in which the department participates in payment for care, except for classes of cases, if any, in which the office of support enforcement has determined it would not be cost effective to pursue collection, or classes of cases exempt by law from collection action.

[Statutory Authority: RCW 74.08.090, 83-17-003 (Order 1992), § 388-70-080, filed 8/5/83; Order 1123, § 388-70-080, filed 6/7/76; Order 1048, § 388-70-080, filed 8/29/75; Order 1016, § 388-70-080, filed 4/1/75; Order 918, § 388-70-080, filed 3/14/74.]

WAC 388-70-082 Parents' foster care payments to be remitted to department. All payments for the benefit and/or costs of care of children receiving foster care paid for by the department shall be paid to the department's office of support enforcement, unless there is a court order directing payment through a clerk of the court. Payments, pursuant to a court order, paid through a clerk of the court shall be sent to the office of support enforcement pursuant to RCW 74.20.101.

[Order 1123, § 388-70-082, filed 6/7/76; Order 918, § 388-70-082, filed 3/14/74.]

WAC 388-70-084 Assignment of child support judgment and limited power of attorney. When there is a superior court order providing for payment of support from a parent to the person or agency having custody, the department shall advise the person or agency having custody that such judgment representing support for the child in, or to be placed in, foster care is, by law (RCW 74.20A.030 and 74.20A.250), deemed in favor of the department as long as the child receives assistance. The person or agency having custody shall acknowledge this subrogated right to the department by execution of an assignment of judgment and limited power of attorney, which shall remain in effect as long as such child receives foster care assistance.

[Order 1123, § 388-70-084, filed 6/7/76; Order 918, § 388-70-084, filed 3/14/74.]

WAC 388-70-091 Foster care planning for Indian children—Definitions. For the purposes of these rules, the term "Indian" includes the following groups:

(1) An enrolled Indian:

(a) Any person who is enrolled or eligible for enrollment in a recognized tribe.

(b) Any person determined, or eligible to be found, to be an Indian by the Secretary of the Interior.

(c) An Eskimo, Aleut or other Alaskan native.

(2) A Canadian Indian: Any person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.

(3) An unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized Indian tribe or urban Indian/Alaskan native community organization.

[Order 1167, § 388-70-091, filed 10/27/76.]

WAC 388-70-092 Foster care for Indian children—Tribal sovereignty. Neither the licensing of Indian foster homes nor the placement and supervision of Indian children within the exterior boundaries of an Indian reservation, shall

in any way abridge the sovereignty of an Indian nation or tribe nor shall compliance with these rules and regulations be deemed a relinquishment of sovereign authority by an Indian nation or tribe or by the state of Washington.

[Order 1167, § 388-70-092, filed 10/27/76.]

WAC 388-70-093 Foster care for Indian children—Services. Documented efforts shall be made to avoid separating the Indian child from his parents, relatives, tribe or cultural heritage. Consequently:

(1) In the case of Indian children being placed in foster care by the department or for whom the department has supervisory responsibility, the local Indian child welfare advisory committee, predesignated by a tribal council, or appropriate urban Indian organization shall be contacted. Members of that committee will serve as resource persons for the purposes of cooperative planning and aid in placement.

(2) The resources of the tribal government, department and the Indian community shall be used to locate the child's parents and relatives to assist in locating possible placement resources, and to assist in the development of a plan to overcome the problem that brought the child to the attention of the authorities and/or the department.

(3) In planning foster care placements for Indian children, demonstrable consideration shall be given to tribal membership, tribal culture and Indian religions. The case record shall document the reasons and circumstances of 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.

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(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.

[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.

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[Order 1167, § 388-70-430, filed 10/27/76.]

WAC 388-70-440 Adoption services for children. (1)

Adoption services for children include:

- (a) Casework with parents focused on a permanent home for their child/ren;
 - (b) Casework with children;
 - (c) Petitioning the court for termination of parental rights;
 - (d) Determination of children's medical and social needs;
 - (i) Psychiatric and psychological evaluations as well as any needed medical evaluations are provided;
 - (e) Adoptive family home studies (preplacement reports);
 - (f) Evaluation of adoption resources;
 - (g) Adoption placements which best meet the child/ren's needs;
 - (h) Counseling and/or referral of families and children after placement;
 - (i) Next friend reports for the court.
- (2) The social planning for a child in the department's permanent custody shall be continuously reviewed by its economic and social service, regional and state offices to assure that the child is moved as rapidly as possible into adoptive status.

(3) The planning for children continuing in foster care under the department's supervision shall be reviewed every six months to determine their need for adoption services.

(4) Exploration of adoptive resources for a child will be relatives, current foster parents, and registered approved families.

[Order 1167, § 388-70-440, filed 10/27/76.]

WAC 388-70-450 Adoptive planning for Indian children by department staff. (1) Definitions: For the purposes of these rules the term "Indian" includes the following groups:

- (a) Enrolled Indian
 - (i) Any person who is enrolled or eligible for enrollment in a recognized tribe.
 - (ii) Any person determined, or eligible to be found, to be an Indian by the secretary of the interior.
 - (iii) An Eskimo, Aleut or other Alaskan native.
 - (b) Canadian Indian: A person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.
 - (c) Unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized tribe or urban Indian/Alaskan native community organization.
- (2) An adoptive family shall be considered Indian if one or both parents are Indian by the above definitions.
- (3) In adoptive planning for Indian children, the unique tribal, cultural and religious sovereignty of Indian nations, tribes and communities shall be recognized. When consistent with the wishes of the biological parents and/or the child, the adoption of Indian children by Indian families is the primary goal.
- (4) Standards implementing the policy are:
- (a) Adoption exchange. In the referrals for an Indian child, adoptive homes having the following characteristics

shall be given preference in the following order, each category being allowed 30 days before proceeding to the next.

- (i) An Indian family of the same tribe as the child.
- (ii) A Washington Indian family considering tribal cultural differences.
- (iii) An Indian family from elsewhere in the United States or Canada through the adoption resource exchange of North America. Attention shall be given to matching the child's tribal culture to that of the adoptive family.
- (iv) Any other family which can provide a suitable home to an Indian child, as well as instill pride and understanding in the child's tribal and cultural heritage.

(b) Foster parent adoptions: As a part of the total evaluation for approving a foster parent adoption of an Indian child, ESSO service staff shall document the foster family's past performance and future commitment in exposing the child to its Indian tribal and cultural heritage. The child's wish to be involved in his Indian culture shall be considered.

(c) When an Indian child, in the custody of an out of state agency, is referred for potential adoptive parents residing in Washington, documentation shall be obtained that assures the department's standards for planning for Indian children have been complied with.

(5) Local staff shall consult with an Indian child welfare committee in planning for placement of Indian children.

[Order 1167, § 388-70-450, filed 10/27/76.]

WAC 388-70-460 Adoption services for families. (1) Department placements:

(a) Applications are accepted from families residing in the state of Washington based upon the anticipated children needing placement;

(b) Upon acceptance of an application, a home study shall be initiated by the ESSO staff and one of the following decisions reached;

- (i) Application to adopt is withdrawn by family;
- (ii) Application to adopt is denied;
- (iii) Family is approved for adoptive placement and registered at the central office exchange.

(c) A family shall be removed from the central office exchange registry for any of the following reasons:

- (i) A child has been placed with the family;
- (ii) The family decides to receive adoption services from any other agency or through an independent placement;
- (iii) The wife is pregnant;
- (iv) The family and/or caseworker decide that adoption is no longer an appropriate plan;
- (v) The family physically leaves the state.

(d) A family removed from the central office exchange registry may reapply for adoption services; their situation at the time of reapplication shall be evaluated;

(e) Families will be informed in writing of action taken according to the rules of this section and of their right to have a fair hearing only on action taken on their application for services or removal from the central registry.

(2) Independent placements

(a) ESSO staff may respond to Washington families' requests for preplacement studies and next friend reports depending on staff time and other community resources available.

(b) An office not providing service on independent placements shall inform the superior court in its area of the available community resource that is available for preplacement and next friend reports.

(c) When an ESSO employee is appointed next friend and the required preplacement report has not been filed in accordance with RCW 26.32.200 through 26.32.270, the situation shall be brought to the attention of the attorney general.

(3) Intercountry placements:

(a) Families will apply to the international child placing agency of their choice.

(b) Upon the written request to the central office by the family's chosen agency, the department may provide the cooperative services. The child's agency must agree to continue its financial and social responsibility for the anticipated child until the decree of adoption is final.

(c) A request for preplacement study for an independent inter-country adoptive placement shall be denied.

[Order 1167, § 388-70-460, filed 10/27/76.]

WAC 388-70-470 Interstate procedures. (1) The state of Washington is a member of the Interstate Compact on the Placement of Children (chapter 26.34 RCW).

(2) No child for whom the department has responsibility for adoptive planning shall be sent from the state without prior approval of the compact administrators of the state of Washington and the receiving state.

(3) ESSO staff shall not provide supervisory services on an interstate adoptive placement unless the interstate compact forms or their equivalent have been signed by the compact administrators of the two states.

[Order 1167, § 388-70-470, filed 10/27/76.]

WAC 388-70-480 Record confidentiality. (1) All records and information obtained by the department in providing adoption services are confidential as specified in RCW 26.36.010, 26.36.020, 26.36.030, and 26.36.050.

(2) Upon the issuance of the decree of adoption, a child's record is sent to the central office for archiving.

(3) Information from an archived record required for the medical and/or emotional treatment of an adopted child may be obtained from the central office adoption specialist, under the authority of RCW 26.36.050. The request for information will be made by the professional treating the child and include the adoptive parents' written authorization to release the information.

[Order 1167, § 388-70-480, filed 10/27/76.]

WAC 388-70-510 Adoption support for children—Legal basis—Purpose. (1) The legal basis for the adoption support program is RCW 74.13.100 through 74.13.145 and P.L. 96-272.

(2) The purpose of the program is to encourage the adoption of hard-to-place children, that is, the child who would have to live out his or her childhood without the security and stability of a permanent adoptive home if support payments were not made. The program includes children cared for by both public and voluntary child care agencies. Interpretation

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of the statute and the philosophy of the adoption support program shall emphasize a flexible approach to subsidized adoption, focusing on the welfare of the child; rules shall not be adversely applied to the child's welfare.

[Statutory Authority: RCW 43.20A.550. 82-02-023 (Order 1744), § 388-70-510, filed 12/30/81; Order 1037, § 388-70-510, filed 7/29/75.]

WAC 388-70-520 Adoption support for children—Definitions. As used in these rules:

(1) "Adoption" means the granting of the adoption decree consistent with chapter 26.33 RCW.

(2) "Adoption support payment" means the financial remuneration resulting from an agreement whereby the department continues financial responsibility beyond the legal consummation of the adoption.

(3) "Agreement" means a contract between the prospective adoptive parent and the department providing adoption support payments following the completion of the adoption support agreement signed by all parties.

(4) "Corrective-rehabilitative services" shall include, but not be limited to:

- (a) Medical care;
- (b) Psychological services;
- (c) Physical therapy;
- (d) Prosthesis;
- (e) Speech and hearing therapy;
- (f) Cosmetic surgery; or
- (g) Orthodontia.

(5) "Department" means the department of social and health services.

(6) "Family" means any prospective parent having the character, judgment, sense of responsibility, and disposition making the prospective parent suitable as an adoptive parent of a child, but lacking the necessary resources to care for a hard-to-place for adoption child.

(7) "Hard-to-place for adoption child" means a child registered for three months with the Washington Adoption Resource Exchange (WARE) or the Northwest Adoption Exchange (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.

(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.

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(4) The adoptive family shall provide the department a copy of the family's most recent federal income tax return which must accompany the application for adoption support. If the family is not required to file a federal income tax return, the adoptive family shall submit to the department a financial statement as required.

[Statutory Authority: RCW 43.20A.550 and HB 2602. 90-23-076 (Order 3101), § 388-70-540, filed 11/20/90, effective 12/21/90; Order 1037, § 388-70-540, filed 7/29/75.]

WAC 388-70-550 Adoption support for children—

Types and amounts of payments. (1) The two types of support payments are monthly maintenance, medical (corrective-rehabilitative) service, or a combination of these.

(2) The department payment for monthly maintenance shall not exceed the monthly cost for established foster care and specialized foster care as required under WAC 388-70-042 and 388-70-048.

(3) The medical needs of a child in the adoption support program shall be met from the department's medical services program.

(a) The department's payment of the costs of the child's medical services shall be made directly to the physician or provider of the services according to the department's established procedures.

(b) Before entering an agreement for medical services, the department's office of personal health services shall review and approve the medical needs of a particular child. Following the department's review and approval, all medical services requested by the adopting parents shall be:

(i) Coordinated through the adoption support program; and

(ii) Furnished according to the department's medical programs when there is no other resource available during the effective period of the family's agreement with the department.

(c) The adoptive family's requests for orthodontics, psychiatric care, physical therapy, and appliances shall require special procedures. The adoptive family's requests shall be submitted to the department and the department's approval obtained before the service is rendered to the adoptive child.

(4) The family's ongoing adoption support eligibility may continue if the child:

(a) Has not reached eighteen years of age, or twenty-one years of age if the child has not yet completed high school or high school equivalent and is a full-time high school student;

(b) If not eighteen years of age, continues to be the adoptive family's legal responsibility; and

(c) Continues receiving financial support from the adoptive family.

(5) The department's adoption support reconsideration agreement with the family shall specify the length of time the adoption agreement is in effect.

[Statutory Authority: RCW 43.20A.550 and HB 2602. 90-23-076 (Order 3101), § 388-70-550, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 43.20A.550. 82-02-023 (Order 1744), § 388-70-550, filed 12/30/81. Statutory Authority: RCW 74.13.109. 80-08-028 (Order 1516), § 388-70-550, filed 6/25/80; Order 1037, § 388-70-550, filed 7/29/75.]

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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

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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.]

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WAC 388-70-595 Reimbursement for nonrecurring adoption finalization costs. (1) The department shall agree to reimburse an adoptive parent for the adoptive parent's nonrecurring expense payment of the child's legal adoption process when the department determines the child:

- (a) Has special needs;
 - (b) Cannot or should not be returned to the home of the child's parents; and
 - (c) Cannot be adopted without adoption assistance.
- (2) The adoptive parent's nonrecurring adoption costs necessary to complete the adoption process shall include:
- (a) Reasonable and necessary adoption fees;
 - (b) Court costs;
 - (c) Attorney fees; and
 - (d) Costs associated with the:
 - (i) Adoption study;
 - (ii) Health and psychological examination;
 - (iii) Supervision of the placement before adoption; and
 - (iv) Cost of transportation, lodging, and food incurred for the child or adoptive parent while completing preplacement visits.

(3) Before the final decree of adoption, the department and adoptive parent shall sign an agreement specifying the nature and amount of the nonrecurring expenses the department pays. The department and adoptive family agreements for retroactive payment of nonrecurring adoption costs may be signed for otherwise qualifying adoption occurring after January 1, 1987, and before October 1, 1990.

[Statutory Authority: RCW 43.20A.550 and HB 2602. 90-23-076 (Order 3101), § 388-70-595, filed 11/20/90, effective 12/21/90.]

WAC 388-70-600 Local Indian child welfare advisory committee—Purpose. The intent of WAC 388-70-096, 388-70-450, and 388-70-600 through 388-70-640 is to ensure protection of the Indian identity of Indian children, their rights as Indian children, and the maximum utilization of available Indian resources for Indian children. To ensure the realization of this intent, information about each current and future case involving Indian children for whom the department of social and health services has a responsibility shall be referred to a local Indian child welfare advisory committee on an ongoing basis according to procedures which recognize the privacy rights of the families.

The purposes of local Indian child welfare advisory committees are:

- (1) To promote relevant social service planning for Indian children.
- (2) To encourage the preservation of the Indian family, tribe, heritage, and identity of each Indian child served by the department of social and health services.
- (3) To assist in obtaining participation by representatives of tribal governments and Indian organizations in departmental planning for Indian children for whom the department has a responsibility.

[Order 1167, § 388-70-600, filed 10/27/76.]

WAC 388-70-610 Local Indian child welfare advisory committee—Membership. Local Indian child welfare committees shall be established within each region. The num-

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ber and locations of the local committees shall be mutually determined by the Indian tribal governments and urban Indian organizations served by that region and the DSHS regional administrator.

(1) The committee shall consist of representatives designated by tribal government and urban Indian organizations. The regional administrator shall appoint committee members from among those individuals designated by Indian authorities. These members should be familiar with and knowledgeable about the needs of children in general as well as the particular needs of Indian children residing in the service area.

(2) The committee may also include bureau of Indian affairs and/or Indian health service staff if approved by participating tribal councils and urban Indian organizations.

(3) The DSHS regional administrator and/or the ESSO administrator shall appoint a member of his child welfare supervisory staff as a liaison member of the committee.

(4) The local Indian child welfare advisory committee is an ad hoc advisory committee not specifically authorized by statute. As such its members are not entitled to per diem and travel expenses for the performance of advisory committee functions. This rule shall not be construed, however, to prohibit expense payments to members who are otherwise qualified for and perform services compensable under other programs such as the volunteer programs.

[Order 1167, § 388-70-610, filed 10/27/76.]

WAC 388-70-615 Local Indian child welfare advisory committee—Subcommittees. Each committee may appoint a subcommittee of permanent members to participate in reviewing the situation of an individual child or children for the purpose of recommending future planning actions.

[Order 1167, § 388-70-615, filed 10/27/76.]

WAC 388-70-620 Local Indian child welfare advisory committee—Functions. (1) The functions of the local Indian child welfare advisory committee are:

- (a) Assistance to DSHS staff in cooperative planning for Indian children.
- (b) Consultation to DSHS staff regarding the provision of adoption, foster care and child protective services on behalf of Indian children.
- (c) Reviewing the situations of Indian children.
- (d) Assisting in the implementation of recommended plans.
- (e) Assisting in the recruitment of and making recommendations regarding the licensing of foster and adoptive homes for Indian children and providing culturally relevant services to Indian children.
- (f) Requests the ESSO administrator to initiate reviews of casework decisions that the committee believes to be detrimental to the best interests of Indian children.
- (g) Acts in an advisory capacity to the regional administrator and ESSO administrator regarding the department's implementation and monitoring of the rules related to foster care, child protection, and adoption services to Indian children and their families.

[Order 1167, § 388-70-620, filed 10/27/76.]

WAC 388-70-630 Local Indian child welfare advisory committee—Meetings. Each committee and the regional administrator and/or ESSO administrator will mutually agree as to time, place and frequency and conduct of official committee meetings.

[Order 1167, § 388-70-630, filed 10/27/76.]

WAC 388-70-640 Local Indian child welfare advisory committee—Confidentiality. The members of the local child welfare advisory committee shall agree to abide by RCW 74.04.060 and the rules of confidentiality binding the DSHS staff.

[Statutory Authority: RCW 74.15.030, 89-05-063 (Order 2743), § 388-70-640, filed 2/15/89; Order 1167, § 388-70-640, filed 10/27/76.]

WAC 388-70-700 Juvenile records. (1) Except as otherwise provided by law the department shall comply with the requirements of RCW 13.04.270 through 13.04.276 as amended by chapter 155, Laws of 1979 regarding the confidentiality, sealing, accuracy, release to public, inquiry and challenge, transfer and destruction of juvenile custody and child care records. This section applies to entries in records or records created after July 1, 1978 in which a juvenile court action other than a juvenile offender has been initiated.

(2) A juvenile, his or her parents or attorney, may upon written request, inquire to the department as to the existence and content of custody or care records. The inquiry shall provide the name of the juvenile, the approximate date the juvenile was in contact with the department, the nature of the contact, the location of the contact, and the purpose of the request.

(3) The department will make written response to the inquiry within twenty-one calendar days after receipt. The department will give priority to, and expedite processing, inquiries which involve pending litigation. The department shall provide to the juvenile, his or her parents or attorney making the inquiry, information regarding the location, nature and content of any records in the department's possession except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to the order of the court: Provided, That if the court determines that limited release of the information is appropriate the court may specify terms and conditions for release of the information; or

(b) If the information or record has been by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric or medical services for the juvenile and the juvenile has a legal right to receive these services without the consent of any person or agency then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

(4) A juvenile, his or her parents or attorney, who wishes to challenge the information contained in the department records shall notify the department in writing. The notification shall provide:

(a) The name of the juvenile;

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(b) If the records are alleged to be inaccurate; a statement of those portions alleged to be inaccurate; and

(c) If the continued possession of the record is being challenged, a statement as to the reason why the record should be destroyed.

(5) The department will review the notification of challenge to the record and make a written response within thirty calendar days. The response shall indicate the corrections which have been or will be made and indicate the basis for denial of any requested corrections. If appropriate, the department's response will also include a statement indicating whether the records have been destroyed or transferred to another juvenile justice or child care agency.

[Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-70-700, filed 9/10/79. Statutory Authority: RCW 74.08.090, 78-09-098 (Order 1335), § 388-70-700, filed 9/1/78.]

Chapter 388-71 WAC SOCIAL SERVICES FOR ADULTS

WAC

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ADULT PROTECTIVE SERVICES

WAC 388-71-0100 What are the statutory references for WAC 388-71-0100 through 388-71-0155? The statutory references for WAC 388-71-0100 through WAC 388-71-0155 are:

- (1) Chapter 74.34 RCW;
- (2) Chapter 74.39A. RCW; and
- (3) Chapter 74.39 RCW.

[Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0100, filed 1/11/00, effective 2/11/00.]

WAC 388-71-0105 What definitions apply to adult protective services and the personal aide registry? In addition to the definitions found in chapter 74.34 RCW, the following definitions apply:

"**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.

"**Legal representative**" means a guardian appointed under chapter 11.88 RCW or individual named in a durable power of attorney as the attorney-in-fact as defined under chapter 11.94 RCW.

"**Person or entity with a duty of care**" includes, but is not limited to, the following:

- (1) A guardian appointed under chapter 11.88 RCW; or
- (2) A person or entity providing the basic necessities of life to vulnerable adults where:
 - (a) The person or entity is employed by or on behalf of the vulnerable adult; or
 - (b) The person or entity voluntarily agrees to provide, or has been providing, the basic necessities of life to the vulnerable adult on a continuing basis.

"**Personal aide**" as found in RCW 74.39.007.

"**Self-directed care**" as found in RCW 74.39.007.

[Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0105, filed 1/11/00, effective 2/11/00.]

WAC 388-71-0110 What is the purpose of an adult protective services investigation? The purpose of an adult protective services investigation is to:

- (1) Determine if allegations of abandonment, abuse, financial exploitation, neglect, or self-neglect are valid.
- (2) Provide protective services on valid reports with the consent of the vulnerable adult or his or her legal representative.
- (3) Determine if other vulnerable adults are at risk of being harmed by individual who has abused, neglected, abandoned or financially exploited the vulnerable adult.
- (4) Inform the program or facility providing care for the vulnerable adult that the reported incident of abandonment, abuse, financial exploitation, or neglect occurred. The information provided to the facility or program is required to be consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and complainants.

[Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0110, filed 1/11/00, effective 2/11/00.]

WAC 388-71-0115 When is an investigation conducted? The department determines when an investigation is required. The following criteria must be met:

(1) The reported circumstances fit the definition of abandonment, abuse, financial exploitation, neglect, or self-neglect found in chapter 74.34 RCW; and

(2) The victim is a vulnerable adult defined in chapter 74.34 RCW.

[Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0115, filed 1/11/00, effective 2/11/00.]

WAC 388-71-0120 What adjunct services are provided? Chore personal care services and placement into a licensed and contracted adult family home or state funded adult residential care facility are provided without regard to income only:

(1) When the services are essential to, and a subordinate part of, the adult protective services plan; and

(2) For a period not to exceed ninety days during any twelve-month period of time.

[Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0120, filed 1/11/00, effective 2/11/00.]

PERSONAL AIDE STATE REGISTRY

WAC 388-71-0150 When is the name of a personal aide placed on a registry? The name of a personal aide providing self-directed care for a vulnerable adult is placed on the registry when:

(1) An incident of abandonment, abuse, financial exploitation, or neglect of the vulnerable adult has been substantiated by the department; and

(2) The personal aide has either waived his or her right to a fair hearing or the hearing process results in upholding the finding of abandonment, abuse, financial exploitation, or neglect.

[Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0150, filed 1/11/00, effective 2/11/00.]

WAC 388-71-0155 Prior to placing his or her name on the registry is the personal aide notified? The following information must be sent to the personal aide prior to placing his or her name on the registry:

(1) Nature and date of the alleged abandonment, abuse, financial exploitation, or neglect.

(2) Right to a fair hearing, as described in chapters 34.05 RCW and 388-08 WAC.

(3) Intent to place identifying information about the personal care aide on a registry.

(4) That the personal aide's failure to request a fair hearing within thirty days will result in his or her name being placed on the registry.

(5) That the name of the personal aide will be placed on the registry if the hearing process results in upholding the department's finding of abandonment, abuse, financial exploitation, or neglect.

(6) That the personal aide has a right to be represented at a fair hearing at his or her own expense.

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(7) That, upon request of any person, the department will disclose the substantiated finding of abandonment, abuse, financial exploitation, or neglect and the identifying information regarding a personal aide whose name appears on a registry.

[Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0155, filed 1/11/00, effective 2/11/00.]

HOME AND COMMUNITY PROGRAMS

WAC 388-71-0400 What is the intent of the department's home and community programs? The department offers home and community programs (HCP) as an alternative to nursing facility care so that eligible persons may remain in, or return to, their own homes or community residences with the provision of supportive services. Some of these services may be administered by home and community services (HCS), division of developmental disabilities (DDD), area agency on aging (AAA) or division of children and family services (DCFS).

[Statutory Authority: 74.39A.130, 74.09.520, 74.08.090. 00-04-056, § 388-71-0400, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0405 What are the home and community programs? The HCP are in-home and community residential services funded by:

(1) Community options program entry system (COPES), codified under subsection 1915(c) of the Social Security Act and 42 C.F.R. 441.300 and 310.

(2) Medicaid personal care services (MPC), found under RCW 74.09.520 and in the Medicaid state plan.

(3) Chore personal care services, a state-only funded program authorized under RCW 74.08.090, 74.09.520, and 74.08.570.

[Statutory Authority: RCW 74.09.520, 74.08.090, 74.39A.130. 00-04-056, § 388-71-0405, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0410 What services may I receive under HCP? You may receive the following HCP services:

(1) Assistance with personal care tasks and household tasks in your own home, as defined in 388-15-202(38); and

(2) Assistance with personal care tasks and household tasks in a residential setting, as described in WAC 388-71-0600. Note: Household tasks are included as part of the board and room rate. You may receive, under MPC:

(a) Up to thirty hours of personal care services in an adult residential care facility; or

(b) Up to sixty hours of personal care services in an adult family home.

[Statutory Authority: RCW 74.08.090, 74.39.010, 74.09.520. 00-04-056, § 388-71-0410, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0415 What other services may I receive under the COPES program? In addition to the services listed in WAC 388-71-0410, you may be eligible for other services under the COPES program. You may be eligible to receive:

(1) Adult day services, in an adult day care or adult day health center if you:

(a) Are ineligible for Medicaid state plan covered adult day health services;

(b) Are chronically ill or disabled, socially isolated and/or confused or have mild to moderate dementia; and

(c) Meet eligibility requirements for adult day services as required in:

(i) WAC 388-15-652, Eligibility for adult day care; or

(ii) WAC 388-15-653, Eligibility for adult day health.

(2) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes.

(3) Home delivered meals, limited to one meal per day,

if:

(a) You are homebound;

(b) You are unable to prepare the meal;

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver.

(4) Home health aide service tasks, if the service tasks:

(a) Include assistance with ambulation, exercise, self-administered medications and hands on personal care;

(b) Are beyond the amount, duration or scope of Medicaid reimbursed home health services (WAC 388-551-2100) and are in addition to those available services; and

(c) Are health-related. Note: Incidental services such as meal preparation may be performed in conjunction with a health-related task as long as it is not the sole purpose of the aide's visit.

(5) Personal emergency response system (PERS), if the service is necessary to enable you to secure help in the event of an emergency and if you:

(a) Live alone; or

(b) Are alone for significant parts of the day and have no regular provider for extended periods of time.

(6) Skilled nursing, if 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 388-551-2100.

(7) Specialized medical equipment and supplies, if the items are:

(a) Necessary for life support;

(b) Necessary to increase your ability to perform activities of daily living; or

(c) Necessary for you to perceive, control, or communicate with the environment in which you live; and

(d) Directly medically or remedially beneficial to you; and

(e) In addition to any medical equipment and supplies provided under the state plan.

(8) Training, if you need to meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers.

(9) Transportation services, if the service:

(a) Provides the client access to community services and resources provided in accordance with a therapeutic goal;

(b) Is not merely diversional in nature;

(c) Is in addition to Medicaid brokered transportation to medical services; and

(d) Does not replace the Medicaid-brokered transportation.

[Statutory Authority: RCW 74.08.090, 74.39.020, 00-04-056, § 388-71-0415, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0420 What services are not covered under HCP? HCP does not cover the following services:

(1) For chore personal care and MPC:

(a) Teaching, including teaching how to perform personal care tasks;

(b) Development of social, behavioral, recreational, communication, or other types of community living skills;

(c) Nursing care.

(2) Services provided outside of your residence, unless they are authorized in your written service plan.

(3) Child care;

(4) Sterile procedures, administration of medications, or other tasks requiring a licensed health professional, unless authorized as an approved nursing delegation task, client self-directed care task, or provided by a family member;

(5) Services provided over the telephone;

(6) Services provided outside the state of Washington if COPEs or chore personal care;

(7) Services to assist other household members not eligible for services;

(8) Yard care.

[Statutory Authority: RCW 74.09.520, 74.08.090, 74.39A.130, 00-04-056, § 388-71-0420, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0425 Who can provide HCP services?

The following types of providers may provide COPEs, MPC, or chore services:

(1) Individual in-home providers, who must meet the requirements outlined in WAC 388-71-0500 through 388-71-0580;

(2) Home care agencies, which must be licensed under chapters 70.127 RCW and 246-336 WAC, or home health agencies, licensed under chapters 70.127 RCW and 246-327 WAC;

(3) Licensed adult family home and boarding home providers who are contracted with DSHS (see WAC 388-71-0600); and

(4) Service providers who have contracted with the AAA to perform COPEs services listed in WAC 388-71-0415.

[Statutory Authority: 1999 c 175, chapters 70.126, 70.127 RCW, RCW 74.08.044, 00-04-056, § 388-71-0425, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0430 Am I eligible for one of the HCP programs? You are eligible to receive HCP services if you meet the functional and financial eligibility requirements in

WAC 388-71-0435 for COPES, WAC 388-71-0440 for MPC, or WAC 388-71-0445 for Chore. Your eligibility begins upon the date of the department's service authorization.

[Statutory Authority: RCW 74.39A.030. 00-13-077, § 388-71-0430, filed 6/19/00, effective 7/20/00. Statutory Authority: RCW 74.39.010, 74.08.090, 74.39A.110, 74.09.520. 00-04-056, § 388-71-0430, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0435 Am I eligible for COPES-funded services? You are eligible for COPES-funded services if you meet all of the following criteria. The department or its designee must assess your needs and determine that:

- (1) You are age:
 - (a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or
 - (b) Sixty-five or older.
- (2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505, Community options program entry system (COPES).
- (3) You:
 - (a) Are not eligible for Medicaid personal care services; or
 - (b) Are eligible for Medicaid personal care services, but the department determines that the amount, duration, or scope of your needs is beyond what Medicaid personal care can provide.
- (4) Your comprehensive assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless COPES services are provided) which means one of the following applies. You:
 - (a) Require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis;
 - (b) Have an unmet need requiring substantial or total assistance with at least two or more of the following activities of daily living (ADLS) as defined in WAC 388-15-202 and 388-15-203:
 - (i) Eating,
 - (ii) Toileting,
 - (iii) Ambulation,
 - (iv) Transfer,
 - (v) Positioning,
 - (vi) Bathing, and
 - (vii) Self-medication.
 - (c) Have an unmet need requiring minimal, substantial or total assistance in three or more of the ADLS listed in subsection (4)(b)(i) through (vii) of this section; or
 - (d) Have:
 - (i) A cognitive impairment and require supervision due to one or more of the following: disorientation, memory impairment, impaired judgment, or wandering; and
 - (ii) An unmet need requiring substantial or total assistance with one or more of the ADLS listed in subsection (4)(b)(i) through (vii) of this section.
- (5) You have a completed service plan, per WAC 388-15-205.

(2001 Ed.)

[Statutory Authority: RCW 74.39A.030. 00-13-077, § 388-71-0435, filed 6/19/00, effective 7/20/00.]

WAC 388-71-0440 Am I eligible for MPC-funded services? To be eligible for MPC-funded services you must:

- (1) Have unmet need for assistance with at least one unmet direct personal care task listed in WAC 388-15-202(17); and
- (2) Be certified as Title 19 categorically needy, as defined in WAC 388-500-0005.
- (3) Be assessed by department staff or designee using a department approved comprehensive assessment and have a determination of unmet needs for HCP services.

[Statutory Authority: RCW 74.09.520. 00-04-056, § 388-71-0440, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0445 Am I eligible for Chore-funded services? To be eligible for Chore-funded services, you must:

- (1) Be eighteen years of age or older;
- (2) Require assistance with at least one of the direct personal care tasks listed in WAC 388-15-202(17);
- (3) Not be eligible for MPC or COPES, Medicare home health or other programs if these programs can meet your needs;
- (4) Have net household income (as described in WAC 388-450-0005, 388-450-0020, 388-450-0040, and 388-511-1130) not exceeding:
 - (a) The sum of the cost of your chore services, and
 - (b) One-hundred percent of the FPL adjusted for family size.
- (5) Have resources, as described in chapter 388-470 WAC, which does not exceed ten thousand dollars for a one-person family or fifteen thousand dollars for a two-person family. (Note: One thousand dollars for each additional family member may be added to these limits.)
- (6) Not transfer assets on or after November 1, 1995 for less than fair market value as described in WAC 388-513-1365.

[Statutory Authority: 74.39A.110, 74.39A.150. 01-02-051, § 388-71-0445, filed 12/28/00, effective 1/28/01. Statutory Authority: RCW 74.09.520, 74.09.530, 74.39A.110, [74.39A.]120, [74.39A.]130, and 1998 c 346 § 205 (1)(c), and RCW 74.39A.030. 00-18-099, § 388-71-0445, filed 9/5/00, effective 10/6/00. Statutory Authority: RCW 74.39A.110, 74.39A.150. 00-04-056, § 388-71-0445, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0450 How do I remain eligible for services? In order to remain eligible for services, you must have and be found still in need of HCP services through a reassessment. The reassessment must be conducted:

- (1) Face-to-face.
- (2) In your own home. Note: A case manager may request the interview be conducted in private.
- (3) At least annually or more often if your functional, financial, or other significant circumstances change.

[Statutory Authority: 42 C.F.R. 441.302, RCW 74.09.520. 00-04-056, § 388-71-0450, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0455 Can my services be terminated if eligibility requirements for HCP change? The department

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has the right to terminate your services if eligibility requirements for HCP change.

[Statutory Authority: RCW 74.09.510, 74.09.520, 00-04-056, § 388-71-0455, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0460 Are there limitations to HCP services I can receive? The following are limitations to HCP services you can receive:

(1) HCP services may not replace other available resources, both paid and unpaid.

(2) AASA published rates and program rules establish your total hours and how much the department pays toward the cost of your services.

(3) The department will adjust payments to a personal care provider who is doing household tasks at the same time (e.g., essential shopping, meal preparation, laundry, and supervision due to impaired judgement) for:

- (a) More than one client living in the same household; or
- (b) A client in a shared living arrangement (MPC).

[Statutory Authority: RCW 74.09.520, 00-04-056, § 388-71-0460, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0465 Are there waiting lists for HCP services? If you are receiving:

(1) COPEs services, a waiting list may be created if:

(a) The caseload or expenditures exceed the legislative funding, or

(b) HCFA or the legislature imposes caseload limits.

(2) Chore services, a waiting list may be created to maintain the monthly expenditures within the legislative appropriation. You receive priority if you:

(a) Have received chore as of June 30, 1995; or

(b) Need chore:

- (i) To return to the community from a nursing home,
- (ii) To prevent unnecessary nursing home placement, or
- (iii) For protection based on referral from an APS investigation.

(3) MPC, there is no waiting list. Note: Instead of waiting lists, the department may be required to revise HCP rules to reduce caseload size, hours, rates, or payments in order to stay within the legislative appropriation.

[Statutory Authority: RCW 74.39.010, 74.39A.120, 00-04-056, § 388-71-0465, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0470 Who pays for HCP services?

Depending on your income and resources, you may be required to pay participation toward the cost of your care. The department determines exactly what amount, if any, you pay. If you are receiving:

(1) COPEs in-home or residential,

(a) You participate income per rules in WAC 388-515-1505;

(b) If you have nonexempt income that exceeds the cost of COPEs services, you may retain the difference.

(2) MPC in-home services, you do not participate toward the cost of your personal care services.

(3) MPC services in a residential setting and you are:

(a) An SSI beneficiary who receives only SSI income, you only pay for board and room. You are allowed to keep a

personal allowance of at least thirty-eight dollars and eighty-four cents.

(b) An SSI beneficiary who receives SSI and SSA benefits, you only pay for board and room. You are allowed to keep a personal allowance of at least fifty-eight dollars and eighty-four cents.

(c) An SSI-related person per WAC 388-511-1105, you may be required to participate towards the cost of your personal care services in addition to your board and room if your financial eligibility is based on the facility's state contracted rate plus add-on hours. You will receive a personal allowance of fifty-eight dollars and eighty-four cents.

(d) A GA-X client in a residential care facility, you are allowed to keep a personal allowance of thirty-eight dollars and eighty-four cents only. The remainder of your grant must be paid to the facility.

(4) Chore services, you may retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance and pay the difference between the FPL and your **nonexempt** income. Exempt income includes:

(a) Income listed in WAC 388-513-1340;

(b) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPEs) services;

(c) Amounts paid for medical expenses not subject to third party payment;

(d) Health insurance premiums, coinsurance or deductible charges; and

(e) If applicable, those work expense deductions listed as WAC 388-71-480(2).

[Statutory Authority: RCW 74.09.520, 74.09.530, 74.39A.110, [74.39A.]120, [74.39A.]130, and 1998 c 346 § 205 (1)(c), and RCW 74.39A.030, 00-18-099, § 388-71-0470, filed 9/5/00, effective 10/6/00. Statutory Authority: RCW 74.39A.120, 74.39.010, 74.39.020, 00-04-056, § 388-71-0470, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0475 What is the maximum amount that the department pays per month for your COPEs care? Total expenditures are limited to the department's published rates and authorized payments. These costs are not to exceed ninety percent of the statewide average monthly Medicaid nursing home reimbursement rate. The total cost of care includes the COPEs maintenance allowance as well as all Medicaid costs associated with the COPEs individual's paid services including but not limited to the following list of services:

(1) Personal care,

(2) Residential care services,

(3) Adult day care,

(4) Adult day health,

(5) Environmental modifications,

(6) Home delivered meals,

(7) Home health aide visits,

(8) Personal emergency response,

(9) Skilled nursing visits,

(10) Specialized medical equipment and supplies,

(11) Adult companion services,

(12) Client training,

(13) Transportation services,

- (14) Hospitalization, and
- (15) Nursing facility care.

[Statutory Authority: RCW 74.08.090, 00-04-056, § 388-71-0475, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0480 If I am employed, can I still receive HCP services? If you are disabled, as determined under WAC 388-511-1105, you may be employed and still be eligible to receive HCP services.

(1) If you remain Medicaid eligible under the categorically needy program, you are financially eligible for MPC services.

(2) If you are not Medicaid eligible due to your earned income and resources, you may be eligible to receive chore personal care services.

(a) You may be required to pay participation per WAC 388-71-0470(4) for any earned income above one hundred percent of the federal poverty level.

(b) The department will exempt fifty percent of your earned income after work expense deductions. Work expense deductions are:

(i) Personal work expenses in the form of self-employment taxes (FICA); and income taxes when paid;

(ii) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;

(iii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars;

(iv) Expenses necessary for continued employment such as tools, materials, union dues, transportation to service customers is not furnished by the employer; and

(v) Uniforms needed on the job and not suitable for wear away from the job.

[Statutory Authority: RCW 74.09.520, 74.09.530, 74.39A.110, [74.39A.]120, [74.39A.]130, and 1998 c 346 § 205 (1)(c), and RCW 74.39A.030, 00-18-099, § 388-71-0480, filed 9/5/00, effective 10/6/00. Statutory Authority: RCW 74.39A.140, 74.39A.150, 00-04-056, § 388-71-0480, filed 1/28/00, effective 2/28/00.]

INDIVIDUAL PROVIDER AND HOME CARE AGENCY PROVIDER QUALIFICATIONS

WAC 388-71-0500 What is the purpose of WAC 388-71-0500 through 388-71-0580? An adult client/legal guardian may choose an individual provider or a home care agency provider. The intent of WAC 388-71-0500 through 388-71-0580 is to describe the:

(1) Qualifications of an individual provider, as defined in WAC 388-15-202 (25) and (26);

(2) Qualifications of a home care agency provider, as defined in WAC 388-15-202(2) and chapter 246-336 WAC;

(3) Conditions under which the department/area agency on aging (AAA) will pay an individual provider; and

(4) Conditions under which the department/AAA may deny a contract to an individual provider or terminate payment to an individual provider or a home care agency provider.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0500, filed 1/13/00, effective 2/13/00.]

(2001 Ed.)

WAC 388-71-0505 How does an adult client hire an individual provider? The adult client, or legal guardian, as defined in chapter 11.88 RCW:

(1) Has the primary responsibility for locating, screening, hiring, and terminating an individual provider;

(2) Establishes an employer/employee relationship with the provider; and

(3) May receive assistance from the social worker/case manager or other resources in this process.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0505, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0510 How does a person become an individual provider? In order to become an individual provider, a person must:

(1) Be eighteen years of age or older;

(2) Provide the social worker/case manager/designee with:

(a) Picture identification; and

(b) A Social Security card; or

(c) Authorization to work in the United States;

(3) Complete and submit to the social worker/case manager/designee the department's criminal conviction background inquiry application, unless the provider is also the parent of the adult DDD client and exempted, per chapter 74.15 RCW. Preliminary results may require a thumb print or an interstate background check; and

(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.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0510, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0515 What are the responsibilities of an individual provider or home care agency provider when employed to provide care to an adult client? An individual provider or home care agency provider must:

(1) Understand the client's service plan, which is written in clear language, signed by the client or legal representative and social worker/case manager, and translated or interpreted, as necessary, for the client and the provider;

(2) Provide the services as outlined on the client's service plan, within the scope of practice in WAC 388-15-202(38) and 388-15-203;

(3) Accommodate client's individual preferences and differences in providing care, within the scope of the service plan;

(4) 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;

(5) Observe the client for change(s) in health, take appropriate action, and respond to emergencies;

(6) Notify the case manager immediately when the client enters a hospital, or moves to another setting;

(7) Notify the case manager immediately if the client dies;

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(8) Notify the department/AAA immediately when unable to staff/serve the client; and

(9) Notify the department/AAA when the individual provider or home care agency will no longer provide services. Notification to the client/legal guardian must:

- (a) Give at least two weeks' notice, and
- (b) Be in writing.

(10) In addition to the above requirements, the individual provider and home care agency provider must:

(a) Complete and keep accurate time sheets that are accessible to the social worker/case manager; and

(b) Maintain certain employment standards, which include:

- (i) Maintaining a drug/alcohol-free work place;
- (ii) Absence of criminal activity; and
- (iii) Skills, knowledge, ability, and willingness to provide services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0515, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0520 Are there educational requirements for an individual provider or a home care agency provider of an adult client? There are educational requirements for an individual provider or a home care agency employee. They 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) Mental illness;
- (d) Dementia;
- (e) Depression;
- (f) Medication assistance;
- (g) Communication skills;
- (h) Alternatives to restraints;
- (i) Activities for clients; and

(3) Provide the department/AAA with proof of completion of continuing education credits.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0520, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0525 Are there any exemptions from the training requirements? In lieu of the fundamentals of caregiving training, an individual provider or home care agency provider can:

(1) Pass the department's challenge test for the required class. This test can be taken only once;

(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 required division of developmental disabilities' (DDD) staff training if they are employed by, and continue to work for, a DDD-contracted and certified residential agency.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0525, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0530 Are there special rules about training for parents who are the individual 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, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0530, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0535 Are there special rules about training for parents who are the individual 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 modified fundamentals of caregiving training within one hundred eighty days after beginning employment and have documentation that they have completed individualized or other specific instruction on the care of their adult child; or

(2) Pass the department's challenge test; or

(3) Possess a certificate of successfully completing the fundamentals of caregiving.

(4) Are exempt from continuing education requirements described in WAC 388-71-0520(2) if they provide care only for their adult child.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0535, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0540 Will the department/AAA pay anyone the adult client chooses to be an individual provider or home care agency provider? The department/AAA cannot contract or pay an individual provider who:

(1) Is the client's spouse, per 42 C.F.R 441.360(g), unless the client is on the chore personal care program;

(2) Has been convicted of a disqualifying crime, as listed in RCW 43.43.830 and 43.43.842;

(3) Has abused, neglected, abandoned, or exploited a minor or vulnerable adult, as per chapter 74.34 RCW or RCW 74.39A.050(8);

(4) Has had a license, certification, or a contract for the care of children or vulnerable adults denied, suspended, revoked, or terminated for noncompliance with state and/or federal regulations; and/or

(5) Is determined by the department/AAA to be unable to appropriately meet the client's needs, per RCW 74.39A.095 (7) or (8).

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0540, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0545 Under what conditions will the department/AAA deny payment to or terminate the contract of an individual provider, or deny payment to a home care agency provider? The department/AAA will deny payment and terminate the individual provider's contract, or deny payment to a home care agency provider when either provider:

(1) Does not successfully complete the training requirements within the time limits described in WAC 388-71-0520 and 388-71-0525;

(2) Does not meet the conditions of the contract;

(3) Has been terminated by the department for cause;

(4) Demonstrates an unwillingness or inability to provide quality care and services as outlined on the service plan, which is jeopardizing the health, safety, or well-being of the client;

(5) Is terminated by the client/employer; and/or

(6) Has not met the conditions described in WAC 388-71-0510 through WAC 388-71-0540.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0545, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0550 Are there other conditions under which the department/AAA may deny payment, or deny or terminate a contract to an individual provider? The department/AAA may deny or terminate a contract to an individual provider when the individual provider:

(1) Has other employment which prevents the provision of authorized services, as outlined on the client's service plan;

(2) Is unable to appropriately meet the client's care needs, per RCW 74.39A.090;

(3) Is already providing the personal care tasks the client requires per the comprehensive assessment and service plan on an informal basis, and the assessment or reassessment does not identify any unmet need;

(4) Has abused, neglected, abandoned, or financially exploited a minor or vulnerable adult;

(5) Has stress and strain in providing care which interferes with meeting the client's needs;

(6) Lives too far from the client, which prevents the provision of services as they are needed and outlined on the client's service plan;

(7) Places the health, safety, or well-being of the client at risk;

(8) Is reported by the client's health care providers and others with direct knowledge as unable to meet the client's needs, and the report is substantiated by the department/AAA; and/or

(2001 Ed.)

(9) Has not met the conditions described in WAC 388-71-0515.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0550, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0555 When can the department/AAA summarily suspend an individual provider's contract?

The department/AAA may summarily suspend an individual provider's contract when it has a reasonable, good faith belief that the health, safety, or well-being of the client is in imminent jeopardy because of the individual provider's inadequate performance or inability to deliver quality care, as evidenced by, but not limited to:

(1) The absence of, withholding of, or refusal to use essential interventions identified on the service plan for the client which could cause immediate harm, such as essential medications or other medical supplies;

(2) Evidence of alcohol/drug abuse by the individual provider during hours of employment;

(3) Failure to respond to emergencies;

(4) Abuse, neglect, abandonment, and/or financial exploitation;

(5) Other behavior directed toward the client and other persons involved in the client's life which places the client at risk of harm;

(6) A report(s) from health care providers seeing the client that the health of the client is seriously affected by poor care; and/or

(7) Conditions or a combination of conditions found in WAC 388-71-0515, 388-71-0520, 388-71-0525, 388-71-0540, 388-71-0545, and 388-71-0550 that imminently affect the health, safety or well-being of the client.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0555, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0560 What are the adult client's rights if the department denies, terminates, or summarily suspends an individual provider's contract? If the department denies, terminates, or summarily suspends the individual provider's contract, the client has the right to:

(1) A fair hearing to appeal the decision, per chapter 388-08 WAC, and

(2) Receive services from another currently contracted individual provider or home care agency provider, or other options the client is eligible for, if a contract is summarily suspended.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0560, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0580 Self-directed care—Who must direct self-directed care? Self-directed care under chapter 74.39 RCW must be directed by the adult client for whom the health-related tasks are provided. The adult client is responsible to train the individual provider in the health-related tasks which the client self-directs.

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[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0580, filed 1/13/00, effective 2/13/00.]

RESIDENTIAL CARE SERVICES

WAC 388-71-0600 What are residential services?

The residential service program provides personal care services, as defined in WAC 388-15-202(38), room, board, supervision, and nursing services for elderly and disabled adults. Eligible individuals may choose to receive services from any of the following licensed and contracted residential settings:

(1) **Adult family homes** with a state contract provide services for two to six unrelated adults (chapter 388-76 WAC). Services include room, board and supervision. Residents may also receive limited nursing services, under nurse delegation or if the sponsor or the manager is a nurse.

(2) **Assisted living** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and II). Structural requirements include two hundred twenty square foot private room, private bathroom, and a kitchen in each unit. Resident services may include room, board, assistance with ADL and IADL, and limited nursing services. Services are authorized according to the department’s comprehensive assessment and service plan.

(3) **Enhanced adult residential care** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and III). Services may include a shared room, limited nursing services, assistance with ADL and IADL, limited nursing services, and supervision. Services are authorized according to the department’s comprehensive assessment and service plan.

(4) **Adult residential care** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and IV). Services may include supervision.

[Statutory Authority: RCW 74.08.44 [74.08.044]. 00-04-056, § 388-71-0600, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0605 Am I eligible for residential services? If you apply for services, you may be eligible to have the department pay for your services through one of the programs listed below. The department assesses and determines your functional and financial eligibility for residential services under one of the following long-term care programs:

(1) Community options program entry system (COPEs), defined in WAC 388-515-1505;

(2) Medicaid personal care funding (MPC), described in WAC 388-71-0440; or

(3) If you are not eligible for services under one of the programs listed above, you may be able to receive state-only funding for residential services through Supplemental Security Income (SSI) as determined under WAC 388-511-1105 or 388-511-1130; General assistance unemployment under WAC 388-235-5000; or Title XIX categorically relatable to SSI if you are:

- (a) Eighteen or older; and
- (b) Unable to live alone and/or need assistance with activities of daily living.

[Title 388 WAC—p. 256]

Residential care services	COPEs	MPC	State-only programs
Adult family homes	x	x	x
Adult residential care (ARC)		x	x
Enhanced adult residential care (EARC)	x		
Assisted living facilities (AL)	x		

Note: If you are under eighteen, you may receive MPC services in a children’s foster family home or a children’s group care facility.

[Statutory Authority: RCW 74.08.44 [74.08.044]. 00-04-056, § 388-71-0605, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0610 Who pays for residential care?

You must use your income to pay for your room and board and services. You are allowed to keep some of your income for clothing and personal incidental (CPI). The department determines the amount of CPI that you may keep. Rules regarding the amount you must pay or CPI are found in WAC 388-513-1380; 388-515-1505 for COPEs; or 388-478-0045 for all other programs.

(1) The department pays the facility for the difference between what you pay and the department-set rate for the facility. AASA published rates and program rules establish your total hours and how much the department pays toward the cost of your services.

(2) Washington state collects from your estate the cost of the care that the department provides based on chapter 388-527 WAC.

[Statutory Authority: RCW 74.08.44 [74.08.044]. 00-04-056, § 388-71-0610, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0615 If I leave a hospital, residential facility, or nursing facility, are there resources available to help me find a place to live?

(1) If you are discharged from a hospital, residential care facility, or a nursing facility, you may receive a residential care discharge allowance. This one-time payment is used to help you establish or resume living in your own home. An allowance up to eight hundred and sixteen dollars covers necessary equipment, remodeling, rent, and utilities if you do not have resources to pay these costs.

(2) The discharge allowance does not pay for items or services paid for by other state programs.

[Statutory Authority: RCW 74.42.450, 74.08.090. 00-04-056, § 388-71-0615, filed 1/28/00, effective 2/28/00.]

WAC 388-71-0620 Am I eligible for a residential discharge allowance? You are eligible for a residential discharge allowance if you:

- (1) Receive long-term care services from the department; and
- (2) Reside in a hospital, nursing facility, adult residential care, enhanced adult residential care, assisted living, or adult family home.

[Statutory Authority: RCW 74.42.450, 74.08.090, 00-04-056, § 388-71-0620, filed 1/28/00, effective 2/28/00.]

NURSING FACILITY CARE AND PAYMENT

WAC 388-71-0700 What are the requirements for nursing facility eligibility, assessment, and payment? (1) If you are a Medicaid client or paying privately, the nursing facility cannot admit you unless the physician, hospital, department, or department designee screens you for the presence of a serious mental illness or a developmental disability as required under WAC 388-97-247.

(2) You are eligible for nursing facility care if the department:

(a) Assesses you and determines that you meet the functional criteria for nursing facility level of care as defined in WAC 388-71-0435(4); and

(b) Determines that you meet the eligibility requirements set through WAC 388-513-1315.

(3) If you are Medicaid eligible and the nursing facility admits you without a request for assessment from the department, the nursing facility will not:

(a) Be reimbursed by the department; or

(b) Allowed to collect payment, including a deposit or minimum stay fee, from you or your family/representative for any care provided before the date of request for assessment.

(4) If you are eligible for Medicaid-funding nursing facility care, the department pays for your services beginning on the date:

(a) Of the request for a department assessment; or

(b) Nursing facility care actually begins, whichever is later.

(5) If you become financially eligible for Medicaid after you have been admitted, the department pays for your nursing facility care beginning on the date of:

(a) Request for assessment or financial application, whichever is earlier; or

(b) Nursing facility placement; or

(c) When you are determined financially eligible, whichever is later.

(d) Exception: Payment back to the request date is limited to three months prior to the month that the financial application is received.

[Statutory Authority: RCW 74.39A.040, 74.42.056, 00-22-018, § 388-71-0700, filed 10/20/00, effective 10/31/00.]

PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

WAC 388-71-0800 What is PACE? (1) PACE, which stands for the program of all-inclusive care for the elderly, is a managed care program that provides:

(a) Comprehensive, coordinated acute medical and long-term care services for a frail elderly population; and

(b) A home and community-based alternative to nursing facility care.

(2) PACE is a Medicare/Medicaid program, authorized under section 1934 of the Social Security Act and administered by the department. The laws allow the department to

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expand home and community-based care options for the frail elderly population.

[Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030, 99-19-048, § 388-71-0800, filed 9/13/99, effective 10/14/99.]

WAC 388-71-0805 What services does PACE cover?

Under their contract with the department, the PACE provider develops a care plan that integrates necessary long-term care and acute medical services.

(1) The care plan includes, but is not limited to any of the following long-term care services:

(a) Case management, to access and monitor services;

(b) Home and community based services:

(i) Personal (in-home) care;

(ii) Residential care (e.g., boarding home, adult family home).

(c) And, if necessary, nursing facility care.

(2) The care plan may also include, but is not limited to the following medical services:

(a) Routine medical care;

(b) Vision care;

(c) Hospice care;

(d) Speech, occupational, and physical therapy;

(e) Oxygen therapy;

(f) Audiology (including hearing aids);

(g) Transportation;

(h) Podiatry;

(i) Durable medical equipment (e.g., wheelchair);

(j) Dental care;

(k) Pharmaceutical products;

(l) Shots.

[Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030, 99-19-048, § 388-71-0805, filed 9/13/99, effective 10/14/99.]

WAC 388-71-0810 Who provides these services? (1)

A PACE multidisciplinary team, with the help of the client, family, and caseworker, develops and delivers necessary long-term care and acute medical services. Members of the team may include:

(a) Primary care physicians and nurses;

(b) Therapists;

(c) Home care workers;

(d) Social workers;

(e) Transportation coordinators.

(2) As needed, the PACE provider may subcontract with other qualified professionals to provide services.

[Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030, 99-19-048, § 388-71-0810, filed 9/13/99, effective 10/14/99.]

WAC 388-71-0815 Where are these services provided? Most of the covered services are offered at the PACE site, which is a licensed adult day health center. The PACE team may also provide care in homes, hospitals, and nursing homes.

[Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030, 99-19-048, § 388-71-0815, filed 9/13/99, effective 10/14/99.]

WAC 388-71-0820 How do I qualify for Medicaid-funded PACE services? To qualify for Medicaid-funded

PACE services, you must apply for an assessment by contacting your local Home and Community Services office. A case worker will assess and determine whether you:

- (1) Are age:
 - (a) Fifty-five or older, and blind or disabled as defined in WAC 388-15-202, Long-term care services—Definitions; or
 - (b) Sixty-five or older.
- (2) Need nursing facility level of care as defined in WAC 388-97-235, titled Medical eligibility for nursing facility care. Note: If you are already enrolled, but no longer need nursing facility care, you might still be eligible for PACE services if the case manager reasonably expects you to need nursing facility care within the next six months;
- (3) Live within the designated service area of the PACE provider, currently the central Seattle area; and
- (4) Meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-513-1315, Eligibility determination—Institutional.

[Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0820, filed 9/13/99, effective 10/14/99.]

WAC 388-71-0825 What are my appeal rights? If the department determines you are ineligible, but you disagree, you may appeal the department's decision. For more information on your appeal rights, refer to chapter 388-08 WAC, Practice and procedures—Fair hearing.

[Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0825, filed 9/13/99, effective 10/14/99.]

WAC 388-71-0830 Who pays the PACE provider? Depending on your income and resources, you may be required to pay for part of the PACE services. The department's financial worker will determine what amount, if any, you must contribute if you decide to enroll. The department pays the PACE provider the remaining amount.

[Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0830, filed 9/13/99, effective 10/14/99.]

WAC 388-71-0835 How do I enroll into the PACE program? Once you qualify for PACE, enrollment into the program is voluntary. However, before you can join, you must:

- (1) Not be enrolled in any other medical coverage plan that purchases services on a prepaid basis (e.g., HMO); and
- (2) Agree to receive services exclusively from the PACE provider.

[Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0835, filed 9/13/99, effective 10/14/99.]

WAC 388-71-0840 How do I disenroll from the PACE program? (1) You may voluntarily choose to disenroll from the PACE program. To do so, you must give the provider written notice. If you give notice:

- (a) Before the fifteenth of the month, disenrollment is effective at the end of the month.
 - (b) After the fifteenth, disenrollment is not effective until the end of the following month.
- (2) The PACE provider may also end services, if you:

- (a) Move out of the designated service area;
 - (b) Exhibit violent or abusive behavior or fail to cooperate with the provider to the point where the provider cannot effectively or safely provide services;
 - (c) Refuse services and/or do not participate in your agreed-upon care plan;
 - (d) Fail to pay or make arrangements to pay your part of the costs after the thirty-day grace period;
 - (e) Become financially ineligible for Medicaid services, unless you choose to pay privately; or
 - (f) Are enrolled with a provider that loses its license and/or contract.
- (3) For any of the above reasons, the provider must give you written notice, explaining that they are terminating benefits. If the provider gives you notice:
- (a) Before the fifteenth of the month, then you may be disenrolled at the end of the month.
 - (b) After the fifteenth, then you may be disenrolled at the end of the following month.
- (4) Before the provider can disenroll you from the PACE program, the department must review and approve all proposed involuntary disenrollments.

[Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0840, filed 9/13/99, effective 10/14/99.]

WAC 388-71-0845 What are my rights as a PACE participant? You have a right to:

- (1) Receive any information regarding your care under PACE;
- (2) Participate in creating or changing your treatment plan;
- (3) Receive confidential treatment;
- (4) Disenroll at any time; and
- (5) Voice grievances when a disagreement exists. For information on resolving a disagreement, refer to your contract with the PACE provider.

[Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0845, filed 9/13/99, effective 10/14/99.]

SENIOR CITIZEN'S SERVICES

WAC 388-71-1000 What is the Senior Citizens Services Act? The Senior Citizens Services Act (chapter 74.38 RCW) provides funds for eligible senior citizens to receive community-based services as an alternative to institutional care when that form of care is premature, unnecessary, or inappropriate.

[Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1000, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1005 Who administers the Senior Citizens Services Act funds? Aging and adult services administration (AASA) designates the local area agencies on aging (AAA) to directly coordinate and provide senior citizens services. AAA and AASA monitor the use of Senior Citizens Services Act (SCSA) funds.

[Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1005, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1010 What services does the SCSA fund? The community based services funded by SCSA for low-income eligible persons provided by area agencies may include those described in RCW 74.38.040.

[Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1010, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1015 How do I apply for SCSA-funded services? To receive SCSA-funded services you or your representative must:

- (1) Complete and submit a department application form, providing complete and accurate information; and
- (2) Promptly submit a written report of any changes in income or resources. For the definition of income and resources, refer to WAC 388-500-0005.

[Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1015, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1020 Am I eligible for SCSA-funded services at no cost? To be eligible for SCSA-funded services at no cost, you must:

- (1) Be age:
 - (a) Sixty-five or older; or
 - (b) Sixty or older, and:
 - (i) Either unemployed, or
 - (ii) Working twenty hours a week or less;
- (2) Have a physical, mental, or other type of impairment, which without services would prevent you from remaining in your home;
- (3) Have income at or below forty percent of the state median income (SMI) for a family of four adjusted for family size; and
- (4) Have nonexempt resources (including cash, marketable securities, and real or personal property) not exceeding ten thousand dollars for a single person or fifteen thousand for a family of two, increased by one thousand dollars for each additional family member of the household. Household means a person living alone or a group of people living together.
- (5) If you have income over forty percent of SMI you may be eligible for services on a sliding fee basis.

[Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1020, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1025 What income and resources are exempt when determining eligibility? The following income and resources, regardless of value, are exempt when determining whether you are eligible for SCSA-funded services:

- (1) Your home, and the lot it is upon;
- (2) Garden produce, livestock, and poultry used for home consumption;
- (3) Program benefits which are exempt from consideration in determining eligibility for needs based programs (e.g., uniform relocation assistance, Older Americans Act funds, foster grandparents stipends or similar monies);
- (4) Used and useful household furnishings, personal clothing, and automobiles;
- (5) Personal property of great sentimental value;

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(6) Personal property used by the individual to earn income or for rehabilitation;

(7) One cemetery plot for each member of the family unit;

(8) Cash surrender value of life insurance;

(9) Real property held in trust for an individual Indian or Indian tribe; and

(10) Any payment received from a foster care agency for children in the home.

[Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1025, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1030 What if I am not eligible to receive SCSA-funded services at no cost? (1) Even if your income is above the forty percent SMI limit to receive SCSA-funded services at no cost, you may receive SCSA-subsidized services. The department uses a sliding fee schedule to determine what percentage the department pays for the cost of your services. You pay the remaining amount, but not more than the usual rate paid for services as negotiated by the AAA or the department. The formula for determining the department's share of the cost of the services is:

$$\frac{100\% \text{ State Median Income (SMI)} - \text{Household Income} \times 100}{100\% - 40\% \text{ SMI}}$$

(2) Service providers must be responsible for collecting fees owed by eligible persons and reporting to area agencies all fees paid or owed by eligible persons.

(3) Some services have no charge regardless of income or need requirements. These services include but are not limited to nutritional services, health screening, services under the long-term care ombudsman program, and access services. Note: Well adult clinic services may be provided in lieu of health screening services if such clinics use the fee schedule established by this section.

[Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1030, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1035 What are my rights under SCSA? You have a right to:

(1) Receive written notice of eligibility, ineligibility, or any adverse decision, including reasons for denial, within a reasonable period of time;

(2) Be treated with dignity and courtesy, and not be discriminated against because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person;

(3) Be informed of your rights and responsibilities under this program;

(4) Have information, given to the department or AAA, held in confidence and used only to provide services to you; and

(5) Request an administrative hearing if you disagree with a decision (see WAC 388-08-413).

[Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1035, filed 1/28/00, effective 2/28/00.]

RESPITE CARE SERVICES

WAC 388-71-1065 What is the purpose of the respite care program? The respite care program provides relief care for unpaid family or other caregivers of adults with a functional disability. Caregivers may need respite care to:

- (1) Relieve some of the stresses of caregiving;
- (2) Maintain family structure; or
- (3) Keep the adult in his or her home.

[Statutory Authority: RCW 74.41.040. 00-04-056, § 388-71-1065, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1070 What definitions apply to respite care services? The following definitions apply to respite care services:

"**Caregivers**" means a spouse, relative, or friend who has primary responsibility for the daily care of an adult with a functional disability without receiving payment for services provided.

"**Continuous care or supervision**" means daily assistance or oversight of an adult with a functional disability.

"**Functionally disabled**" means requiring substantial assistance in completing activities of daily living and community living skills.

"**Participant**" means an adult with a functional disability who needs substantial daily continuous care or supervision.

"**Respite care services**" means services which relieve unpaid caregivers by providing temporary care or supervision to adults with a functional disability.

"**Service provider**" means an individual, agency, or organization under contract to the area agency on aging (AAA) or its subcontractor.

[Statutory Authority: RCW 74.41.040. 00-04-056, § 388-71-1070, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1075 Who is eligible to receive respite care services? (1) To be eligible to receive respite care services, the caregivers must:

- (a) Have primary responsibility for the daily care of an adult with a functional disability;
- (b) Not be compensated for the care; and
- (c) Be assessed as being at risk of placing the participant in a long-term care facility if home and community support services, including respite care, are not available.

(2) An eligible participant is an adult who:

- (a) Has a functional disability;
- (b) Needs daily substantial continuous care or supervision; and
- (c) Is assessed as requiring placement in a long-term care facility if home and community support services, including respite care, are not available.

[Statutory Authority: RCW 74.41.040. 00-04-056, § 388-71-1075, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1080 Who may provide respite care services? Respite care providers include, but are not limited to the following:

- (1) Nursing homes (rules regarding respite services provided in a nursing home, can be found in WAC 388-97-210);
- (2) Adult day services, which includes adult day care and adult day health, as defined in WAC 388-15-651;
- (3) Home health/home care agencies;
- (4) Hospitals;
- (5) Licensed residential care facilities such as boarding homes, adult family homes, and assisted living facilities; and
- (6) Social service providers such as volunteer chore workers, senior companions, and individual providers.

[Statutory Authority: RCW 74.41.040. 00-04-056, § 388-71-1080, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1085 How are respite care providers reimbursed for their services? The department reimburses:

(1) Respite care providers for the number of hours or days of services authorized and used. The rate that is established for the services is negotiated between the respite care program of the local area agency on aging and the respite care service provider.

(2) Medicaid-certified nursing homes and developmental disability facilities providing respite services the Medicaid rate approved for that facility. Contracted nursing homes must not charge beyond the Medicaid rate for any services covered from the date of eligibility unless the department authorizes it (see RCW 18.51.070). Participants must pay for services not included in the Medicaid rate.

(3) Private nursing homes at their published daily rate.

[Statutory Authority: RCW 74.41.040. 00-04-056, § 388-71-1085, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1090 Are participants required to pay for the cost of their services? (1) There is no charge to the participant whose income is at or below forty percent of the state median income, based on a family of four.

(2) If the participant's gross income is above forty percent of the state median income, he or she is required to pay for part or all of the cost of the respite care services. The department will determine what amount the participant must contribute based on the state median income and family size.

(3) If the participant's gross income is one hundred percent or more of the state median income, the participant must pay the full cost of services.

[Statutory Authority: RCW 74.41.040. 00-04-056, § 388-71-1090, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1095 Are respite care services always available? (1) The department must first consider requests for emergency respite care. An example of an emergency is when 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 is allocated based upon available respite funds at the local level. Respite care must be provided on a first-come, first-served basis. If sufficient funds are not available when respite care is requested, services are made available using waiting lists and department-approved priority categories including caregiver

vulnerability and health condition, availability of other support systems, and whether other family members need care.

[Statutory Authority: RCW 74.41.040, 00-04-056, § 388-71-1095, filed 1/28/00, effective 2/28/00.]

VOLUNTEER CHORE

WAC 388-71-1100 What is volunteer chore services (VCS)? Volunteer chore services (VCS) is a state-funded program which provides volunteer assistance with household tasks to low income elderly and other adults with disabilities to enable them to stay in their own homes. VCS is a component of the continuum of home and community services provided by the department. The program:

- (1) Assists people who need but are not eligible for DSHS services; or
- (2) Complements DSHS services by using volunteer assistance to perform tasks which do not require specially-skilled personnel.
- (3) Provides assistance with housework, laundry, shopping, cooking, moving, minor home repair, yard care, limited personal care, monitoring and transportation.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 74.39A.100, 00-04-056, § 388-71-1100, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1105 Am I eligible to receive volunteer chore services? You may receive volunteer chore services if you are:

- (1) Eighteen years of age or older;
- (2) Living at home unless you are moving from a residential facility to home and need assistance moving;
- (3) Unable to perform certain household or personal care tasks due to functional or cognitive impairment;
- (4) Financially unable to purchase services from a private provider;
- (5) Not receiving services under COPEs, MPC, or chore personal care because you:
 - (a) Do not meet the eligibility requirements; or
 - (b) Decline these services.
- (6) In need of assistance from volunteer chore in addition to or in substitution of paid services under COPEs, MPC, or chore personal care.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 74.39A.100, 00-04-056, § 388-71-1105, filed 1/28/00, effective 2/28/00.]

WAC 388-71-1110 How do I receive information on applying for volunteer chore services? You can receive information on applying for services by calling or visiting your local:

- (1) Aging and adult services home and community services office;
- (2) Developmental disabilities field services office;
- (3) Area agency on aging office;
- (4) Senior information and assistance office;
- (5) Catholic community services office.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 74.39A.100, 00-04-056, § 388-71-1110, filed 1/28/00, effective 2/28/00.]

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Chapter 388-73 WAC

CHILD CARE AGENCIES—MINIMUM LICENSING/CERTIFICATION REQUIREMENTS

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388-73-210	Foster care licensees.		
388-73-212	Foster care placements.		
388-73-213	Certification to provide adoption services.	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.
388-73-214	Adoption procedures.		
388-73-216	Adoptive placements.		
388-73-300	Foster family homes.		
388-73-302	Orientation and training.		
388-73-304	Capacity.		
388-73-306	Foster parents—Employment.	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.
388-73-308	Absence from home.		
388-73-310	Fire safety.		
388-73-312	Family foster homes—Services to person under care.		
388-73-351	Staffed residential homes for children or expectant mothers.		
388-73-353	Agency affiliation.	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.
388-73-355	Function of staffed residential home for children or expectant mothers.		
388-73-357	Capacity.		
388-73-361	Required positions.		
388-73-363	Nursing services.	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.
388-73-365	Required rooms, areas, and equipment.		
388-73-367	Staffed residential homes for children or expectant mothers—Services to person under care.		
388-73-369	Fire safety—Staffed residential child care home for children or expectant mothers.	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.
388-73-371	Location of care.		
388-73-373	Occupancy separations.		
388-73-375	Exits.		
388-73-377	Windows.		
388-73-379	Sprinklers.		
388-73-381	Accessibility of exits.	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.
388-73-383	Single station smoke detectors.		
388-73-385	Fire extinguishers.		
388-73-387	Fire prevention.		
388-73-389	Sprinkler system maintenance.		
388-73-391	Fire evacuation plan.		
388-73-393	Fire evacuation drill.	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.
388-73-395	Staff fire safety training.		
388-73-500	Day treatment center.		
388-73-502	Function of day treatment program.		
388-73-504	Personnel.		
388-73-506	Ratio of counselor and teaching staff to children.		
388-73-508	Program.	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.
388-73-510	Ill children.		
388-73-512	Play areas.		
388-73-600	Group care facilities.		
388-73-602	Function of group care facility.		
388-73-604	Daily activity program.		
388-73-606	Required positions.	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.
388-73-610	Required rooms, areas, and equipment—Group care facilities.		
388-73-700	Maternity services.		
388-73-702	Types of maternity services.		
388-73-704	Daily activities program.	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.
388-73-706	Eligibility for service—Required services.		
388-73-708	Required personnel.		
388-73-710	Services provided.		
388-73-712	Health education.		
388-73-714	Family life education.	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.
388-73-718	Child care.		
388-73-720	Medical service.		
388-73-722	Required rooms, areas, equipment.		
388-73-800	Crisis residential centers.		
388-73-802	Limitations on number of facilities.		
388-73-803	Crisis residential center—Admission.	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.
388-73-804	Hours of operation.		
388-73-805	Crisis residential center administrator requirements—Multidisciplinary teams.		
388-73-810	Group crisis residential centers.		
388-73-815	Group crisis residential centers—Staffing.	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.
388-73-820	Family crisis residential centers.		
388-73-821	Behavior management—Secure crisis residential centers.		
388-73-822	Secure crisis residential centers—Staff training.		
388-73-823	Secure crisis residential centers—Program requirements.	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.
388-73-825	Secure crisis residential center—Physical facility.		
388-73-900	Facilities for severely and multiply-handicapped children.		
388-73-901	Multidisciplinary care plan for severely and multiply-handicapped children.		
388-73-902	Services provided.		
388-73-904	Therapy room.		

- 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.

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[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

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

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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;

- (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

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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 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 nonenrolled Indian child is planned, agencies shall compile the Portland area office of the bureau of Indian affairs' form "family ancestry chart," or appropriate equivalent. Agencies shall take appropriate steps to enroll eligible children in their respective tribes.

(8) Agencies serving Indian children shall make efforts to recruit facilities and/or homes particularly capable of meeting the special needs of such children. Indian children shall be placed preferentially in Indian foster homes. Indian children can be placed in non-Indian foster homes specifically recruited and trained to meet the special needs of Indian foster children only with the consent of the LICWAC or the child's tribe for a four-month period in a particular non-Indian home. Each such placement shall only be extended by the consent of the LICWAC or the child's tribe on a month-by-month basis.

(9) When an agency has an Indian child in its caseload, the agency shall have a written policy and procedures statement on legal practices which shall reflect the rights of Indian children and families based upon their unique social-legal status guaranteed by treaty and federal law.

(10) If not contrary to the wishes of a child and/or his parent(s), in the adoptive placement of Indian children adoptive homes having the following characteristics agencies shall give preference in the following order:

- (a) An Indian family of the same tribe as the child within thirty days from the time the child is determined to be legally and otherwise ready for adoptive planning.
- (b) Within an additional thirty days, a Washington Indian family; considering first a family of similar cultural background, for example, eastern or western Washington.
- (c) Within an additional thirty days, an Indian family from elsewhere in the United States or Canada, through the Adoption Resource Exchange of North America, or other rec-

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,

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(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 reclassification of agency as to category of license or continued eligibility for license and major changes in staff or program, including the following:

(1) Changes in agency's address, location, designated space, and phone number. A license is valid only for address indicated on the license;

(2) Changes in the maximum number, age ranges, and sex of persons licensee wishes to serve as compared to specifications in the license;

(3) Change of agency's chief executive, and the death, retirement, or incapacity of a licensee. A license is valid only for the person or organization named on the license.

(4) Occurrence of a fire on licensed premises, major structural changes, or damage to premises from any causes and plans for major remodeling of facility;

(5) Change in name of a licensed corporation, or name by which a facility is commonly known, and changes in agency's articles of incorporation and bylaws;

(6) Marriage or divorce of a foster parent or other change in household composition affecting eligibility for license or number of persons that may be served; and

(7) The hiring of any new staff person who might have contact with the children in care or the addition of any new volunteer who might have contact with the children in care.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-057, filed 3/26/92, effective 4/26/92; 85-13-064 (Order 2244), § 388-73-057, filed 6/18/85; 78-10-006 (Order 1336), § 388-73-057, filed 9/8/78.]

WAC 388-73-058 Earnings, allowances, personal belongings. (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

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performed insofar as appropriate to the age and physical condition of the person under care and adequate monetary compensation shall be provided.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-060, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-060, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-060, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-060, filed 9/8/78.]

WAC 388-73-062 Transportation. When a licensee provides transportation for persons under care:

(1) The vehicle shall be in a safe operating condition. The driver shall have a current driver's license;

(2) There shall be at least one adult supervisor other than the driver in a vehicle when:

(a) There are more than seven preschool-aged children in the vehicle; or

(b) Staff-to-child ratio guidelines require a second staff person.

(3) Licensee or driver shall carry liability and medical insurance;

(4) The licensee's vehicles shall provide seat belts or other appropriate safety devices for all passengers. The number of passengers shall not exceed the vehicle's seating capacity. Buses approved by the state patrol shall not be required to be equipped with seat belts;

(5) Day care facilities transporting children shall have written parental permission.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-062, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-062, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-062, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-062, filed 9/8/78.]

WAC 388-73-064 Clothing. Full-time care providers are responsible to provide or arrange for appropriate clothing for the persons under care.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-064, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-064, filed 9/8/78.]

WAC 388-73-066 Personal hygiene. Licensees are responsible to provide or arrange for items needed for good grooming and personal hygiene for persons under care.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-066, filed 9/8/78.]

WAC 388-73-068 Personnel policies. (1) Each employee or volunteer having unmonitored access to children, expectant mothers, or developmentally disabled persons shall have completed an application for employment on a form prescribed by the department and forms enabling the department to complete a criminal history check and check of the central registry of child abuse and to share this information with the licensee. Misrepresentation by the prospective employee or volunteer shall be grounds for termination or denial of employment or volunteer service, as the case may be.

(2) All agencies employing five or more persons shall have written policies covering qualifications and duties of staff and volunteers.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-068, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-068, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-068, filed 9/8/78.]

WAC 388-73-069 Consumption of alcoholic beverages. Except for family foster homes, licensees and staff may not consume or have in their possession or on their person alcoholic beverages on the premises while children are in care.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-069, filed 7/9/92, effective 8/9/92; 86-24-059 (Order 2445), § 388-73-069, filed 12/2/86.]

WAC 388-73-070 Training. (1) All agencies with employees shall have an in-service training program for developing and upgrading staff skills.

(2) For agencies employing five or more persons, the training plan shall be in writing.

(3) Staff shall be made aware of the licensee's policies and procedures and the rules contained in this chapter.

(4) The agency shall provide or arrange for training in practice skills for its staff responsible for delivering the specific services it offers.

(5) Agency's employee training shall include nonphysical, age-appropriate methods of controlling behavior.

(6) Facilities required to provide staff training shall record the delivery and the nature of the training either in each employee's file or in a separate training file.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-070, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-070, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-070, filed 9/8/78.]

WAC 388-73-072 Education and vocational instruction. (1) Each group care facility, other than a crisis residential center, facility for severely and multiply-handicapped children, or juvenile detention facility, and each maternity service, day treatment program, and child-placing agency shall:

(a) Provide or arrange for the provision of a suitable educational plan for each person in care not completing high school. Group care agencies shall provide suitable study areas. If instruction is given on the agency's premises, appropriate classrooms separate from the living area shall be provided.

(b) Provide the department with a written description of its educational program.

(c) Where an academic program is not appropriate for a particular person in care, the agency shall provide or arrange for a vocational training program either within or outside the agency. Such training shall be geared to helping the person to attain self-sufficiency. If a person has job skills, a training program may not be needed, but assistance in obtaining suitable employment shall be provided when necessary.

(2) Each group care facility serving severely and multiply-handicapped children shall provide or arrange for the provision of an individualized education plan suited to the unique needs of each child in care.

[Statutory Authority: RCW 74.15.030. 84-06-030 (Order 2081), § 388-73-072, filed 2/29/84. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-072, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-072, filed 9/8/78.]

WAC 388-73-074 Social service staff. (1) Each child-placing agency, day treatment program, maternity service 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 individual and his or her family. The plan shall be updated at least quarterly to show progress toward achievement of goals and shall identify impediments to the return of the child to his or her own home, the home of relatives, or placement for adoption and steps taken or to be taken to overcome those impediments. No person shall be admitted to nor retained in an agency's program where the person cannot be served effectively by the program or where the person can be served more appropriately by another available program.

(3) Whenever the treatment plan indicates the child may return to his or her own home, 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.

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[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, bathroom, or other room occupied by children should an emergency need arise.

[Statutory Authority: RCW 74.15.030, 92-15-043 (Order 3418), § 388-73-102, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-102, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-102, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-102, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-102, filed 9/8/78.]

WAC 388-73-103 Water safety. (1) Except for foster family homes, when a child uses a swimming pool at a child care agency, the swimming pool shall meet the requirements of chapter 248-98 WAC as applicable to public and 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 a stock supply shall bear a label correctly identifying the contents.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-106, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-106, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-106, filed 9/8/78.]

WAC 388-73-108 Bedrooms. In full-time care facilities operated by licensed agencies:

(1)(a) Hallways, kitchens, living rooms, dining rooms, and unfinished basements shall not be used as bedrooms;

(b) Every bedroom shall be an outside room permitting entrance of natural light;

(c) Separate sleeping quarters shall be furnished for each sex for children over six years of age;

(d) Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets;

(e) There shall be not less than thirty inches laterally between beds;

(f) In group-care facilities and maternity homes, single occupancy bedrooms shall provide at least eighty square feet of floor space;

(g) Each person in care shall have a bed of his or her own;

(h) There shall be no more than four persons to a bedroom except in facilities licensed for more prior to the adoption of these rules;

(i) For facilities licensed after December 31, 1986, sleeping rooms shall have a minimum ceiling height of 7.5 feet and shall have a window area, permitting the direct entrance of natural light, of not less than one-tenth of the required floor space.

(2) For each person in care, there shall be a bed at least thirty inches wide with a clean, firm mattress, pillow, sheets, blankets, and pillowcases. Each person's pillow shall be covered with waterproof material or be of a washable type. The agency shall provide waterproof mattress covers for incontinent persons.

(3) The agency shall not permit the upper bunk of double-deck beds for use by persons who may be endangered by the use of an upper bunk. When mother and infant sleep in the same room, the room shall contain at least eighty square feet of usable floor space. The agency shall provide an infant a crib or bassinet with a clean, firm mattress covered with a waterproof material. The agency shall allow only one mother and her newborn infant or infants to occupy a bedroom.

(4) Bedding shall be clean; sheets and pillowcases shall be laundered weekly.

(5) The agency shall not allow a child over one year of age to share a bedroom with foster parents or agency staff. An adult shall be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

(6) See WAC 388-73-146(7) for requirements for cribs used by infants in care.

(7) The agency shall allow only rooms having unrestricted direct access to hallways, corridors, living rooms, day rooms, or such common use area for use as bedrooms for persons in care.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-108, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-108, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-108, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-108, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-108, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-108, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-108, filed 9/8/78.]

WAC 388-73-110 Special care room. Except for child-placing agencies and foster family homes for children or expectant mothers, each agency shall provide a separate room or segregated area which is designated for the care of a person under care who needs to be separated from the group due to injury, illness or the need for additional rest.

(1) The agency shall locate this separate room or area so that the child can be supervised.

(2) The agency shall provide a person under care readily accessible toilet and lavatory facilities.

(3) If the person under care is suspected of having a communicable disease, the area and equipment used by the child shall be easily and adequately sanitized.

(4) The agency may use this special care room or area for other purposes when not needed for the separation and care of a person in care.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-110, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-110, filed 9/8/78.]

WAC 388-73-112 Kitchen facilities. (1) The licensee shall provide facilities for proper storage, preparation, and service of food to meet the needs of the program.

(2) All food service facilities and practices in mini-day care centers, day treatment programs, group care facilities, and maternity homes shall be in compliance with chapter 246-215 WAC, rules and regulations of the state board of health governing food service sanitation, except home canned high-acid foods with a pH of less than 4.6 (such as canned fruits, jams, jellies, and pickles) may be used. Kitchen equipment and food preparation procedures shall be approved by the department of health.

(3) Children may participate in food preparation provided it is part of an agency's supervised program. Preschool-age children shall be supervised when in the kitchen.

(4) In mini-day care centers, the kitchen shall be inaccessible to children except for planned and supervised activities.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-112, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-112, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-112, filed 9/8/78.]

WAC 388-73-114 Housekeeping sink. All facilities shall have and use a method of drawing clean mop water and have and use an appropriate method of waste water disposal.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-114, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-114, filed 9/8/78.]

WAC 388-73-116 Laundry. (1) A licensee shall provide adequate facilities for separate storage of soiled linen and clean linen.

(2) A licensee shall provide adequate laundry and drying equipment unless other acceptable arrangements are made.

(3)(a) Except in foster homes, the licensee shall locate laundry equipment in an area separate from the kitchen and child care areas;

(b) The licensee shall use an effective method through temperature or chemical measures for adequately sanitizing laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-116, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-116, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-116, filed 9/8/78.]

WAC 388-73-118 Toilets, handwashing sinks, and bathing facilities. Licensees shall provide sanitary facilities and equipment according to the following configuration:

(1) There shall be at least one indoor flush-type toilet and one nearby handwashing sink with hot and cold or tempered running water. The following ratios of persons normally on the premises to facilities shall apply:

	Toilets	Handwashing Sinks	Bathing Facilities
Day Treatment Programs	*2 minimum and 1:15 or major fraction	2 minimum and 1:15 or major fraction	None Required
Mini-Day Care Programs	1 minimum	1 minimum	None Required
Group Care Facilities	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. Chil-

dren 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.]

[Title 388 WAC—p. 276]

WAC 388-73-130 Ventilation. The licensee shall assure that the physical facility shall be ventilated to assure health and comfort of the persons under care. Toilets, bathrooms and areas which contain housekeeping sinks which do not have windows opening to out of doors shall be vented by mechanical exhaust to the out of doors.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-130, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-130, filed 9/8/78.]

WAC 388-73-132 Health care plan. (1) All agencies providing direct care shall maintain current written medical policies and procedures including:

- (a) Handwashing (i.e., for staff and children);
- (b) Communicable disease reporting and management;
- (c) Medication management;
- (d) First aid;
- (e) Care of minor illnesses;
- (f) Action to be taken in event of medical emergencies;
- (g) Infant care procedures when infants are under care;

and

(h) General health practices.

(2) The licensee shall write policies and procedures for staff orientation and shall make the policies and procedures readily available for implementation. For day care facilities, parents or guardians shall be informed of said policy.

(3) Agencies licensed for the care of thirteen or more persons and all group homes shall arrange for the services of an advisory physician, physician's assistant, or registered nurse to assist in the development and periodic review of the agency's health policies, procedures, and practices. The agency shall post emergency phone numbers next to the phone.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-132, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-132, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-132, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-132, filed 9/8/78.]

WAC 388-73-134 First aid. The licensee shall assure that:

(1) A person having completed a basic Red Cross first-aid course or a first-aid course approved by the department and training in age appropriate cardiopulmonary resuscitation (CPR) shall be present at all times persons are under care; except, for foster family homes, the "at all times" provision is not applicable. All said training shall be current. The requirement for CPR training may be waived for persons when such training is contraindicated for medical reasons. The CPR course shall include administration for the age group in care;

(2) For foster family care, the primary caregiver shall have current first aid and CPR training as noted under WAC 388-73-134(1);

(3) Documentation of persons having completed the training shall be maintained in the facility;

(4) First-aid supplies as needed to conform with first-aid policies and procedures shall be readily available. First-aid supplies shall include unexpired syrup of ipecac to be administered only on the advice of a physician or poison control center.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-134, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-134, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-134, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-134, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-134, filed 9/8/78.]

WAC 388-73-136 Medications controlled by licensee.

The licensee or responsible designee:

(1) Shall give or have access to medications except for self-administered medications as provided under WAC 388-73-138;

(2) Shall give medications, prescription and nonprescription, only on the written approval of a parent, person, or agency having authority by court order to approve medical care;

(3) Shall give prescription medications:

(a) Only as specified on the prescription label; or

(b) As otherwise authorized by a physician or other person legally authorized to prescribe medication.

(4) May give the following classifications of nonprescription medications, with parent authorization, only at the dose, duration, and method of administration, specified on the manufacturer's label for the age and/or weight of the child needing the medication:

(a) Antihistamines;

(b) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;

(c) Nonnarcotic cough suppressants;

(d) Decongestants;

(e) Anti-itching ointments or lotions, intended specifically to relieve itching;

(f) Diaper ointments and powders, intended specifically for use in the diaper area of children; and

(g) Sun screen.

(5) Shall give other nonprescription medications not included in the categories listed in subsection (4) of this section or that are to be taken differently than indicated on the manufacturer's label or for which the label does not provide instruction, only as authorized in writing by a physician or as based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication. Such medication can be given per instruction and per a physician's standing order;

(6) Shall accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

(a) The child's first and last names;

(b) The date the prescription was filled; or

(c) The medication's expiration date; and

(d) With legible instructions for administration, i.e., manufacturer's instructions or prescription label.

(7) Shall keep all medications, refrigerated or nonrefrigerated, in an orderly fashion, inaccessible to children;

(8) Shall store external medications separately, in separate compartments, from internal medications;

(9) Except for foster family homes, shall keep a record of all medications disbursed; and

(10) Shall return to the parent or other responsible party medications no longer being taken.

(2001 Ed.)

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-136, filed 3/26/92, effective 4/26/92; 89-07-097 (Order 2778), § 388-73-136, filed 3/22/89; 86-24-059 (Order 2445), § 388-73-136, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-136, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-136, filed 9/8/78.]

WAC 388-73-138 Self-administration of medications. The licensee may permit self-administration of medications by a person in care in accordance with the following:

(1) The person shall be physically and mentally capable of properly taking his or her own medication. The licensee shall make a written statement of the person's capacities and include such statement in the person's file;

(2) Medications and other medical supplies shall be kept so they are not available to unauthorized persons.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-138, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-138, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-138, filed 9/8/78.]

WAC 388-73-140 Health history, physical examinations, immunizations. This section is not applicable to crisis residential centers and juvenile detention facilities.

(1) The licensee shall obtain a health history for each person under care when the person is accepted for care, if possible. The health history shall include:

(a) The date of the person's last physical examination;

(b) Allergies;

(c) Any special health problems; and

(d) For children, an immunization history.

(2) If a child has not been under regular medical supervision or has not had a physical examination by a physician, physician's assistant, or certified registered nurse (nurse practitioner) within one year prior to admission, the agency shall arrange for an examination to be made within thirty days. Each severely and multiply-handicapped child shall be under regular medical supervision of a physician. Each child shall be seen by a physician regularly, according to the physician's plan of care as required in WAC 388-73-077.

(3) Yearly physical examinations are required for each child not under regular medical supervision.

(4) Except for foster family care, licensees shall require that before or on the child's first day of attendance or first day in residence, each child shall present proof of full immunization for diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles (rubeola), rubella (German measles), and mumps as set forth under WAC 248-100-166. For foster family care, a child shall have proof of full immunization no later than thirty days after placement in care. (Note: Appropriate forms and information may be obtained at the local health department. For the requirements applying to day care centers, see WAC 248-100-164.)

(5) A licensee may accept a child not having received all immunizations as set forth in WAC 248-100-166 on a conditional basis if immunizations are initiated before or on admission and are completed as rapidly as is medically indicated.

(6) Providers, whose minor children are present on the agency premises, shall present, for each child, proof of full immunization under WAC 248-100-166 for:

(a) Diphtheria;

(b) Tetanus;

- (c) Pertussis, whooping cough;
- (d) Poliomyelitis;
- (e) Measles, Rubeola;
- (f) Rubella, German measles;
- (g) Mumps; and
- (h) Haemophilus influenzae type b disease.

Parents and providers may obtain appropriate forms and information at the local health department. If a provider's child has not received all immunizations, the department may give conditional approval if immunizations have been initiated and are completed as rapidly as medically indicated.

(7) Exceptions to the immunization requirement shall be made in the case of a parent or guardian expressing religious, philosophical, or personal objections by signing a statement to this effect; or there is a physician's statement that a valid medical reason exists to contraindicate immunization.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-140, filed 3/26/92, effective 4/26/92; 85-18-063 (Order 2277), § 388-73-140, filed 9/4/85; 84-06-030 (Order 2081), § 388-73-140, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-140, filed 1/5/83; 80-13-019 (Order 1540), § 388-73-140, filed 9/9/80. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-140, filed 9/10/79. Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-140, filed 9/8/78.]

WAC 388-73-142 Infection control, communicable disease. (1) Each licensee, employee, adult volunteer, and other adult persons having regular contact with persons in care shall have a tuberculin skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated:

(a) Persons whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within ninety days following the skin test;

(b) The department shall not require the person have routine periodic retesting or x-ray after the entry testing unless the person is identified as a contact to an infectious case or develops symptoms of tuberculosis;

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative, or less than ten millimeters of induration, within the past six months.

(2) The licensee shall keep a record of skin test results, x-rays, or exemptions to this requirement in the facility.

(3) Persons with a communicable disease in an infectious stage shall not be on duty.

(4) Except for foster family homes, each facility caring for severely and multiply-handicapped children shall have an infection control program supervised by a registered nurse.

(5) Each facility shall have written policies and procedures regarding the control of infections in the facility. This shall include, but is not limited to, the following areas: Isolation, aseptic procedures, reporting of communicable diseases, handwashing and hygiene, toileting and diapering, and laundering.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-142, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-142, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-142, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-142, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-142, filed 1/5/83; 80-13-019 (Order 1540), § 388-73-142, filed 9/9/80; 78-10-006 (Order 1336), § 388-73-142, filed 9/8/78.]

WAC 388-73-143 HIV/AIDS education and training.

Licensed child care agencies shall:

(1) Provide or arrange for appropriate education and training of employees on the prevention, transmission, and treatment of HIV and AIDS as prescribed by the department of social and health services. Such education and training shall consider infection control standards and materials available from appropriate professional associations and professional prepared publications. For foster family homes and mini-day care centers, the primary caregiver shall complete this education and training; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual KNOW - HIV/AIDS PREVENTION EDUCATION FOR HEALTH CARE FACILITY EMPLOYEES, May 31, 1989 and January, 1991, published by the department of health, office on HIV/AIDS.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-143, filed 3/26/92, effective 4/26/92; 89-22-134 (Order 2897), § 388-73-143, filed 11/1/89, effective 12/2/89.]

WAC 388-73-144 Nutrition. The licensee shall provide food, according to the following requirements, to children in care:

(1) Food served shall be planned to meet the needs of the persons under care, taking into consideration the persons' ages, developmental levels, individual metabolic differences, cultural backgrounds, any handicapping conditions, and hours of care in the facility. To promote an educational and socializing environment during mealtimes, staff shall sit with the persons and eat the same foods;

(2) The licensee shall not serve or provide raw milk to children in care. Skim milk and reconstituted nonfat dry milk and one and two percent butterfat milks shall not be used for drinking purposes by any child less than eighteen months of age, except with the written permission of a physician; except further, that for mini-day care centers, such reduced fat milk may be given to the child twenty-three months of age or younger with written permission of the child's parent. Dry milk and milk products may be reconstituted in the facility for drinking purposes for children over eighteen months of age, provided the preparation, service, and storage of said milk is in accordance with the requirements of chapter 246-215 WAC relating to potentially hazardous foods;

(3) Except for foster homes and child placing agencies, the licensee shall record all food served.

(a) The licensee shall prepare daily menus, including all snacks required to be served, at least one week in advance and dated. A schedule of mealtimes shall be established and posted.

(b) A menu shall specify a variety of foods to enable a person to consume adequate nutrients. Cycle menus, including snacks, shall provide at least two weeks of variety before repeating. Any substitutions shall be of comparable nutrient value and recorded.

(c) The licensee shall keep the menus on file for a minimum of six months for review by the department.

(d) For facilities caring for severely and multiply-handicapped children, the licensee shall post a general meal pattern including types of food and kinds of meal service. A system

for recording food and fluid intake of each child shall be approved by a physician and a dietitian (see subsection (8) of this section). The licensee shall keep records of food and fluid intake of each child in the child's file for at least one month and in the facility for at least six months.

(4) The licensee shall not serve nutrient concentrates, supplements, and modified diets (therapeutic and allergy diets) except with the written instructions of a physician.

(a) The licensee shall obtain from the parent, responsible guardian, responsible relative, or physician a written diet listing foods the person cannot have. The licensee shall post dietary restrictions with persons' names for staff to follow.

(b) For facilities caring for severely and multiply-handicapped children, all modified diets shall be planned, reviewed, and approved by a dietitian (see subsection (8) of this section).

(5) Mini-day care and day treatment. The licensee shall serve food to children in care for five to ten hours providing at least one-third of the 1989 recommended dietary allowances set by the national research council. Children in care for more than ten hours, except children in evening care, shall be offered an additional snack. Children bringing sack meals from home shall be provided additional foods to meet the requirements. Licensees shall consult with parents as to what additional foods should be provided. Menus shall be posted where parents can view them.

(a) The licensee shall offer all children arriving before 7:00 a.m. not having received breakfast a breakfast providing at least one-fourth of the recommended dietary allowances.

(b) The licensee shall offer all children present 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 handwashing facilities in each such room or area or convenient thereto.

(3) Diaper changing. The provider shall ensure:

(a) Diaper-changing areas shall be sanitized between use for different children or protected by a moisture impervious (or not absorbent) disposable covering discarded after each use;

(b) Disposable towels or clean reusable towels having been laundered between children shall be used for cleaning children;

(c) Personnel shall wash hands before and after diapering each child;

(d) Diaper-changing areas shall be separate from food preparation areas and shall be adjacent to a handwashing sink; and

(e) The designated changing area shall be impervious to moisture and washable.

(4) Except for foster family homes, the provider shall use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family. Soiled diapers shall be placed without rinsing into separate, cleanable, covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. Soiled diapers shall be removed from the facility at least daily. Diaper-changing procedures shall be posted at the changing areas.

(5) The agency shall initiate the child's toilet training when readiness is indicated by the child and in consultation with the child's parents or placement agency. Potty chairs, when in use, shall be located on washable, impervious surfaces.

(6) When the agency formula feeds infants under one year of age, the infants shall be on a formula feeding schedule agreed upon by the child's parent or parents, guardian, the placement agency, and the licensee. When the agency formula feeds severely and multiply-handicapped children, the children shall be on a schedule agreed upon by the children's physician and the facility's dietitian (see WAC 388-73-144(8)).

(a) Feedings prepared on the premises of the facility.

(i) Any child's formula provided by the parent or parents, guardian, placement agency, or licensee shall be in a ready-to-feed strength or require no preparation other than dilution with water at the day care facility.

(ii) If the container in which the feeding was purchased does not include a sanitized bottle and nipple, the agency shall transfer ready-to-feed formula from the bulk container to the bottle and nipple feeding unit in a sanitary manner in an area separate from diapering areas.

(iii) The agency shall refrigerate filled bottles if bottles are not used immediately and the contents shall be discarded if bottles are not used within twelve hours.

(iv) If bottles and nipples are reused by the facility, the agency shall sanitize the bottles and nipples.

(v) When more than one bottle-fed child is in care, the agency shall label the bottles with the child's name and date prepared. The agency shall pour milk for children requiring bottles but no longer on formula from the original container into sanitized, labeled bottles. The agency shall use sanitized nipples only on the bottles.

(b) Feedings brought to the child care facility.

(i) When the parent brings bottles into the facility, the bottles shall have a label showing the child's name.

(ii) The agency shall refrigerate bottles immediately upon their arrival at the facility and the agency shall discard the bottle contents if not used within twelve hours.

(c) Bottles shall not be propped. The agency shall provide semisolid foods for infants at between four and five months of age, upon consultation with the parent or placement agency, and/or with a physician when indicated. Infants too young or unable to sit in high chairs shall be held by the care giver in a semisitting position for all feedings unless medically contraindicated. Infants six months of age or over showing a preference for holding their own bottles may do so provided an adult remains in the room and within observation range. The agency shall take bottles from the child when the child finishes feeding or when the bottle is empty. See also WAC 388-73-144.

(7) Cribs.

(a)(i) Providers shall furnish single level infant cribs made of wood, metal, or approved plastic with secure latching devices. Such infant cribs shall also have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(ii) For infants, providers may use cribs not meeting the spacing requirement provided crib bumpers or other effective

methods are used to prevent the infant's body from slipping between the slats.

(b) Infants' crib mattresses shall be:

(i) Snug fitting to prevent the infant or severely and multiply-handicapped child being caught between the mattress and crib side rails; and

(ii) Waterproof and easily sanitized.

(8) Children's activities.

(a) The facility shall provide infants and severely and multiply-handicapped children opportunities for:

(i) Exercise;

(ii) Large and small muscle development;

(iii) Crawling and exploring;

(iv) Sensory stimulation;

(v) Social interaction; and

(vi) Development of communication and self-help skills.

(b) The facility shall provide safe and suitable toys and equipment for the care of infants and severely and multiply-handicapped children.

(9) 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 supervi-

sory ability as will ensure harmonious relationships and effective performance of agency personnel.

(2) Specialists used by the agency shall meet the full requirements of professional competence in their respective fields and shall be provided as needed to work with agency staff and children and their families.

(3) There shall be in-person case consultation and supervision by a person with a master's degree from a recognized school of social work or equivalent academic training. Such person shall have experience and demonstrated skills in each service area where supervision is provided and ability to teach and transmit knowledge which will ensure staff development and efficient administration of the casework program. See also WAC 388-73-074.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-202, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-202, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-202, filed 9/8/78.]

WAC 388-73-204 Office space. The agency shall be housed in offices adequately equipped to carry out its program and which provide privacy for interviews with parents and children.

[Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-204, filed 9/8/78.]

WAC 388-73-206 Out-of-country, out-of-state agencies. Child-placing agencies whose principal offices are not located in the state of Washington and who do not maintain offices in the state of Washington licensed in accord with these rules may arrange for the placement of children in the state of Washington under the following conditions:

(1) Such agency must be licensed, certified or otherwise appropriately approved for child-placing functions in its home state or country;

(2) Such agency shall comply with the provisions of the interstate compact on the placement of children and shall enter into written agreements with licensed or otherwise legally operating child-placing agencies in the state of Washington which shall be responsible for conducting a study of the home in which the child is placed, related casework and for the proper supervision of the placement until the child is legally adopted or attains the age of majority; and

(3) Such agency shall furnish the department copies of its agreements with Washington state agencies, evidence that it is a duly authorized child-placing agency in its home state or country, evidence that it has legal authority to place the child, and certify that it will assume financial responsibility for any child placed in the state of Washington until the child is adopted or otherwise is financially independent.

[Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-206, filed 9/8/78.]

WAC 388-73-208 Medical care. It shall be the responsibility of the child-placing agency to provide:

(1) Adoptive parents with the birth parents' mental and physical health history, as complete as possible;

(2) To foster and adoptive parents a written health history as complete as possible for each child prior to placement. This history shall include an immunization history, allergies, previous illnesses, and conditions of the child which may

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adversely affect the child's health. For adoptive children, it shall also include a developmental and psychological history. The child-placing agency shall arrange for the child's medical examinations, immunizations, and health care as required by WAC 388-73-140.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-208, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-208, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-208, filed 9/8/78.]

WAC 388-73-210 Foster care licensees. (1) As a minimum, child-placing agencies shall utilize application and home study forms and procedures prescribed or approved by the department. See also WAC 388-73-024 and 388-73-302.

(2) A child-placing agency requesting licensure of a 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.

(7) The frequency of the caseworker's contacts with a foster child, the foster child's foster family, or with an expectant mother shall be determined by a casework plan reflecting their needs, but shall not be less frequent than one in-home visit every ninety days. Each foster child and one or both foster parents shall be seen at each visit.

(8) The agency in preparing a child for discharge from placement shall follow the same basic steps as preparation for placement, but a child shall be released only to parents, adoptive parents, guardians or other persons or agencies holding legal custody, or to a court of competent jurisdiction.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-212, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-212, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-212, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-212, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-212, filed 9/8/78.]

WAC 388-73-213 Certification to provide adoption services. A child-placing agency providing adoption services shall meet additional requirements. Demonstrated ability to comply with WAC 388-73-214 and 388-73-216 are prerequisites for certification to provide adoption services.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-213, filed 3/26/92, effective 4/26/92.]

WAC 388-73-214 Adoption procedures. (1) An agency providing adoption services shall have supervisory staff having experience and demonstrated skills in adoption services and a written in-service training plan to train service staff in adoption services.

(2) An agency providing adoption services shall, as a minimum, provide to adoptive applicants the following services:

(a) Information about the adoption process, agency policy and practices, legal procedures, types of children available, implications for parenting different types of children, and the availability of subsidy;

(b) Accompanying the application and prior to signing a contract for services, the child-placing agency shall provide the applicants with a written statement explaining fixed fees, fixed charges, and an estimate of additional itemized expenses of any kind to be paid by the applicants. The statement shall set forth the specific services to be performed by the agency related to the child placement or adoption for which the fees are assessed;

(c) An adoptive home study in which agency staff and applicant or applicants collaboratively assess the applicant or applicants appropriateness to be an adoptive parent, and the type of child or children for which the applicant or applicants are best suited;

(d) Acceptance or denial of the application with an explanation, when the application is denied, of the reason for denial;

(e) Preparation for placement of a specific child, with preparation including review and interpretation of all available social, medical, and psychological records of the child

and birth family, and a discussion of the likely implications of the child's background for the child's adjustment in the adoptive family; and

(f) Re-evaluation of the applicant or applicants appropriateness for adoption upon each request for an additional adoptive placement.

(g) The agency shall document the provision of these services in the adoptive home's file.

(3) An agency providing specialized adoption services, such as intercountry adoption, interstate adoption, and special needs adoptions, shall have supervisory staff having specialized training in the particular area and a written in-service training program to train service staff in these specialized adoption services.

(4) An agency accepting for adoptive placement children having a special need (racial minority, developmental disability, emotional disability, etc.) shall:

(a) Have a plan for active recruitment of families of the same race or ethnic category as the children; or

(b) Be able to meet the children's other special needs.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-214, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-214, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-214, filed 9/8/78.]

WAC 388-73-216 Adoptive placements. (1)(a) The agency shall protect the child from unnecessary separation from the child's birth parents when the birth parents are capable of and willing to successfully fulfill their parental role or can be helped to do so.

(b) The agency's adoptive placement of a child shall be made only when the child is freed for adoption by action of a court of competent jurisdiction giving the agency authority to place such child for adoption and to consent to the child's adoption as provided by chapter 26.33 RCW.

(2)(a) The agency shall evaluate potential adoptive parents for a child in relation to the adoptive parents':

(i) Capacity and readiness for parenthood;

(ii) Emotional and physical health; and

(iii) Ability to meet the physical, social, emotional, educational, and cultural needs of the child.

(b) An agency placing a child for whom it feels that continued contact with the child's birth family is in the child's best interest shall evaluate the adoptive family's willingness to have the child maintain contact with members of the child's birth family;

(c) The agency shall file preplacement reports with the court as required by RCW 26.33.180 through 26.33.230.

(3) Child-placing agencies shall consider the racial, ethnic, and cultural heritage needs of the child being placed. At the same time, the agency shall prevent discrimination on the basis of race, color, or national origin against any of its clients.

(4) Agencies shall ensure that the child's best interest are met by requiring that a number of factors are taken into consideration when making adoptive placement decisions:

(a) When making a child adoptive placement decision, the agency shall emphasize the best interests of the child, taking into account the particular child, parents and circumstances. The agency shall take into consideration the following factors:

- (i) Relationship of family to child;
- (ii) Sibling placement status;
- (iii) Physical and emotional needs of child;
- (iv) Age;
- (v) Sex;
- (vi) Racial;
- (vii) Ethnic and cultural identity;
- (viii) Placement background;
- (ix) Availability of placement resources for timely placement; and

(x) Continuity and stability of the child's foster care placement and child's psychological attachment to foster family.

(b) The agency shall make all child adoptive placement decisions on a case-by-case basis to take into account the particular child, adoptive parents, and circumstances.

(c) Although a child's racial, ethnic, and cultural identity should be considered when making an adoptive placement decision, the agency may not make the decision based upon such factors unless it is in the best interest of the child to be placed, taking into account the particular child, parents, and circumstances. See WAC 388-73-044 for placement involving an American Indian child.

(5) The agency shall transmit to the adoptive parent or parents at time of the child's placement a report containing all available medical, social, and psychological information about the child and the child's birth parents. The agency's report shall not contain information which might identify the birth parents. The adoptive parent or parents shall sign one copy of the report, signifying receipt of the information. The agency shall retain this signed copy in the child's permanent record.

(6) The agency shall visit the adoptive home of all adoptive placements at least once in the first thirty days and an additional face-to-face visit each sixty days thereafter until the adoption is finalized. Upon filing of the petition for adoption, the agency shall make recommendation to the court on the advisability of finalizing the adoption.

(7) The agency shall be available for consultation with the adoptive family after finalization of the adoption.

(8) The agency shall maintain a permanent sealed record of each person for whom it has accepted permanent custody. This record shall contain all available identifying legal, medical, and social information. Access to the identifying information shall not be given without a court order if the person has been adopted. In the event the agency closes, the agency shall make arrangements for the permanent retention of these records and will inform the division of children and family services adoption program manager.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-216, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-216, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-216, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-216, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-216, filed 9/8/78.]

WAC 388-73-300 Foster family homes. The rules in WAC 388-73-300 through 388-73-350 apply exclusively to licensing foster family homes for children, expectant mothers, and developmentally disabled persons.

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[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.]

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

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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:

(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.

(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

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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 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.

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(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.

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(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.

[Title 388 WAC—p. 288]

[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.
- (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.

(2001 Ed.)

[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.

(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 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.]

(2001 Ed.)

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 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.

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(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 simultaneously 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 pro-

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vision of an individualized education plan suited to the unique needs of each child in care;

(b) Facilities other than foster family homes caring for severely and multiply handicapped children shall have a registered nurse in employment or under contract in charge of nursing care. The agency shall provide sufficient licensed nursing staff to meet the nursing care needs of the children;

(c) Group care facilities having as their major purpose the care of severely handicapped children shall make arrangements for regular nursing consultation, including at least one weekly on-site visit, by a registered nurse currently licensed by the state of Washington.

(i) The registered nurse's name, address, and telephone number shall be readily available.

(ii) The nurse shall assist the agency in implementing a program providing for periodic health supervision of all children and for follow-up care of special health needs as identified by the child's physician or noted by agency personnel.

(iii) The nurse shall advise and assist nonmedical personnel in maintaining medical records, meeting daily health needs, and caring for children with minor illnesses and injuries.

(2) In addition, as required by the individual needs of children in care, the facility shall provide or arrange for the availability of the following services:

(a) Physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis;

(b) Dental care of both routine and emergent nature;

(c) Communication disorder therapy;

(d) Physical and occupational habilitation and rehabilitation therapy and devices;

(e) Recreation therapy;

(f) Psychological testing; and

(g) Transportation.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-902, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-902, filed 2/29/84.]

WAC 388-73-904 Therapy room. Each facility for severely and multiply-handicapped children shall have a room for the delivery of physical and occupational therapy and storage of necessary devices or provide for such care outside of the facility.

[Statutory Authority: RCW 74.15.030, 84-06-030 (Order 2081), § 388-73-904, filed 2/29/84.]

Chapter 388-74 WAC

CHILD WELFARE SERVICES—COMPLAINTS

WAC

388-74-010

Child welfare services complaint resolution definitions.

388-74-030

Complaint procedure.

WAC 388-74-010 Child welfare services complaint resolution definitions. (1) "Complaints office" means the office within the department responsible for handling complaints regarding child welfare services.

(2) "Division of children and family services (DCFS)" means the division within the department responsible for administering child welfare services programs.

[Statutory Authority: RCW 74.13.045 and chapter 74.13 RCW. 93-12-053 (Order 3558), § 388-74-010, filed 5/26/93, effective 6/26/93.]

WAC 388-74-030 Complaint procedure. The complaints office shall be responsible for handling complaints and grievances from clients, foster parents, and other affected persons who do not have other remedies available through judicial review or adjudicative proceedings. The complaints office may inquire into, determine fact, and facilitate the resolution of disputes and complaints regarding a department policy or procedure or the application of such a policy or procedure as required under RCW 74.13.045.

(1) A client, foster parent, or other person shall have the right to question or aggrieve actions or decisions concerning the application of policies and procedures related to child welfare programs administered under chapter 74.13 RCW.

(a) A client, foster parent, or other person shall have the right to initiate the complaint process by requesting a review by the supervisor of the DCFS social worker, after the complainant has made a reasonable effort to resolve the matter with the social worker.

(b) When a complaint remains unresolved at the supervisory level, the complainant may request further review by the area manager.

(c) When a complaint remains unresolved at the area manager level, the complainant may request review by the regional administrator.

(d) At any time during the regional complaint resolution process, a client, foster parent, staff person, or other person may request the complaints office to facilitate resolution.

(2) The regional administrator or chief of complaints office may convene a panel review to review complaints which remain unresolved by the regional complaint resolution process.

(a) The person requesting a panel review shall have made a reasonable attempt and have failed to resolve the grievance before a panel review will be convened to attempt to resolve the issue.

(b) The office responsible for handling complaints and the DCFS regional administrator shall convene a regional panel comprised of at least the following members:

(i) The DCFS regional administrator's designee who shall be from an administrative unit other than where the complaint originated;

(ii) One person from the complaints office;

(iii) At least one person not employed by the division of children and family services; and

(iv) If the complainant is a foster parent, a foster parent not involved in the complaint and from an office other than where the complaint originated.

(c) The panel conducting the review may examine the complaint, the complainant's file, and any other relevant material. The complainant, division staff, and others may be asked to provide verbal or written information to the panel.

(d) The designated panel chairperson shall submit the written findings and recommendations from the panel to the DCFS director and to the assistant secretary responsible for

child welfare programs who will issue a final written decision.

(e) The response of the assistant secretary is final and terminates the review process. If new information relevant to this decision emerges within thirty days of the final decision, the regional administrator and the chief of the complaints office shall consider the information and may reconvene the panel.

(3) The panel review shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

(4) The panel review process shall not apply to:

(a) Contract rate setting or contested standard rate payments, contested rate payments, or exceptional payments above standard rates; and

(b) Disputes or decisions regarding written personal service contracts or financial agreements.

(5) A person's participation in the complaint process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

(6) Nothing in this chapter shall be construed to create substantive or procedural rights for any person.

[Statutory Authority: RCW 74.13.045 and chapter 74.13 RCW. 93-12-053 (Order 3558), § 388-74-030, filed 5/26/93, effective 6/26/93.]

Chapter 388-76 WAC

ADULT FAMILY HOMES MINIMUM LICENSING REQUIREMENTS

WAC

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- 388-76-010 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.
- 388-76-020 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.
- 388-76-030 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.
- 388-76-040 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.
- 388-76-045 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.
- 388-76-050 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.
- 388-76-060 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 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 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.
- 388-76-080 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.
- 388-76-085 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.
- 388-76-087 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.
- 388-76-090 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.
- 388-76-095 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.
- 388-76-100 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.
- 388-76-110 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.
- 388-76-130 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.

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.]

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 land-

lord'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: 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.

[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.]

[Title 388 WAC—p. 308]

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 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.]

(2001 Ed.)

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 advo-

cacy 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.

(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 chapter 70.129 RCW. 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.

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(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.

(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;

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(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.

[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

(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.]

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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 preferences 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.

(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.

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(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

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(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 fundamentals 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 individual 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 attorney'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

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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 bed-

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room 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.

[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.]

[Title 388 WAC—p. 324]

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 moratorium 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.]

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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 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.]

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.
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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 terminable 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.

"Infirmary" 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 388-78A-045(2);

(d) The fee specified in WAC 388-78A-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 388-78A-045(2);

(c) The fee specified in WAC 388-78A-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 388-78A-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.

(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, 99-15-067, § 388-78A-020, filed 7/19/99, effective 8/19/99; 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 provisions 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 388-78A-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, 99-15-067, § 388-78A-040, filed 7/19/99, effective 8/19/99; 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

(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 388-78A-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, 99-15-067, § 388-78A-050, filed 7/19/99, effective 8/19/99; 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 388-78A-265;

(d) Health care services arranged by a resident under the provisions of WAC 388-78A-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 388-78A-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 388-78A-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. 99-15-067, § 388-78A-055, filed 7/19/99, effective 8/19/99; 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.

(2001 Ed.)

[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

(2001 Ed.)

- (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;

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- (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 388-78A-070.

[Statutory Authority: RCW 18.20.240. 99-15-067, § 388-78A-150, filed 7/19/99, effective 8/19/99; 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

(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

(2001 Ed.)

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 388-78A-265 and 388-78A-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 388-78A-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 388-78A-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, 99-15-067, § 388-78A-240, filed 7/19/99, effective 8/19/99; 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:

(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 388-78A-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. 99-15-067, § 388-78A-265, filed 7/19/99, effective 8/19/99; 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.

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(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.

(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;
- (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 388-78A-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 388-78A-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 ser-

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vices 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. 99-15-067, § 388-78A-320, filed 7/19/99, effective 8/19/99; 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 388-78A-240;
- (2) Provide dining room and day room facilities according to WAC 388-78A-170 and 388-78A-180;
- (3) Provide toilets and handwashing sinks according to WAC 388-78A-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 388-78A-260, 388-78A-265 and 388-78A-300;
- (6) Provide a meal, which meets at least one-third of the recommended dietary allowance described in WAC 388-78A-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 388-78A-250;
- (8) Provide services, notification, and safety as described in WAC 388-78A-260, 388-78A-265, 388-78A-280, and 388-78A-290;
- (9) Maintain a separate register of all day care adults using the format described in WAC 388-78A-310; and
- (10) Maintain a health record for each day care adult as described for residents in WAC 388-78A-320.

[Statutory Authority: RCW 18.20.240. 99-15-067, § 388-78A-330, filed 7/19/99, effective 8/19/99; 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 must:

- (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) 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;

(b) Meet the requirements in subsection (2)(a), (b), (c), (d), (e), and (g) of this section upon construction of a new dementia care unit or January 1, 2000, whichever occurs first; and

(c) Meet the requirements in subsection (2)(f) of this section upon construction of a new dementia care unit or June 30, 2002, whichever occurs first.

[Statutory Authority: RCW 18.20.090. 00-01-086, § 388-78A-335, filed 12/14/99, effective 1/14/00. 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.]

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.

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(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 388-86 WAC

MEDICAL CARE—SERVICES PROVIDED

WAC

388-86-071	Private duty nursing services.
388-86-085	Transportation (other than ambulance).
388-86-086	Ambulance services.
388-86-100	Durable medical equipment, prosthetic devices, and disposable/nonreusable medical supplies.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-86-005	Limitations on services available to recipients of categorically needy medical assistance. [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-
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(2001 Ed.)

- 005, filed 12/31/69; Order 264 (part); § 388-86-005, filed 11/24/67.] Decodified by 00-11-183, filed 5/24/00, effective 5/24/00. Recodified as WAC 388-556-0400.
- 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.
- 388-86-011 Advanced registered nurse practitioners (ARNP) services. [Statutory Authority: RCW 74.08.090. 92-11-003 (Order 3384), § 388-86-011, filed 5/8/92, effective 6/8/92.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-86-012 Audiometric services. [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.] Repealed by 00-11-142, filed 5/23/00, effective 6/23/00. 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.
- 388-86-017 Case management services. [Statutory Authority: RCW 74.08.090. 87-22-094 (Order 2555), § 388-86-017, filed 11/4/87.] Decodified by 00-23-067, filed 11/15/00, effective 11/15/00. Recodified as RCW 388-501-0213.
- 388-86-018 Coordinated community aids service alternatives (CCASA) program services. [Statutory Authority: RCW 74.08.090. 90-21-124 (Order 3088), § 388-86-018, filed 10/23/90, effective 11/23/90.] Decodified by 00-11-183, filed 5/24/00, effective 5/24/00. Recodified as WAC 388-539-0500.
- 388-86-019 Chiropractic services. [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.] Repealed by 00-16-031, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 74.08.090, 74.09.035.
- 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.
- 388-86-022 School medical services for special education students. [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.] Repealed by 00-01-088, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 74.04.050 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.
- 388-86-024 Enhanced benefits for pregnant women. [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.] Repealed by 00-14-068, filed 7/5/00, effective 8/5/00. Statutory Authority: RCW 74.08.090, 74.09.770, and 74.09.800.
- 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.
- 388-86-027 Healthy kids/EPST. [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.] Decodified by 00-11-183, filed 5/24/00, effective 5/24/00. Recodified as WAC 388-534-0100.
- 388-86-030 Vision care. [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.] Repealed by 01-01-010, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.510 and 74.09.520.
- 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.
- 388-86-035 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.] Repealed by 00-14-066, filed 7/5/00, effective 8/5/00. Statutory Authority: RCW 74.08.090, 74.09.520, 74.09.800.
- 388-86-040 Hearing aids. [Statutory Authority: RCW 74.08.090, 88-19-030 (Order 2692), § 388-86-040, filed 9/12/88; 86-10-022 (Order 2368), § 388-86-040, filed 5/1/86; 85-18-064 (Order 2278), § 388-86-040, filed 9/4/85; 84-02-055 (Order 2063), § 388-86-040, filed 1/4/84; 83-10-077 (Order 1958), § 388-86-040, filed 5/4/83; 82-01-001 (Order 1725), § 388-86-040, filed 12/3/81; 81-16-033 (Order 1685), § 388-86-040, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-040, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-040, filed 10/9/80; 78-02-024 (Order 1265), § 388-86-040, filed 1/13/78; Order 1202, § 388-86-040, filed 4/1/77; Order 1151, § 388-86-040, filed 9/8/76; Order 738, § 388-86-040, filed 11/22/72; Order 607, § 388-86-040, filed 9/22/71; Order 335, § 388-86-040, filed 2/3/69; Order 264 (part), § 388-86-040, filed 11/24/67.] Repealed by 94-07-022 (Order 3712), filed 3/8/94, effective 4/8/94. Statutory Authority: RCW 74.08.090.
- 388-86-04001 Hearing aids. [Statutory Authority: RCW 74.08.090, 94-07-022 (Order 3712), § 388-86-04001, filed 3/8/94, effective 4/8/94.] Repealed by 00-23-068, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 74.08.090.
- 388-86-045 Home health services. [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.] Repealed by 99-16-069, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 74.08.090 and 74.09.530.
- 388-86-047 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.] Repealed by 99-09-007, filed 4/9/99, effective 5/10/99. Statutory Authority: RCW 74.09.520, 74.08.090, 42 C.F.R. 418.22 and 418.24.
- 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; 79-10-095 (Order 1439), § 388-86-050, filed 9/25/79; 79-06-030 (Order 1395), § 388-86-050, filed 5/16/79; 79-01-002 (Order 1359), § 388-86-050, filed 12/8/78; 78-06-087 (Order 1301), § 388-86-050, filed 6/2/78; 78-02-024 (Order 1265), § 388-86-050, filed 1/13/78; Order 1233, § 388-86-050, filed 8/31/77; Order 1172, § 388-86-050, filed 11/24/76; Order 1061, § 388-86-050, filed 10/8/75; Order 952, § 388-86-050, filed 7/16/74; Order 911, § 388-86-050, filed 3/1/74; Order 858, § 388-86-050, filed 9/27/73; Order 844, § 388-86-050, filed 8/9/73; Order 836, § 388-86-050, filed 7/26/73; Order 762, § 388-86-050, filed 1/2/73; Order 713, § 388-86-050, filed 9/14/72; Order 680, § 388-86-050, filed 5/10/72; Order 615, § 388-86-050, filed 10/7/71; Order 566, § 388-86-050, filed 5/19/71; Order 549, § 388-86-050, filed 3/31/71, effective 5/1/71; Order 519, § 388-86-050, filed 2/24/71; Order 501, § 388-86-050, filed 12/9/70; Order 484, § 388-86-050, filed 10/13/70; Order 474, § 388-86-050, filed 8/19/70; Order 435, § 388-86-050, filed 3/31/70; Order 419, § 388-86-050, filed 12/31/69; Order 385, § 388-86-050, filed 8/27/69; Order 335, § 388-86-050, filed 2/3/69; Order 264 (part), § 388-86-050, filed 11/24/67.] 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 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.
- 388-86-055 Laboratory services. [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.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-86-059 Licensed midwife services. [Statutory Authority: RCW 74.08.090, 93-02-001 (Order 3490), § 388-86-059, filed 12/23/92, effective 1/23/93.] Repealed by 00-23-052, filed 11/13/00, effective 12/14/00. Statutory Authority: RCW 74.08.090, 74.09.760 through 74.09.800.
- 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.
- 388-86-067 Mental health center services. [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.] Repealed by 00-05-039, filed 2/10/00, effective 3/12/00. Statutory Authority: RCW 74.08.090, 74.09.520.
- 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.
- 388-86-073 Occupational therapy. [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.] Repealed by 99-16-068, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 74.08.090 and 74.09.520.

- 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.
- 388-86-087 Personal care services. [Statutory Authority: 1989 1st ex.s. c 19. 89-18-031 (Order 2858), § 388-86-087, filed 8/29/89, effective 9/29/89.] Repealed by 00-17-057, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 74.08.090.
- 388-86-090 Physical therapy. [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.] Repealed by 00-04-019, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-86-095 Physicians' services. [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.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 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.
- 388-86-09601 Podiatric services. [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.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-86-097 Respiratory therapy services. [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.] Repealed by 99-13-049, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 74.08.090, 74.04.050, 74.09.520 and 74.09.530.
- 388-86-098 Speech therapy services. [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.] Repealed by 99-16-071, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-86-105 Voluntary agency. [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.] Repealed by 00-13-014, filed 6/9/00, effective 7/10/00. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-86-110 X-ray services. [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.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-86-112 Physical medicine and rehabilitation evaluation and treatment. [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.] Repealed by 99-17-111, filed 8/18/99, effective 9/18/99. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-86-115 Medical care provided out-of-state. [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.] Repealed by 01-01-011, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090 and 74.09.035. Later promulgation, see WAC 388-501-0180.
- 388-86-120 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:

ity: 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.] Repealed by 01-01-009, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090 and 74.09.035.

388-86-200 Limits on scope of medical program services. [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.] Decodified and amended by 00-23-052, filed 11/13/00, effective 12/14/00. Statutory Authority: RCW 74.08.090, 74.09.760 through 74.09.800. Recodified as WAC 388-501-0300.

388-86-300 Chemical dependency outpatient services. [Statutory Authority: RCW 74.08.090, 93-17-038 (Order 3620), § 388-86-300, filed 8/11/93, effective 9/11/93.] Repealed by 00-18-032, filed 8/29/00, effective 9/29/00. Statutory Authority: RCW 74.08.090, 74.09.035, and 74.50.055.

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 388-86-085 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;

(2001 Ed.)

(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 388-86-100 Durable medical equipment, prosthetic devices, and disposable/nonreusable medical supplies. (1) The division of medical assistance shall purchase and/or rent medically necessary medical equipment, prosthetic devices, and other disposable/nonreusable medical supplies when:

(a) The division is the payor of last resort; and

(b) The item requested is not included with other reimbursement methodologies, such as, but not limited to, diagnosis related group (DRG) for hospital inpatients, or a nursing home's per diem reimbursement.

(2) The division of medical assistance shall authorize payment for a requested item only when the item is medically necessary as defined under WAC 388-80-005(45) and is covered by the medical assistance program.

(3) The division of medical assistance shall purchase and/or rent a wheelchair for a permanently disabled nursing home recipient when the chair is for the exclusive full-time use of the recipient and is not included in the nursing home's per diem reimbursement.

(4) Medical equipment and supplies purchased or reissued by the division of medical assistance become the property of the recipient for whom they are purchased/reissued.

(5) The division of medical assistance shall normally authorize the purchase and/or repair of only one wheelchair, manual or power-drive, per recipient. However, another wheelchair shall be provided and/or repaired when medically necessary.

(6) Durable medical equipment, prosthetic devices, and disposable/nonreusable supplies that require approval by the division of medical assistance prior to delivery of service include:

- (a) Prosthetic limbs;
- (b) Orthopedic shoes;
- (c) Osteogenic stimulator, noninvasive;
- (d) Communication devices;
- (e) Transcutaneous nerve stimulators;
- (f) Wheeled shower chairs;
- (g) Blood pressure kits;
- (h) Blood glucose monitors;
- (i) Air and gel cushions;
- (j) Fluidized air flotation system;
- (k) Decubitus care mattress, including flotation or gel mattress;

(l) Complete patient lift, except for sling or wall mount;

(m) Wheelchairs:

(i) Accessories;

(ii) Fitting fees; and

(iii) Freight charges.

(n) Hospital bed and replacement mattress;

(o) Replacement parts, repairs, and labor charges;

(p) Bath accessories, decubitus care products (nonformulary), and patient equipment not listed in the division of

medical assistance "durable medical equipment and supplies" billing instructions; and

(q) All rentals.

(7) The division of medical assistance shall not authorize the purchase of vehicle driving controls, a vehicle wheelchair lift conversion, or purchase or repair of a vehicle wheelchair lift, unless:

(a) Medical transportation provided under WAC 388-86-085 cannot meet the recipient's need for transportation to and from medically necessary covered services at a lower cost to the department; and

(b) Prior approval is obtained.

[Statutory Authority: RCW 74.08.090, 89-08-052 (Order 2783), § 388-86-100, filed 3/31/89; 86-03-047 (Order 2329), § 388-86-100, filed 1/15/86; 82-17-072 (Order 1868), § 388-86-100, filed 8/18/82; 81-16-033 (Order 1685), § 388-86-100, filed 7/29/81; 81-06-003 (Order 1610), § 388-86-100, filed 2/19/81; 78-10-077 (Order 1346), § 388-86-100, filed 9/27/78; 78-02-024 (Order 1265), § 388-86-100, filed 1/13/78; Order 1233, § 388-86-100, filed 8/31/77; Order 1019, § 388-86-100, filed 4/30/75; Order 938, § 388-86-100, filed 5/23/74; Order 499, § 388-86-100, filed 12/2/70; Order 480, § 388-86-100, filed 9/22/70; Order 463, § 388-86-100, filed 6/23/70; Order 419, § 388-86-100, filed 12/31/69; Order 385, § 388-86-100, filed 8/27/69; Order 264 (part), § 388-86-100, filed 11/24/67.]

Chapter 388-87 WAC MEDICAL CARE—PAYMENT

WAC

388-87-027	Services requiring prior approval.
388-87-035	Payment—Transportation (other than ambulance).
388-87-036	Payment—Ambulance services.
388-87-060	Payment—Extended care patient—Coinsurance.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-87-005	Payment—Eligible providers defined. [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.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
388-87-007	Medical provider agreement. [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.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.

- 388-87-008 Disclosure by providers—Information on ownership and control. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-87-008, filed 5/4/83.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-010 Conditions of payment—General. [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.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-011 Conditions of payment—Medicare deductible and coinsurance—When paid by department. [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.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-012 Conditions of payment—Consultant's and specialist's services and fees. [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.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 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.
- 388-87-015 Billing limitations. [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.] Repealed by 00-14-067, filed 7/5/00, effective 8/5/00. Statutory Authority: RCW 74.08.090 and 42 C.F.R. 447.45.
- 388-87-019 Payment—Chiropractic services. [Statutory Authority: RCW 74.08.090. 90-17-122 (Order 3056), § 388-87-019, filed 8/21/90, effective 9/21/90.] Repealed by 00-16-031, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 74.08.090, 74.09.035.
- 388-87-020 Subrogation. [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.] Repealed by 00-01-088, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 74.04.050 and 74.08.090.
- 388-87-025 Services requiring 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.] Repealed by 00-01-088, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 74.04.050 and 74.08.090.
- 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.
- 388-87-045 Payment—Blood. [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.] Repealed by 00-13-013, filed

- 6/9/00, effective 7/10/00. Statutory Authority: RCW 74.08.090 [74.08.090], 74.09.520.
- 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.
- 388-87-048 Payment—Coordinated community aids service alternatives (CCSA) program. [Statutory Authority: RCW 74.08.090, 90-21-124 (Order 3088), § 388-87-048, filed 10/23/90, effective 11/23/90.] Decodified by 00-11-183, filed 5/24/00, effective 5/24/00. Recodified as WAC 388-539-0550.
- 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.
- 388-87-062 Payment—Eyeglasses and examinations. [Statutory Authority: RCW 74.08.090, 87-23-055 (Order 2559), § 388-87-062, filed 11/18/87.] Repealed by 01-01-010, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.510 and 74.09.520.
- 388-87-065 Payment—Home health agency. [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.] Repealed by 99-16-069, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 74.08.090 and 74.09.530.
- 388-87-067 Payment—Hospice services. [Statutory Authority: 1989 c 427, 89-18-034 (Order 2853), § 388-87-067, filed 8/29/89, effective 9/29/89.] Repealed by 00-05-039, filed 2/10/00, effective 3/12/00. Statutory Authority: RCW 74.08.090, 74.09.520.
- 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.
- 388-87-075 Payment—Laboratory services. [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.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-87-077 Payment—Mental health center services. [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.] Repealed by 00-05-039, filed 2/10/00, effective 3/12/00. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-87-079 Payment—Licensed midwives. [Statutory Authority: RCW 74.08.090, 93-02-001 (Order 3490), § 388-87-079, filed 12/23/92, effective 1/23/93.] Repealed by 00-23-052, filed 11/13/00, effective 12/14/00. Statutory Authority: RCW 74.08.090, 74.09.760 through 74.09.800.
- 388-87-080 Payment—Oxygen. [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.] Repealed by 99-13-049, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 74.08.090, 74.04.050, 74.09.520 and 74.09.530.
- 388-87-085 Payment—Pharmacy services. [Order 264 (part), § 388-87-085, filed 11/24/67.] Repealed by Order 316, filed 10/31/68.
- 388-87-090 Payment—Physical therapy and related services. [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.] Repealed by 00-04-019, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-87-095 Payment—Physician service. [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.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 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.
- 388-87-105 Payment—Medical care outside state of Washington. [Statutory Authority: RCW 74.08.090. 92-22-059 (Order 3479), § 388-87-105, filed 10/29/92, effective 12/1/92. Statutory Authority: 1991 c 103. 91-20-050 (Order 3248), § 388-87-105, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 74.08.090. 87-12-056 (Order 2501), § 388-87-105, filed 6/1/87; 82-01-001 (Order 1725), § 388-87-105, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-105, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-105, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-105, filed 9/9/80; Order 1203, § 388-87-105, filed 4/1/77; Order 1112, § 388-87-105, filed 4/15/76; Order 1061, § 388-87-105, filed 10/8/75; Order 879, § 388-87-105, filed 11/29/73; Order 667, § 388-87-105, filed 3/23/72; Order 567, § 388-87-105, filed 5/19/71; Order 336, § 388-87-105, filed 2/3/69; Order 304, § 388-87-105, filed 9/6/68; Order 264 (part), § 388-87-105, filed 11/24/67.] Repealed by 00-01-088, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 74.04.050 and 74.08.090.
- 388-87-110 Durable medical equipment—Prosthetic devices. [Statutory Authority: RCW 74.08.090. 86-03-047 (Order 2329), § 388-87-110, filed 1/15/86.] Repealed by 01-01-078, filed 12/13/00, effective 1/13/01. Statutory Authority: RCW 74.08.090, 74.09.530.
- 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.
- 388-87-200 Payment for jail inmates medical care. [Statutory Authority: RCW 74.08.090. 93-17-036 (Order 3618), § 388-87-200, filed 8/11/93, effective 9/11/93.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-250 Third-party resources. [Statutory Authority: RCW 74.08.090. 93-22-030 (Order 3658), § 388-87-250, filed 10/27/93, effective 11/27/93.] Repealed by 00-01-088, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 74.04.050 and 74.08.090.
- 388-87-300 Payment—Co-payment. [Statutory Authority: RCW 74.08.090. 93-24-060 (Order 3676), § 388-87-300, filed 11/24/93, effective 12/25/93.] Repealed by 94-11-057 (Order 3734), filed 5/11/94, effective 6/11/94. Statutory Authority: RCW 74.08.090.

WAC 388-87-027 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;

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- (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 388-87-060 Payment—Extended care patient—Coinsurance. Effective January 1, 1990, a recipient, entitled to Medicare benefits may be eligible for a maximum of one hundred days of Medicare benefits for the same period of illness in a participating Medicare skilled nursing facility. The recipient shall pay the coinsurance from available resources and income, beginning the twenty-first day of the extended care. If the recipient has insufficient resources and income, according to department standards, the department shall pay the coinsurance for the remainder of the one hundred day period or until the recipient is no longer eligible for Medicare skilled nursing home benefits, whichever comes first.

[Statutory Authority: RCW 74.08.090. 90-12-047 (Order 2989), § 388-87-060, filed 5/31/90, effective 7/1/90; 89-11-003 (Order 2792), § 388-87-060, filed 5/4/89; Order 1112, § 388-87-060, filed 4/15/76; Order 336, § 388-87-060, filed 2/3/69; Order 264 (part), § 388-87-060, filed 11/24/67.]

Chapter 388-96 WAC NURSING FACILITY MEDICAID PAYMENT SYSTEM

WAC

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388-96-714	Nursing facility Medicaid rate allocations—Economic trends and conditions adjustment factors.
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 the capital and noncapital portions of the rate for all nursing facilities with the state-wide weighted average payment rate for the capital and noncapital portions of the 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 a RCW 74.46.421 rate reduction when will a nursing facility's rates return to their previous level?
388-96-726	If a nursing facility's capital and/or noncapital component rates are below the state-wide weighted average payment rate for the capital and/or noncapital portion(s) of the rate identified in the Biennial Appropriations Act, will the department reduce the facility's capital and/or noncapital component rates when it reduces rates under RCW 74.46.421?

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?		
388-96-730	How will the department reduce a nursing facility's capital and/or noncapital portion(s) of its rate so that the statewide weighted average payment rate for the capital and/or noncapital portion(s) of the rate is equal to or less than the statewide weighted average for the capital and/or noncapital portion(s) of the rate identified in the Biennial Appropriations Act?	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.
388-96-731	When will the department reduce all nursing facilities capital and/or noncapital portion(s) of their rates?		
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?		
388-96-739	How will the department determine which resident assessments are Medicaid resident assessments?	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.
388-96-740	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?	388-96-101	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.
388-96-741	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?	388-96-103	Skilled nursing care patients. [Order 1168, § 388-96-103, 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?	388-96-104	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.
388-96-746	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?		
388-96-747	Constructed, remodeled or expanded facilities.		
388-96-748	Financing allowance component rate allocation.		
388-96-757	Payment for veterans' homes.		
388-96-760	Upper limits to the payment rate.		
388-96-762	Allowable land.	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.
388-96-766	Notification of rates.		
388-96-767	Appraisal values.		
388-96-771	Receivership.	388-96-109	Intermediate care facility patients. [Order 1168, § 388-96-109, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.
388-96-776	Add-ons to the payment rate—Capital improvements.		
388-96-777	Add-ons to the prospective rate—Initiated by the department.	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.
388-96-779	Exceptional therapy care—Designated nursing facilities.		
388-96-780	Exceptional therapy care—Covered Medicaid residents.		
388-96-781	Exceptional direct care component rate allocation—Covered Medicaid residents.		
388-96-782	Exceptional therapy care and exceptional direct care—Payment.		
388-96-901	Disputes.		
388-96-904	Administrative review—Adjudicative proceeding.		
388-96-905	Case mix accuracy review of MDS nursing facility resident assessments.	388-96-112	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.
	DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER	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.
388-96-015	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.		
388-96-023	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.		
388-96-029	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-	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 74.46.800. 94-12-043 (Order 3737), § 388-96-221, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.120 and 74.46.800. 89-11-100 (Order 2799), § 388-96-221, filed 5/24/89. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-221, filed 12/23/87. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-221, filed 9/16/83.] 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.	388-96-345	Uniform statistical reporting. [Order 1114, § 388-96-345, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
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.	388-96-348	Method of accounting. [Order 1114, § 388-96-348, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
388-96-300	Required reports. [Order 1205, § 388-96-300, filed 4/13/77; Order 1114, § 388-96-300, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-351	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.
388-96-302	Report dates. [Order 1205, § 388-96-302, filed 4/13/77.] 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.
388-96-303	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.	388-96-357	Provider records. [Order 1114, § 388-96-357, 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.	388-96-360	Audits by the department. [Order 1114, § 388-96-360, filed 4/21/76.] 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.	388-96-363	Report certification. [Order 1114, § 388-96-363, 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.	388-96-387	Illustration of final settlement form. [Order 1114, § 388-96-387, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-309	Incorrect or false report. [Order 1114, § 388-96-309, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.	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.
388-96-311	Forms. [Order 1205, § 388-96-311, filed 4/13/77.] 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.
388-96-312	Amended annual or semiannual report. [Order 1114, § 388-96-312, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.	388-96-406	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.
388-96-314	Completion of reports. [Order 1205, § 388-96-314, filed 4/13/77.] 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.
388-96-315	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.	388-96-412	Expense allocation procedures. [Order 1114, § 388-96-412, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-317	Certification of reports. [Order 1205, § 388-96-317, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.	388-96-415	Expense identification. [Order 1114, § 388-96-415, filed 4/21/76.] 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.	388-96-418	Expense recoveries and adjustments. [Order 1114, § 388-96-418, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-320	False reports. [Order 1205, § 388-96-320, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.	388-96-421	Allocation of expenses. [Order 1114, § 388-96-421, filed 4/21/76.] 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.	388-96-424	Multifacility provider. [Order 1114, § 388-96-424, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-323	Amendments. [Order 1205, § 388-96-323, filed 4/13/77.] 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.
388-96-324	Delinquent semiannual or annual reports. [Order 1114, § 388-96-324, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.	388-96-430	Separate and distinct SNF and/or ICF. [Order 1114, § 388-96-430, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-325	Abbreviated reporting period. [Order 1205, § 388-96-325, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.	388-96-433	Combined multifacility. [Order 1114, § 388-96-433, 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-326	Retention of records. [Order 1205, § 388-96-326, filed 4/13/77.] 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.
388-96-327	Determination of prospective daily payment rate. [Order 1114, § 388-96-327, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-439	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.
388-96-330	Rate adjustments and payments. [Order 1114, § 388-96-330, 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.
388-96-333	Annual report settlement. [Order 1114, § 388-96-333, 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.
388-96-336	Contested annual settlement. [Order 1114, § 388-96-336, 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.
388-96-339	Final settlement date. [Order 1114, § 388-96-339, 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.
388-96-342	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.	388-96-454	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 74.09.120 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.
- 388-96-543 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.
- 388-96-545 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.
- 388-96-547 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,

- 388-96-549 filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120. 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.
- 388-96-555 Depreciation expense. [Order 1262, § 388-96-555, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-557 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.
- 388-96-563 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.
- 388-96-567 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.
- 388-96-569 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.
- 388-96-571 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.
- 388-96-573 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.
- 388-96-587 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.
- 388-96-600 Reasonable costs. [Order 1114, § 388-96-600, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-602 Substance of recoverable cost transactions. [Order 1114, § 388-96-602, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-604 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.
- 388-96-606 Nonreimbursable services and expenses. [Order 1114, § 388-96-606, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-608 Recovery of expenses. [Order 1114, § 388-96-608, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-610 Physical property. [Order 1114, § 388-96-610, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-612 Depreciation. [Order 1114, § 388-96-612, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-614 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.
- 388-96-616 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.
- 388-96-618 Guideline lives and methods of depreciation. [Order 1114, § 388-96-618, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-620 Disposal of depreciable assets. [Order 1114, § 388-96-620, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-622 Gains or losses on disposition of major-minor equipment. [Order 1114, § 388-96-622, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-624 Historical cost trade-ins. [Order 1114, § 388-96-624, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-626 Purchase of facility as an ongoing operations. [Order 1114, § 388-96-626, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-628 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.
- 388-96-664 Costs of related organization. [Order 1114, § 388-96-664, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-666 Rentals or leases from related organization. [Order 1114, § 388-96-666, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-668 Service charges from related organization. [Order 1114, § 388-96-668, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-700 Appeals [Order 1114, § 388-96-700, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-701 Reimbursement principles. [Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-701, filed 1/9/78.] Repealed by 81-15-049 (Order 1669), filed 7/15/81. Statutory Authority: RCW 74.09.120.
- 388-96-707 Program services not covered by the reimbursement rate. [Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-707, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-707, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-707, filed 1/9/78.] Repealed by 94-12-043

- (Order 3737), filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800.
- 388-96-716 Cost areas or cost centers. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-716, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-716, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-716, filed 7/23/92, effective 8/23/92. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-716, filed 12/23/87. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-716, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-716, filed 9/16/83; 81-15-049 (Order 1669), § 388-96-716, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-716, filed 5/30/80, effective 7/1/80; 78-02-013 (Order 1264), § 388-96-716, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-717 Desk review adjustments. [Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-717, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-717, filed 9/16/83.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-719 Method of rate determination. [Statutory Authority: RCW 74.46.430. 97-17-040, § 388-96-719, 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), § 388-96-719, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-719, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-719, filed 9/14/93, effective 10/15/93; 90-09-061 (Order 2970), § 388-96-719, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-719, filed 12/23/87. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-719, filed 8/19/85. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-719, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-719, filed 9/16/83; 82-17-071 (Order 1867), § 388-96-719, filed 8/18/82; 82-12-068 (Order 1820), § 388-96-719, filed 6/2/82; 82-04-073 (Order 1756), § 388-96-719, filed 2/3/82; 81-15-049 (Order 1669), § 388-96-719, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-719, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-719, filed 11/30/79; 78-11-043 (Order 1353), § 388-96-719, filed 10/20/78. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-719, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-719, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-720 Redistribution pool. [Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-720, filed 5/14/82.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
- 388-96-721 Priorities in establishing rates and responding to appeals of desk-review adjustments. [Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-721, filed 5/30/84.] Repealed by 94-12-043 (Order 3737), filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800.
- 388-96-722 Nursing services cost area rate. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-722, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-722, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-722, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-722, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.180 and 74.46.800. 91-22-025 (Order 3270), § 388-96-722, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 74.46.800 and 74.09.120. 91-12-026 (Order 3185), § 388-96-722, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-722, filed 12/21/88. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-722, filed 12/23/87. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-722, filed 4/20/87; 86-10-055 (Order 2372), § 388-96-722, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-722, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-722, filed 9/16/83; 82-11-065 and 82-13-050 (Orders 1808 and 1808A), § 388-96-722, filed 5/14/82 and 6/14/82; 81-15-049 (Order 1669), § 388-96-722, filed 7/15/81; 81-06-024 (Order 1613), § 388-96-722, filed 2/25/81; 80-06-122 (Order 1510), § 388-96-722, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-722, filed 11/30/79. Statutory Authority: RCW 18.51.310 and 74.09.120. 78-11-013 (Order 1349), § 388-96-722, filed 10/9/78. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-722, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-722, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-727 Food cost area rate. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-727, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-727, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-727, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-727, filed 9/16/83; 81-15-049 (Order 1669), § 388-96-727, filed 7/15/81; 79-12-085 (Order 1461), § 388-96-727, filed 11/30/79; 78-02-013 (Order 1264), § 388-96-727, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-735 Administrative cost area rate. [Statutory Authority: RCW 74.46.800. 97-17-040, § 388-96-735, filed 8/14/97, effective 9/14/97; 96-15-056, § 388-96-735, 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), § 388-96-735, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-735, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-735, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-735, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-735, filed 9/16/83; 82-11-065 (Order 1808), § 388-96-735, filed 5/14/82; 81-15-049 (Order 1669), § 388-96-735, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-735, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-735, filed 11/30/79; 78-02-013 (Order 1264), § 388-96-735, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-737 Operational cost area rate. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-737, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-737, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-737, filed 9/14/93, effective 10/15/93.] 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. 94-12-043 (Order 3737), § 388-96-754, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-754, filed 9/14/93, effective 10/15/93; 91-22-025 (Order 3270), § 388-96-754, filed 10/29/91, effective 11/29/91; 90-09-061 (Order 2970), § 388-96-754, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-754, filed 12/21/88. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-754, filed 4/20/87; 86-10-055 (Order 2372), § 388-96-754, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-754, filed 8/19/85. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-754, filed 12/4/84.] 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 resident or patient days**" are calculated by multiplying the nursing facility's number of licensed beds on the effective date of the recalculated Medicaid payment rate allocation by the number of calendar days in the cost report period on which the department based the Medicaid payment rate allocation that it is recalculating. Then, the product is multiplied by the greater of either the nursing facility's occupancy percentage for the cost report period on which the department based the Medicaid payment rate that it is recalculating or eighty-five percent.

"**Anticipated resident occupancy percentage**" is determined by multiplying the number of calendar days in the nursing facility's cost report period on which the department based the Medicaid payment rate that it is recalculating by the number of licensed beds on the effective date of the recalculated Medicaid payment rate allocation. Then, the nursing facility's anticipated resident days are divided by the product. In all determinations that require an anticipated resident occupancy percentage, the department will use the greater of either the nursing facility's anticipated resident occupancy percentage or eighty-five percent.

"**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.

"Component rate allocation(s)" means the initial component rate allocation(s) of the rebased rate for a rebase period effective July 1. If a month and a day, other than July 1, with a year precedes "component rate allocation(s)," it means the initial component rate allocation(s) of the rebased rate of the rebase period has been amended or updated effective the date that precedes it, e.g., October 1, 1999 direct care component rate allocation.

"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.

"Nursing facility occupancy percentage" is determined by multiplying the number of calendar days for the cost report period by the number of licensed beds for the same cost report period. Then, the nursing facility's actual resident days for the same cost report period is divided by the product. In all determinations that require a nursing facility occupancy percentage, the department will use the greater of either a nursing facility's occupancy percentage or eighty-five percent.

"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.

"Total rate allocation" means the initial rebased rate for a rebase period effective July 1. If a month and a day, other than July 1, with a year precedes "total rate allocation," it means the initial rebased rate of the rebase period has been amended or updated effective the date that precedes it, e.g., October 1, 1999 direct care component rate allocation.

"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.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-010, filed 11/30/99, effective 12/31/99. 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.

(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(11) 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(1) 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(1) 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.]

WAC 388-96-202 Scope of audit or department audit. (1) The department will review the contractor's record-keeping and accounting practices and, where appropriate, make written recommendations for improvements.

(2) The department's audit will result in a schedule of summarizing adjustments to the contractor's cost report. The schedule will show whether such adjustments eliminate costs reported or include costs not reported. Each adjustment listed will include an explanation for the adjustment, the cost report account, and the dollar amount. In accordance with chapter 74.46 RCW, the department will 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 and non-Medicaid resident trust funds have been properly maintained and disbursed;

(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 will 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 will 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, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-202, filed 11/30/99, effective 12/31/99. 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 contractor, or managing agent for the following but is not limited to the following in its fine assessments:

(a) Failure to file a mathematically accurate and complete cost report, including a final cost report, on or prior to the applicable due date established by this chapter or authorized by extension granted in writing by the department; or

(b) Failure to permit an audit authorized by this chapter or to grant access to all records and documents deemed necessary by the department to complete such an audit.

(3) The department shall send notice of a fine assessed under subsection (2) of this section by certified mail return receipt requested to the current contractor, administrator, or former contractor informing the addressee of the following:

(a) The fine shall become effective the date of receipt of the notice by the addressee; and

(b) If within two weeks of the date of receipt of the notice by the addressee, an acceptable cost report is received by the department; an audit is allowed; or access to documentation is allowed, as applicable, the department may waive the fine.

[Statutory Authority: RCW 74.46.800, 94-12-043 (Order 3737), § 388-96-217, filed 5/26/94, effective 6/26/94; 87-09-058 (Order 2485), § 388-96-217, filed 4/20/87.]

WAC 388-96-218 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 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 settlement 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.

(7)(a) For calendar year 1998, the department will calculate two settlements covering the following periods:

- (i) January 1, 1998 through September 30, 1998; and
- (ii) October 1, 1998 through December 31, 1998.

(b) The department will use Medicaid rates weighted by total patient days (i.e., Medicaid and non-Medicaid days) to divide 1998 costs between the two settlement periods identified in subsection (7)(a) of this section.

(c) The department will net the two settlements for 1998 to determine a nursing facility's 1998 settlement.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-218, filed 11/30/99, effective 12/31/99. 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

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payment of a disputed settlement in whole or in part, stop accrual of interest on the amount paid. Such payment will be without prejudice to obtain review of a settlement determination.

[Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-310, filed 9/16/83.]

WAC 388-96-366 Facility records and handling of resident moneys. (1) A nursing facility may not require residents to deposit personal funds with the facility. A facility may hold a resident's personal funds only if the resident or resident's guardian provides written authorization.

(2) Once a nursing facility accepts the written authorization of the resident or resident's guardian, the facility shall hold, safeguard, and account for such personal funds under an established system in accordance with this chapter. The nursing facility shall establish and maintain as a service to the residents a bookkeeping system, incorporated in the business records and adequate for audit, for all resident moneys received by the facility.

(3) The nursing facility shall maintain the resident's or guardian's written authorization in the resident's file. The facility shall deposit any resident's personal funds in excess of fifty dollars in an interest-bearing resident personal fund account or accounts, separate from any of the facility's operating accounts, and credit all interest earned on an account to the account. With respect to any other personal funds, the facility shall keep such funds in a noninterest-bearing account or petty cash fund maintained for residents.

(4) The facility shall give the resident at least a quarterly reporting of all financial transactions involving personal funds held for the resident by the facility. The facility shall send the representative payee, the guardian, or other designated agents of the resident a copy of the quarterly accounting report.

(5) The nursing facility shall further maintain a written record of all personal property deposited with the facility for safekeeping by or for the resident. The facility shall issue or obtain written receipts upon taking possession or disposing of such property and retain copies and/or originals of such receipts. The facility shall maintain records adequate for audit.

(6) The facility shall purchase a surety bond, or otherwise provide assurances or security satisfactory to the department, to assure the security of all personal funds of residents deposited with the facility.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120, 90-20-075 (Order 3070), § 388-96-366, filed 9/28/90, effective 10/1/90. Statutory Authority: RCW 74.46.800, 87-09-058 (Order 2485), § 388-96-366, filed 4/20/87; Order 1168, § 388-96-366, filed 11/3/76; Order 1114 § 388-96-366, filed 4/21/76.]

WAC 388-96-369 The nursing facility shall maintain a subsidiary ledger with an account for each resident for whom the facility holds money.

(1) The facility shall assure a full and complete separate accounting of each resident's personal funds. Each account record and related supporting information and documentation shall:

- (a) Be maintained at the facility;
- (b) Be kept current;

(c) Be balanced each month; and

(d) Show in writing and in detail, with supporting verification, all moneys received on behalf of the individual resident and the disposition of all moneys so received.

(2) Each account shall be reasonably accessible to the resident or the resident's guardian or legal representative and shall be available for audit and inspection by a department representative. Each account shall be maintained for a minimum of four years. A Medicaid provider shall notify each Title XIX Medicaid recipient or guardian and the community services office of the department when the amount in the account of any Title XIX Medicaid recipient reaches two hundred dollars less than the applicable dollar resource limit for supplemental security income (SSI) eligibility set forth in Title XVI of the Social Security Act.

(3) When notice is given under subsection (2) of this section, the facility shall notify the recipient or guardian that if the amount in the account, in addition to the value of the recipient's other nonexempt resources, reaches the dollar resource limit determined under Title XVI, the recipient may lose eligibility for SSI medical assistance or benefits under Title XVI.

(4) Accumulation toward the Title XVI limit, after the recipient's admission to the facility, is permitted only from savings from the clothing and personal incidentals allowance and other income which the department specifically designates as exempt income.

(5) No resident funds may be overdrawn (show a debit balance). If a resident wants to spend an amount greater than the facility is holding for the resident, the home may provide money from its own funds and collect the debt by installments from that portion of the resident's allowance remaining at the end of each month. No interest may be charged to residents for such loans.

(6) The facility may not impose a charge against the personal funds of a Medicare or Medicaid recipient for any item or service for which payment is made under the Title XVIII Medicare program or the Title XIX Medicaid program. In order to ensure that Medicaid recipients are not charged for services provided under the Title XIX program, any charge for medical services otherwise properly made to a recipient's personal funds shall be supported by a written denial from the department.

(a) Mobility aids including walkers, wheelchairs, or crutches requested for the exclusive use by a Medicaid recipient shall have a written denial from the department of social and health services before a recipient's personal funds may be charged.

(b) Requests for medically necessary services and supplies not funded under the provisions of chapter 388-96 WAC or chapter 388-86 WAC (reimbursement rate or coupon system) shall have a written denial from the department before a Medicaid recipient's personal funds may be charged.

(c) A written denial from the department is not required when the pharmacist verifies that a drug is not covered by the program, e.g., items on the FDA list of ineffective or possible effective drugs, nonformulary over-the-counter (OTC) medications. The pharmacist's notation to this effect is sufficient.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-369, filed 9/28/90, effective 10/1/90. Statutory

Authority: RCW 74.42.620 and 74.46.800. 85-17-070 (Order 2275), § 388-96-369, filed 8/21/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-369, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-369, filed 10/13/82; Order 1168, § 388-96-369, filed 11/3/76; Order 1114, § 388-96-369, filed 4/21/76.]

WAC 388-96-372 The nursing facility may maintain a petty cash fund originating from resident personal funds of an amount reasonable and necessary for the size of the facility and the needs of the residents, not to exceed \$500.00. (1) This petty cash fund shall be an imprest fund. All moneys over and above the petty cash limit of 500.00 shall be deposited intact in an interest bearing account or accounts maintained for resident personal funds, separate and apart from any other bank account of the facility or other facilities. All interest earned on an account containing resident personal funds shall be credited to such account.

(2) Cash deposits of recipient allowances must be made intact to the resident personal fund account within one week from the time that payment is received from the department, Social Security Administration, or other payor.

(3) Any related bankbooks, bank statements, checkbook, check register, and all voided and cancelled checks, shall be made available for audit and inspection by a department representative, and shall be maintained by the home for not less than four years.

(4) No service charges for such checking account shall be paid by residents or deducted from resident personal funds.

(5) The resident personal fund account or accounts per bank shall be reconciled monthly to the resident personal funds per resident ledgers.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-372, filed 9/28/90, effective 10/1/90. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-372, filed 9/16/83; Order 1114, § 388-96-372, filed 4/21/76.]

WAC 388-96-375 Resident personal funds control/disbursement. Personal funds shall be held and used for the benefit of the resident and are not to be turned over to anyone other than the resident or the resident's guardian without the written consent of the resident, the resident's designated agent as appointed by power of attorney, or appropriate department of social and health services personnel as designated by the CSO administrator.

(1) When money is received, a receipt shall be filled out in duplicate:

(a) One copy shall be given to the person making payment or deposit; and

(b) The other copy shall be retained in the receipt book for easy reference.

(2) Checks received by residents shall be endorsed by the resident. Schedule I-A(6e) of the agreement states in part: "Each patient receiving a check or state warrant is responsible for endorsement by his own signature. Only when the patient is incapable of signing his name may the Provider assume the responsibility of securing the patient's mark "X" followed by the name of the patient and the signature of two witnesses."

(3) If both a facility operating account and a resident personal fund account are at the same bank, the resident portion

of checks which include care payments can be deposited directly to the resident account by including a resident account deposit slip for the correct amount with the checks and the operating account deposit slip.

(4) The resident's ledger sheet shall be credited with the allowance received. This shall be referenced with the receipt number and shall be supported by a copy of the deposit slip (one copy for all deposits made).

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-375, filed 9/28/90, effective 10/1/90. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-375, filed 10/13/82; Order 1168, § 388-96-375, filed 11/3/76; Order 1114, § 388-96-375, filed 4/21/76.]

WAC 388-96-378 Resident personal funds availability. Funds held for any resident shall be available for the resident's personal and incidental needs when requested by the resident or one of the individuals designated in WAC 388-96-375.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-378, filed 9/28/90, effective 10/1/90; Order 1114, § 388-96-378, filed 4/21/76.]

WAC 388-96-381 Procedure for refunding resident personal funds. (1) When a resident is discharged or transferred, the balance of the resident's personal funds shall be returned to the individual designated in WAC 388-96-375 within one week and a receipt obtained. In some cases it may be advisable to mail the refund to the resident's new residence.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-381, filed 9/28/90, effective 10/1/90; Order 1114, § 388-96-381, filed 4/21/76.]

WAC 388-96-384 Liquidation or transfer of resident personal funds. (1) Upon the death of a resident, the facility shall promptly convey the resident's personal funds held by the facility with a final accounting of such funds to the 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 thirtieth 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: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-384, filed 11/30/99, effective 12/31/99. 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 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 contrac-

tor'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 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 neces-

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sary 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 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

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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.

(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(11), 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 compensations received for such assets, and such cost shall be expensed only if the contractor has made a reasonable effort to recover at least the outstanding book value of such assets. If a retired asset is replaced, WAC 388-96-572(3) shall apply and the replacement or renewal shall be capitalized if required by WAC 388-96-553.

[Statutory Authority: RCW 74.46.310, [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 arm's-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 statutory amendments, and under RCW 74.46.840, for all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, including land and all depreciable or nondepreciable assets, occurring on or after July 18, 1984, leaving subsection (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) Component rate allocations for property and financing allowance calculated under the provisions of chapter 74.46 RCW. Component rate allocations will be based upon provisions of the lease in existence on the date of the purchase, but only if the purchase date meets the criteria of RCW 74.46.360 (6)(c)(ii)(A) through (D).

(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 financing allowance component rate allocations, 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: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-559, filed 11/30/99, effective 12/31/99. 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 replacement buildings, major remodels and major repair projects as defined in subsection (5) of this section, to compute allowable depreciation, the contractor must use lives reflecting the estimated actual useful life of the assets (e.g., land improvements, buildings, including major remodels and major repair projects, equipment, leasehold improvements, etc.). However the lives used must not be shorter than guideline lives in the most current edition of *Estimated Useful Lives of Depreciable Hospital Assets* published by American Hospital Publishing, Inc.

(2) To compute allowable depreciation for major remodels and major repair projects as defined in subsection (5) of this section that began operating:

(a) Before July 1, 1997, the contractor must use the shortest lives in the most recently published lives for construction classes as defined and described in the *Marshall Valuation Service* published by the Marshall Swift Publication Company; or

(b) After July 1, 1997, the contractor must use the shortest lives of the guideline lives in the most current edition of *Estimated Useful Lives of Depreciable Hospital Assets* published by American Hospital Publishing, Inc.

(3) To compute allowable depreciation for new buildings and replacement buildings as defined in subsection (5) of this section that:

(a) Began operating before July 1, 1997, the contractor must use the construction classes as defined and described in *Marshall Valuation Service* published by the Marshall Swift Publication Company; provided that, thirty years is the shortest life that may be used;

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(b) Began operating on or after July 1, 1997, the contractor must use the most current edition of *Estimated Useful Lives of Depreciable Hospital Assets* published by American Hospital Publishing, Inc.; provided that, thirty years is shortest life that may be used; and

(c) Received certificate of need approval or certificate of need exemptions under chapter 70.38 RCW on or after July 1, 1999, the contractor must use the most current edition of *Estimated Useful Lives of Depreciable Assets* published by American Hospital Publishing, Inc.; provided that, forty years is the shortest life that may be used.

(4) To compute allowable depreciation, the contractor must:

(a) Measure lives from the most recent of either the date on which the assets were first used in the medical care program or the last date of purchase of the asset through an arm's-length acquisition; and

(b) Extend lives to reflect periods, if any, during which assets were not used in a nursing facility or as a nursing facility.

(5) New buildings, replacement buildings, 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.

(6) Contractors shall depreciate building improvements other than major remodels and major repairs defined in subsection (5) of this section over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

(7) 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.

(8) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

(9) For new or replacement building construction or for major renovations receiving certificate of need approval or exemption under chapter 70.38 RCW on or after July 1, 1999, the department will depreciate fixed equipment the same number of years as the life of the building to which it is affixed.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-565, filed 11/30/99, effective 12/31/99. 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.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-572, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-572, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-572, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-572, filed 2/25/81.]

WAC 388-96-580 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; and

(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: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-585, filed 11/30/99, effective 12/31/99. 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, [74.46.1460 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) Before the sixteenth of a month, shall be the first of the month in which the banked beds returned to service; or

(b) After the fifteenth 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.

(2001 Ed.)

(6) After the department recalculates the contractor's prospective Medicaid component rate allocations using the increased number of licensed beds and until the number of licensed beds changes, the department will use the contractor's post unbanking number of licensed beds in all rate setting.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-708, filed 11/30/99, effective 12/31/99. 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 Medicaid payment rate when the contractor reduces the number of its licensed beds and:

(a) Provides 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

(b) Requests a rate revision.

(2) The revised prospective Medicaid payment rate will 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 Medicaid payment rate will be effective the first of a month determined as follows:

(a) When the contractor complies with subsection (1)(a) and (b) 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 Medicaid payment 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 Medicaid payment rate is effective the first of the month following the month in which the licensed bed reduction occurs.

(b) The department will revise a nursing facility's prospective Medicaid payment rate to reflect a reduction in licensed beds as follows:

(i) The department will use the reduced total number of licensed beds to determine the nursing facility's anticipated resident occupancy percentage used to calculate the direct care, therapy care, support services, operations and variable return component rate allocations. If the actual nursing facility occupancy percentage from the rate base cost report is:

(A) At or above eighty-five percent before the reduction and the anticipated resident occupancy percentage is at or above eighty-five percent, the department will recompute the component rate allocations using anticipated resident days;

(B) Less than eighty-five percent before the reduction and the anticipated resident occupancy percentage is at or above eighty-five percent, the department will recompute the component rate allocations using anticipated resident days resident days; or

(C) Less than eighty-five percent before the reduction and the anticipated residency occupancy percentage is below eighty-five percent, the department will recompute the component rate allocations using anticipated resident days.

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(ii) To determine occupancy used to calculate the property and financing allowance rate component allocations, the department will 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.

(4) After the department recalculates the contractor's prospective Medicaid component rate allocations using the decreased number of licensed beds and until the number of licensed beds changes, the department will use the contractor's post banking number of licensed beds in all rate setting.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-709, filed 11/30/99, effective 12/31/99. 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 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 contractors 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 financing allowance and variable return component rate allocations in accordance with the provisions of this chapter and chapter 74.46 RCW. In computing the variable return component rate allocation, the department shall use for direct care, therapy care, support services and operations rate allocations 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 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;

(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) Variable return 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; and

(d) Financing allowance 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 net book value of allowable assets will be zero. The financing allowance rate component allocation 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 and the financing allowance component rate allocations. The department will revise the variable return component rate allocation. 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 and the financing allowance component rate allocations. The department will revise the variable return component rate allocation.

(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, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-710, filed 11/30/99, effective 12/31/99. 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 388-96-714 Nursing facility Medicaid rate allocations—Economic trends and conditions adjustment factors. (1)(a) For July 1, 1999, the department will increase the following component rate allocations for each nursing facility by two percent:

(i) Direct care based on case mix requirements of RCW 74.46.506 (5)(g);

(ii) Therapy care;

(iii) Support services; and

(iv) Operations.

(b) For direct care based on case mix, the department will apply the two percent increase allowed under subsection (1)(a)(i) of this section to the total of the component rate allocations identified in subsection (1)(a) of this section after the direct care component rate allocation is adjusted for case-mix changes and before application of any reductions required by RCW 74.46.421.

(c) For July 1, 1999, the department will increase by one percent the direct care component rate allocation based on the requirements of RCW 74.46.506 (5)(k)(i).

(2) For July 1, 2000, the department will increase each nursing facility's component rate allocations in the same manner as described in subsection (1) of this section. The department will base the direct care component rate allocation of subsection (1)(c) of this section on the requirements of RCW 74.46.506 (5)(k)(ii).

(3)(a) After applying subsection (1) of this section, the department will determine whether a nursing facility's July 1

total rate allocation will be adjusted by an additional economic trends and conditions factor. The department will adjust a nursing facility's July 1 total rate allocation set pursuant to this chapter and chapter 74.46 RCW when it is less than its April 1, 1999 total rate allocation adjusted for case mix changes. Whether the April 1, 1999 or July 1 direct care rate allocation is determined by case mix under RCW 74.46.506 (a) through (j) or a hold harmless rate under RCW 74.46.506(k), the department will determine whether the July 1 total rate allocation is less than the April 1, 1999 total rate allocation adjusted for case mix changes by:

(i) Calculating the nursing facility's April 1, 1999 direct care component rate allocation by applying the case mix index (CMI) used to set the nursing facility's July 1 direct care component rate allocation;

(ii) Comparing the April 1, 1999 direct care component rate allocation determined by applying the CMI used to determine the nursing facility's July 1 direct care component rate allocation with its direct care component rate allocation of September 30, 1998.

(iii) Adding the higher of the April 1, 1999 direct care component rate allocation based on the CMI used to set the July 1 direct care component rate allocation or the nursing facility's September 30, 1998 direct care component rate allocation to the remaining April 1, 1999 component rate allocations to establish the April 1, 1999 total rate allocation adjusted for case mix changes;

(iv) Comparing the April 1, 1999 total rate allocation adjusted for case mix changes pursuant to subsection (3)(a)(i), (ii), and (iii) of this section with the July 1 total rate allocation set pursuant to this chapter and chapter 74.46 RCW; and

(v) Determining an additional economic trends and conditions factor for the nursing facility when its April 1, 1999 total rate allocation adjusted for case mix changes pursuant to subsection (3)(a)(i), (ii), and (iii) of this section is greater than the facility's July 1 total rate allocation.

(b) The department will determine the additional economic trends and conditions factor by determining the percentage that the April 1, 1999 total rate allocation determined pursuant to subsection (3)(a)(i), (ii), and (iii) of this section is greater than the July 1 total rate allocation. The percentage is the additional economic trends and condition factor.

(c) For each nursing facility whose April 1, 1999 total rate allocation adjusted for case mix changes pursuant to subsection (3)(a) of this section is greater than its July 1 total rate allocation, the department will increase each of its July 1 component rate allocations by the nursing facility's additional economic trends and condition factor determined pursuant to subsection (3)(a) and (b) of this section. A nursing facility's additional economic trends and condition factor will be reduced proportionately by the percentage by which total supplemental payments to all nursing facilities would exceed the funds provided for such payments in the biennial appropriations act.

(d) The department will adjust by an additional economic trends and conditions factor determined pursuant to subsection (3)(a) and (b) of this section only the amount of a nursing facility's total rate allocation or its amended or updated total rate allocation that has not resulted from the

nursing facility, under WAC 388-96-708, reinstating beds that were previously removed from service (i.e., banked) under chapter 70.38 RCW.

(4) After the initial determination under subsection (3) of this section of whether a nursing facility's July 1 total rate allocation will be adjusted by an additional economic trends and conditions factor, the department may amend or update a nursing facility's April 1, 1999 total rate allocation including any or all component rate allocations and/or its July 1 total rate allocation including any or all component rate allocations. If any amendments or updates occur, then the department will apply subsection (3) using the newly amended or updated April 1, 1999 total rate allocation and/or component rate allocation(s) and/or the amended or updated total rate allocation and/or component rate allocation(s).

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-714, filed 11/30/99, effective 12/31/99.]

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 federal 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 contractors, their associations, nursing facility Medicaid beneficiaries, representatives of contractors 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 fourteen 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 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: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-718, filed 11/30/99, effective 12/31/99. 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 statewide weighted average payment rate for the capital and noncapital portions of the rate for all nursing facilities with the statewide weighted average payment rate for the capital and noncapital portions of the rate identified in the Biennial Appropriations Act? (1) On a monthly basis, the department will compare the statewide weighted average payment rate for the capital and noncapital portions of the rate for all nursing facilities with the statewide weighted average payment rate for the capital and noncapital portions of the rate identified in the biennial appropriations act.

(2) To determine the statewide weighted average payment rate for the capital and/or noncapital portion of the rate, the department will use total billed Medicaid days incurred in the calendar year immediately preceding the current fiscal year for the purpose of weighting the July 1 capital and/or noncapital rates that have been adjusted, or updated pursuant to chapter 74.46 RCW and this chapter.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-723, filed 11/30/99, effective 12/31/99. 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) A 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: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-724, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.421 and 74.46.800. 98-20-023, § 388-96-724, filed 9/25/98, effective 10/1/98.]

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WAC 388-96-725 After a RCW 74.46.421 rate reduction when will a nursing facility's rates return to their previous level? (1) The department will not reverse any rate reductions taken in accordance with RCW 74.46.421.

(2) If after a reduction a nursing facility is eligible to receive an increase in a capital and/or noncapital 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 will apply the increase to the rate reduced by application of RCW 74.46.421.

(3) Reductions made under RCW 74.46.421 are cumulative. The department will reduce the capital and/or noncapital component rates for all nursing facilities without reversing any previous reductions.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-725, filed 11/30/99, effective 12/31/99. 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 capital and/or noncapital component rates are below the statewide weighted average payment rate for the capital and/or noncapital portion(s) of the rate identified in the Biennial Appropriations Act, will the department reduce the facility's capital and/or noncapital component rates when it reduces rates under RCW 74.46.421? (1) Even if an individual nursing facility's capital and/or noncapital component rates are below the statewide weighted average payment rate for the capital and/or noncapital portion(s) of the rate identified in the biennial appropriations act, the department will reduce the nursing facility's capital and/or noncapital component rates as required under RCW 74.46.421.

(2) The department will not exempt any nursing facility from a component rates reduction required by RCW 74.46.421 for any circumstance, e.g., billed Medicaid days, under-spending of the biennial appropriation for nursing facility rates, etc.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-726, filed 11/30/99, effective 12/31/99. 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.]

(2001 Ed.)

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 388-96-730 How will the department reduce a nursing facility's capital and/or noncapital portion(s) of its rate so that the statewide weighted average payment rate for the capital and/or noncapital portion(s) of the rate is equal to or less than the statewide weighted average for the capital and/or noncapital portion(s) of the rate identified in the Biennial Appropriations Act? (1) The department will determine a percentage reduction factor (PRF) that, when applied to all nursing facilities' capital and/or noncapital portion(s) of their rates will result in a statewide weighted average payment rate for the capital and/or noncapital portion(s) of their rates that is equal to or less than the statewide weighted average payment rate for capital and/or noncapital portion(s) of the rate identified in the biennial appropriations act.

(2) By applying various percentages to the capital and/or noncapital portion(s) of the rates for all nursing facilities, the department will identify the percentage(s) that reduce(s) the statewide weighted average payment rate for the capital and/or noncapital portion(s) of the rate to be equal to or less than the statewide weighted average payment rate for the capital and/or noncapital portion(s) of the rate identified in the biennial appropriations act.

(3) The percentage(s) identified in subsection (2) of this section will be the PRF(s). The department will apply the PRF(s) equally to all rate component allocations of each nursing facility's capital and/or noncapital portions of the rate.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-730, filed 11/30/99, effective 12/31/99.]

WAC 388-96-731 When will the department reduce all nursing facilities capital and/or noncapital portion(s) of their rates? (1) Under RCW 74.46.421, the department will reduce the capital portion of the rate for each nursing facility when the statewide weighted average payment rate for the capital portion of the rate for all nursing facilities exceeds or is likely to exceed the statewide weighted average payment rate for the capital portion of the rate identified in the biennial appropriations act.

(2) Under RCW 74.46.421, the department will reduce the noncapital portion of the rate for each nursing facility when the statewide weighted average payment rate for the noncapital portion of the rate exceeds or is likely to exceed the statewide weighted average payment rate for the noncapital portion of the rate identified in the biennial appropriations act.

(2001 Ed.)

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-731, filed 11/30/99, effective 12/31/99.]

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.

[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

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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.

[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

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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.

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(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 mid-point 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 388-96-748 Financing allowance component rate allocation. (1) Beginning July 1, 1999, for each Medicaid nursing facility, the department will establish a financing allowance component rate allocation. The financing allowance component rate allocation will be rebased annually, effective July 1st, in accordance with this chapter and chapter 74.46 RCW.

(2) The department will determine the financing allowance component rate allocation by:

(a) Multiplying the net invested funds of each nursing facility by the applicable factor identified in subsection (3) of this section; and

(b) Dividing the sum of the products by the greater of:

(i) A nursing facility's total resident days from the most recent cost report period; or

(ii) Resident days calculated on eighty-five percent facility occupancy.

(3)(a) The multiplication factor required by subsection (2) (a) of this section is determined by the acquisition date of the tangible fixed asset(s). For each nursing facility, the department will multiply the net invested funds for assets acquired:

(i) Before May 17, 1999 by a factor of .10; and/or

(ii) On or after May 17, 1999 by a factor of .085.

(b) The department will apply the factor of .10 to the net invested funds pertaining to new construction or major renovations:

(i) That received certificate of need approval before May 17, 1999;

(ii) That received an exemption from certificate of need requirements under chapter 70.38 RCW before May 17, 1999; or

(iii) for which the nursing facility submitted working drawings to the department of health for construction review before May 17, 1999.

(c) For a new contractor as defined under WAC 388-96-026 (1)(c), assets acquired from the former contractor will retain their initial acquisition dates when determining the new contractor's financing allowance under this section.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-748, filed 11/30/99, effective 12/31/99.]

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 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. (1) The department will notify each contractor in writing of its prospective Medicaid payment rate allocation. Unless otherwise specified at the time it is issued, the Medicaid payment rate allocation and/or component rate allocation(s) will be effective from the first day of the month in which it (they) is (are) issued. If a Medicaid payment rate allocation and/or component rate allocation(s) is amended 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.

(2) If a total Medicaid payment rate allocation and/or component rate allocation(s) is (are) adjusted, updated or amended after the calendar year in which the adjustment or update was effective, then the department will account for any amounts owed through the settlement process.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-766, filed 11/30/99, effective 12/31/99. 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 financing allowance component rate allocations, 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 financing allowance component rate allocations.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-767, filed 11/30/99, effective 12/31/99. 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) Financing allowance and variable return component rate allocations, 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 the financing allowance and the variable return component rate allocations, no additional monies will be added to the rate;

(c) Any other allowable costs as set forth in this chapter.

(3)(a) Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars.

(b) The department shall recover any emergency or transitional expenditure made by the department on behalf of a nursing home not certified to participate in the Medicaid Title XIX program from revenue generated by the facility which is not obligated to the operation of the facility.

(c) In order to help recover an emergency or transitional expenditure, regardless of whether the facility is certified to participate in the Medicaid Title XIX program or not, the department may:

(i) File an action against the former licensee or owner at the time the expenditure is made to recover such expenditure; or

(ii) File a lien on the facility or on the proceeds of the sale of the facility.

(4) If recommendations on receiver's compensation are solicited from the department by the court, the department shall consider the following:

(a) The range of compensation for nursing home managers;

(b) Experience and training of the receiver;

(c) The size, location, and current condition of the facility;

(d) Any additional factors deemed appropriate by the department.

(5) When the receivership terminates, the department may revise the nursing home's Medicaid reimbursement. The Medicaid reimbursement rate for:

(a) The former owner or licensee shall be what it was before receivership, unless the former owner or licensee requests prospective rate revisions from the department as set forth in this chapter; and

(b) Licensed replacement operators shall be determined consistent with rules governing prospective reimbursement rates for new contractors as set forth in this chapter.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-771, filed 11/30/99, effective 12/31/99. Statu-

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tory 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 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, property, financing allowance, and variable return component rate allocations, during the initial rate period in which the adjustment is granted. These same component rate allocations 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 in accordance with WAC 388-96-748(3) 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, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-776, filed 11/30/99, effective 12/31/99. 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 388-96-779 Exceptional therapy care—Designated nursing facilities. (1) The department will designate a maximum of twelve nursing facilities (NF) that have demonstrated excellence in therapy care. A designated NF may request payment for exceptional therapy care provided to individual NF facility Medicaid residents that meet the criteria in WAC 388-96-780.

(2) A NF requesting exceptional therapy care payments will submit a written request to the department separate from all other requests and inquiries of the department. The NF must document by providing quantitative and narrative data that demonstrates the NF's history of providing specialized rehabilitation therapy to its residents. A complete written request will include documentation that the NF:

(a) Analyzes its effectiveness at providing rehabilitative therapy by comparing changes in resident outcome measures between admission, transition, and/or discharge status for residents;

(b) Assures that residents served make measurable improvement toward accomplishment of functional goals and that the program uses measurable criteria for initiation and termination of specific rehabilitation treatment;

(c) Has substantial experience in serving residents who are under age sixty-five, not eligible for Medicare, and able to

achieve significant progress in functional status when provided with intensive therapy care services;

(d) Provides treatment to a sufficient volume of residents to ensure an environment of peer support for residents;

(e) Utilizes a medical rehabilitation case management system; and

(f) Provides or arranges for the following rehabilitation services with staff who are licensed, registered, or certified, and who are in-house or available for treatment every day when indicated in the rehabilitation plan:

(i) Occupational therapy;

(ii) Physical therapy;

(iii) Speech/language pathology; and

(iv) Mental health that may include:

(A) Neuropsychological services;

(B) Clinical psychological services, including testing and counseling; and

(C) Substance abuse counseling.

(3) If the NF is accredited by the commission on accreditation of rehabilitation facilities (CARF), the NF will provide documentation detailing current accreditation status. If the NF has been CARF accredited but accreditation status was lost, the NF will provide documentation detailing the findings that led to the change in accreditation status.

(4) The criteria that the department will use to evaluate the request may include, but is not limited to, a review of the NF's:

(a) Current licensure and certification status;

(b) Compliance history with state and federal regulations, including a review of whether substandard care is identified;

(c) Overall financial status;

(d) Findings of Medicare/Medicaid fraud against a NF licensee to include individuals, partnerships, corporations, or other legal entities licensed to operate the nursing home; and

(e) Geographic distribution related to other NF's providing demonstrated excellence in therapy care.

(5) If the initial written request is incomplete, the department will notify the NF of the documentation and information required within thirty calendar days of receipt of the initial application. The NF will submit the requested information within fifteen calendar days from the date that the NF receives the notice to provide the information. If the NF fails to complete the request by providing all the requested documentation and information within fifteen calendar days from the date of receipt of notification, the department will deny the request.

(6) Within sixty calendar days after receipt of a complete designation request, the department will respond to a NF in writing.

(7) The department will conduct monitoring and analysis of the components listed in subsection (4) of this section for any NF receiving exceptional therapy care rates. The NF will lose its designation as a NF eligible to receive exceptional therapy care rates if:

(a) The NF provides substandard care or is subject to a stop placement or civil monetary penalties related to resident care;

(b) Any findings of Medicare/Medicaid fraud are levied against the NF licensee, to include individuals, partnerships,

corporations, or other legal entities licensed to operate a nursing home; or

(c) It loses its CARF accreditation status as a result of poor resident care.

(8) Based on monitoring and analysis of the NF receiving exceptional therapy care rates, if the NF fails to meet the criteria established in subsections (1) through (4) of this section, the department may revoke its designation as a NF eligible to receive exceptional therapy care rates. If the department revokes a NF's exceptional therapy care designation for substandard specialized rehabilitation therapy, then payment to the NF for all exceptional therapy care will end on the date of revocation.

(9) NFs receiving exceptional therapy care rate payments will be reviewed on an annual basis utilizing the criteria established in subsections (1) through (4) of this section.

[Statutory Authority: RCW 74.46.800, 74.46.508. 00-12-098, § 388-96-779, filed 6/7/00, effective 7/8/00.]

WAC 388-96-780 Exceptional therapy care—Covered Medicaid residents. (1) The department will pay an exceptional therapy care rate to a nursing facility (NF) for a Medicaid resident who:

- (a) Is less than sixty-five years of age;
- (b) Does not qualify for Medicare;
- (c) Has a functional need associated with a diagnosis of:
 - (i) Traumatic brain injury,
 - (ii) Stroke/cerebrovascular accident (CVA),
 - (iii) Paraplegia,
 - (iv) Quadriplegia, or
 - (v) Major multiple fractures;
- (d) Resides in a NF that under WAC 388-96-779 is approved to provide exceptional therapy care; and
- (e) Is assessed by a department case manager to be:
 - (i) Medically stable;
 - (ii) Physically and cognitively able to participate in the rehabilitation program;
 - (iii) Willing and able to participate in the rehabilitation program averaging a minimum of two hours per day, five days per week; and
 - (iv) Has an impairment in two or more of the following areas:

- (A) Mobility and strength;
- (B) Self-care/ADLs (activities of daily living);
- (C) Communication;
- (D) Continence-evacuation of bladder and/or bowel;
- (E) Kitchen/food preparation-safety and skill;
- (F) Cognitive/perceptual functioning; or
- (G) Pathfinding skills and safety.

(2)(a) If a NF designated under WAC 388-96-779 wants exceptional therapy care payments for a Medicaid resident, then the NF will submit a request for exceptional therapy care payments on a department-supplied application. A complete exceptional therapy care payment application will include documentation that the Medicaid resident meets the criteria of subsection (1)(a) through (c) of this subsection. The department will:

- (i) Review only complete applications; and
- (ii) Return incomplete applications to the NF within five days of receipt.

(b) The department will respond to a NF requesting exceptional therapy care payments for a resident, in writing, no later than five working days after receipt of a complete application.

(i) If the department approves exceptional therapy care payments for a resident, the department will:

(A) Authorize five days of exceptional therapy care payments for observation of the resident's response to the intensive therapy;

(B) Conduct an on-site review during the five days of observation to determine whether the resident is an appropriate candidate for intensive therapy and that the NF has a viable plan to provide therapy averaging a minimum of two hours a day, five days per week; and

(C) Extend, when the department is unable to complete the on-site review during the five-day observation period, the exceptional therapy care payments until the department is able to complete the on-site review.

(ii) When the department determines a resident is:

(A) An appropriate candidate and the NF has a viable plan to meet the minimum hours and days of therapy, the department will authorize continuing exceptional therapy care payments; or

(B) An inappropriate candidate or the NF lacks a viable plan to meet the minimum hours and days of therapy, the department will discontinue the authorized days of payment per subsection (2)(b)(i) of this section effective the day after the on-site review and deny continuing exceptional therapy care payments beyond the day of the on-site review.

(iii) Before the conclusion of the on-site visit, the department will give the NF written confirmation of approval or denial of continuing exceptional therapy care payments.

(iv) All exceptional therapy care payments are contingent upon the resident being eligible for Medicaid. A NF may provide exceptional therapy care and/or seek approval for exceptional therapy care payments on residents for whom it does not have a Medicaid award letter because the determination of the resident's Medicaid eligibility is pending. If the resident is denied Medicaid coverage, then the department will not pay for any exceptional therapy care, including the authorized days per subsection (2)(b)(i) of this section.

(3)(a) For the Medicaid resident receiving exceptional therapy care, a NF must complete a FIM or department approved functional assessment measure for each exceptional therapy care Medicaid resident within:

- (i) Five calendar days of initiation of the exceptional therapy care;
- (ii) Fourteen calendar days of initiation of the exceptional therapy care;
- (iii) Thirty calendar days of initiation of the exceptional therapy care;
- (iv) Sixty calendar days of initiation of the exceptional therapy care;
- (v) Ninety calendar days of initiation of the exceptional therapy care; and
- (vi) At discharge or termination of the exceptional therapy care.

(b) The department case manager will review the FIM assessments to determine whether the exceptional therapy care rate continues to be necessary. The department will ter-

minate the exceptional therapy care rate for a Medicaid resident who has made no measurable improvement in rehabilitation as demonstrated by his/her assessments.

(c) The NF will notify the department of the date it discontinues exceptional therapy care to the Medicaid resident. If the NF discontinues the exceptional therapy care because it discharged the Medicaid resident, the NF will provide the department with the discharge disposition and date.

(4) The department will pay an exceptional therapy care rate up to a maximum of one hundred days per episode. After one hundred days, the department will pay for any therapy treatment the Medicaid resident may receive under RCW 74.46.511.

[Statutory Authority: RCW 74.46.800, 74.46.508. 00-12-098, § 388-96-780, filed 6/7/00, effective 7/8/00.]

WAC 388-96-781 Exceptional direct care component rate allocation—Covered Medicaid residents. A nursing facility (NF) may receive an increase in its direct care component rate allocation for providing exceptional care to a Medicaid resident who:

(1) Receives specialized services to meet chronic complex medical conditions and neurodevelopment needs of medically fragile children; and

(2) Resides in a NF where all residents are under age twenty-one with at least fifty percent of the residents entering the facility before the age of fourteen.

[Statutory Authority: RCW 74.46.800, 74.46.508. 00-12-098, § 388-96-781, filed 6/7/00, effective 7/8/00.]

WAC 388-96-782 Exceptional therapy care and exceptional direct care—Payment. (1)(a) The department will pay for exceptional therapy care authorized under WAC 388-96-780 according to the current therapy fee for service schedule maintained by the department.

(b) All payments for therapy care from third-party payers and/or other department programs, e.g., physical medicine and rehabilitation (PM&R) will be deducted before billing the department under the exceptional therapy program. The nursing facility (NF) will bill the department for the authorized exceptional therapy care according to the department's billing instructions, including but not limited to WAC 388-545-0300, 388-545-0500, and 388-545-0700.

(2) For WAC 388-96-781 residents, the department will pay the resident's total rate in effect on December 31, 1999, inflated by the industry weighted average economic trends and conditions adjustment factor.

[Statutory Authority: RCW 74.46.800, 74.46.508. 00-12-098, § 388-96-782, filed 6/7/00, effective 7/8/00.]

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

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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 [officer] 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 on 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;

(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; and

(h) Issues relating to exceptional therapy care and exceptional direct care programs codified at WAC 388-96-779 through 388-96-782.

(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 74.46.800, 74.46.508. 00-12-098, § 388-96-901, filed 6/7/00, effective 7/8/00. 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, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-904, filed 12/21/88. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-904, filed 12/23/87. Statutory Authority: RCW 34.04.020.

(2001 Ed.)

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.

(8) 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.]

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Chapter 388-97 WAC NURSING HOMES

WAC

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388-97-455	Visiting and private space in new construction.		
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388-97-470	Heating systems in new construction.		
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388-97-480	Handwashing sinks in new construction.		
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388-97-550	Initial nursing home license.		
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388-97-555	Nursing home license renewal.		
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388-97-580	Management agreements.		
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	DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER	388-97-145	Early identification of persons with active tuberculosis. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-010	License—Application. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-150	Surveillance and management of tuberculosis. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-200 Criminal history disclosure and background inquiries. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-210 Respite services. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-215 Adult day or night 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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-225 Nursing facility care. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-230 Discrimination prohibited. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-235 Medical eligibility for nursing facility 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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-240 Nursing facility admission. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-245 Pre-admission screening. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-250 Identification screening for current residents. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-255 Pre-admission screening and annual resident review (PASARR). [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-265 Utilization review. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-270 Individual transfer and discharge rights, procedures, appeals. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-275 Resident assessment instrument. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-280 Discharge or leave 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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-300 Fire standards and approval. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-305 Other standards. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-320 Space and equipment. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-380 Maintenance and 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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-390 General. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-395 Design requirements. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-435 Resident care unit. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-440 Resident rooms. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-445 Resident room equipment. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-450 Resident toilet and bathing facilities. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-97-475 Electrical. [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.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

SUBCHAPTER I

RESIDENT RIGHTS, CARE AND RELATED SERVICES

DEFINITIONS

WAC 388-97-005 Definitions. "Abandonment" means action or inaction by an individual or entity with a duty of care for a vulnerable adult that leaves the vulnerable individual without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Further clarification of the definition of abuse, and examples of types of behavior that constitute abuse are described in RCW 74.34.020(2).

"Advanced registered nurse practitioner (ARNP)" means a registered nurse currently licensed in Washington under RCW 18.88.175 or successor laws.

"ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

"Attending physician" means the doctor responsible for a particular individual's total medical care.

"Berm" means a bank of earth piled against a wall.

"Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

"Dementia care" means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

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

"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.

"Disclosure statement" means a signed statement by an individual indicating whether or not the individual 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 individual.

"Drug" means a substance:

(1) 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

(2) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

"Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

"Entity" means any type of firm, partnership, corporation, company, association, or joint stock association, and the legal successor(s).

"Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any individual for his or her profit or advantage.

"Habilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to teach an individual previously undeveloped skills.

"Intermediate care facility for the mentally retarded (ICF/MR)" means an institution certified under chapter 42 C.F.R., Part 483, Subpart I, and licensed under chapter 18.51 RCW.

"Licensed practical nurse" means an individual licensed under chapter 18.79 RCW;

"Misappropriation of resident property" means the illegal or improper, patterned or deliberate misplacement, exploitation, temporary or permanent use of a resident's belongings.

"NFPA" means National Fire Protection Association, Inc.

"Neglect":

(1) For a nursing home licensed under chapter 18.51 RCW, neglect means that an individual or entity with a duty of care for nursing home residents has:

(a) By a pattern of conduct or inaction, failed to provide goods and services to maintain physical or mental health or to avoid or prevent physical or mental harm or pain; or

(b) By an act or omission, demonstrated a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety.

(2) For a skilled nursing facility or nursing facility, neglect also means a failure to provide the goods and services necessary to avoid physical harm, mental anguish, or mental illness.

"Nursing assistant" means a nursing assistant as defined under RCW 18.88A.020 or successor laws.

"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 put into effect under that law, or under successor laws.

"Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

"Pharmacist" means an individual licensed by the Washington state board of pharmacy under chapter 18.64 RCW.

"Pharmacy" means a place licensed under chapter 18.64 RCW where the practice of pharmacy is conducted.

"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.

"Physician's assistant (PA)" means a physician's assistant as defined under chapter 18.57A or 18.71A RCW or successor laws.

"Reasonable accommodation" and "reasonably accommodate" has the meaning given in federal and state anti-discrimination laws and regulations. For the purpose of this chapter:

(1) Reasonable accommodation means that the nursing home must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of nursing home services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the nursing home; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"Registered nurse" means an individual licensed under chapter 18.79 RCW or successor laws.

"Rehabilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to restore an individual to the individual's former functional and environmental status, or alternatively, to maintain or maximize remaining function.

"Resident" generally means an individual residing in a nursing home, and if applicable, the surrogate decision maker. The term resident excludes outpatients and individuals receiving adult day or night care, or respite care.

"Resident care unit" means a functionally separate unit including resident rooms, toilets, bathing facilities, and basic service facilities.

"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.

"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.

"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 put into effect under that law, or successors to that law.

"Social/therapeutic leave" means leave which is for the resident's social, emotional, or psychological well being; it does not include medical leave.

"Staff work station" means a location at which nursing and other staff perform charting and related activities throughout the day.

"Surrogate decision maker" means a resident representative or representatives as outlined in WAC 388-97-055, and as established by law under chapter 7.70 RCW.

"Toilet room" means a room containing at least one toilet fixture.

"Volunteer" means an individual who is a regularly scheduled individual not receiving payment for services and having unsupervised access to a nursing home resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-005, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-005, filed 9/15/94, effective 10/16/94.]

ADMISSION, TRANSFER AND DISCHARGE

WAC 388-97-012 Nursing facility care. The nursing facility must provide items, care, and services in accordance with this chapter and with federal regulations under 42 C.F.R. §483.1 through 483.206, or successor laws, and other applicable federal requirements.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-012, filed 2/24/00, effective 3/26/00.]

WAC 388-97-017 Discrimination prohibited. (1) A nursing facility must establish and maintain identical policies and practices regarding transfer, discharge, and the provision

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of services covered under the state Medicaid plan for all individuals regardless of source of payment.

(2) A nursing facility must not require or request:

(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 an individual 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.

(3) A nursing facility must inform, in writing, a prospective resident, and where applicable, the resident's representative, before or at the time of admission, that a third party may not be required or requested to personally guarantee payment to the nursing home, as specified in subsection (2)(c) of this section.

(4) A nursing facility must not:

(a) Deny or delay admission or readmission of an individual to the facility because of the individual's status as a Medicaid recipient;

(b) Transfer a resident, except from a single 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 Medicaid recipients any amounts in excess of the Medicaid rate from the date of eligibility, except for any supplementation that may be permitted by department regulation.

(5) A nursing facility must maintain only one list of names of individuals seeking admission to the facility, which is ordered by the date of request for admission, and must:

(a) Offer admission to individuals in the order they appear on the list, provided the facility can meet the needs of the individual with available staff or through the provision of reasonable accommodations required by state or federal laws;

(b) Retain the list of individuals seeking admission for one year from the month admission was requested; and

(c) Offer admission to the portions of the facility certified under Medicare and Medicaid without discrimination against persons eligible for Medicaid.

(6) A nursing facility must 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. 00-06-028, § 388-97-017, filed 2/24/00, effective 3/26/00.]

WAC 388-97-027 Nursing facility admission and payment requirements. Refer to WAC 388-71-0700 (3) through (5).

[Statutory Authority: RCW 74.39A.040, 74.42.056. 00-22-018, § 388-97-027, filed 10/20/00, effective 10/31/00. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-027, filed 2/24/00, effective 3/26/00.]

WAC 388-97-032 Discharge planning. (1) A resident has the right to attain or maintain the highest practicable physical, mental, and psychosocial well-being, and to reside in the most independent setting. Therefore, the nursing home must:

(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(s);

(iii) In the case of a Medicaid certified nursing facility, the address and telephone number for the department's local home and community services office; and

(iv) In the case of a resident identified through pre-admission screening and resident review (PASRR) as having a developmental disability or mental illness, the address and telephone number for the division of developmental disabilities or the mental health PASRR contractor.

(2) The nursing home must 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 must:

(a) Develop and implement the plan with the active participation of the resident and, where appropriate, the resident's representative;

(b) In the case of a Medicaid resident, coordinate the plan with the department's home and community services staff;

(c) In the case of a resident identified through PASRR as having a developmental disability or mental illness, coordinate the plan with the division of developmental disabilities or the mental health PASRR contractor;

(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 the:

(i) 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 to reduce potential transfer trauma, including, but not limited to, pre-transfer visit to the new location whenever possible.

(3) For a resident whose transfer or discharge is not anticipated in the next three months, the nursing home must:

(a) Document the specific reasons transfer or discharge is not anticipated in that time frame;

(b) Review the resident's potential for transfer or discharge at the time of the quarterly comprehensive plan of care

review. If the reasons documented under subsection (3)(a) of this section are unchanged, no additional documentation of reasons is necessary at the time of plan of care review.

(4) The nursing home must initiate discharge planning on residents described in subsection (3) of this section:

(a) At the request of the resident or the resident's representative; and

(b) When there is a change in the resident's situation or status which indicates a potential for transfer or discharge within the next three months.

(5) Each resident has the right to request transfer or discharge and to choose a new location. If the resident chooses to leave, the nursing home must assist with and coordinate the resident's transfer or discharge. The Medicaid resident, resident's representative, or nursing facility may request assistance from the department's home and community services or, where applicable, the division of developmental disabilities or mental health in the transfer or discharge planning and implementation process.

(6) The nursing home must coordinate all resident transfers and discharges with the resident, the resident's representative and any other involved individual or entity.

(7) 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(1), at the time of discharge that is available for release to authorized individuals and agencies, with the consent of the resident or and surrogate decision maker; 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. 00-06-028, § 388-97-032, filed 2/24/00, effective 3/26/00.]

WAC 388-97-037 Utilization review. (1) To assure appropriate use of Medicaid services, the nursing facility must determine whether each Medicaid resident's health has improved sufficiently so the resident no longer needs nursing facility care.

(a) The nursing facility must base its determination on:

(i) An accurate, comprehensive assessment process; and

(ii) Documentation by the resident's physician.

(b) The nursing facility must not make this determination for residents the department is responsible to assess under WAC 388-97-251.

(2) When the nursing facility determines a resident no longer needs nursing facility care under subsection (1) of this section, the nursing facility must initiate transfer or discharge in accordance with WAC 388-97-042, 388-97-043, and 42 C.F.R. §483.12, or successor laws, 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 will be ineligible for Medicaid nursing facility payment:

(i) Thirty days after the receipt of written notice of transfer or discharge; or

(ii) If the resident appeals the facility determination, thirty days after the final order is entered upholding the nursing home's decision to transfer or discharge a resident.

(b) The department's 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 the department's 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. 00-06-028, § 388-97-037, filed 2/24/00, effective 3/26/00.]

WAC 388-97-042 Individual transfer and discharge rights and procedures. (1) The skilled nursing facility and nursing facility must comply with all of the requirements of 42 C.F.R. §483.10 and §483.12, and RCW 74.42.450, or successor laws, and the nursing home must comply with all of the requirements of RCW 74.42.450(1) through (4) and (7), or successor laws, including the following provisions and must not transfer or discharge any resident unless:

(a) At the resident's request;

(b) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(c) The transfer or discharge is appropriate because the resident's health has improved enough so the resident no longer needs the services provided by the facility;

(d) The safety of individuals in the facility is endangered;

(e) The health of individuals in the facility would otherwise be endangered; or

(f) The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility.

(2) The following notice requirements apply if a nursing home/facility initiates the transfer or discharge of a resident. The notice must:

(a) Include all information required by 42 C.F.R. §483.12 when given in a nursing facility;

(b) Be in writing, in language the resident understands;

(c) Be given to the resident, the resident's surrogate decision maker, if any, the resident's family and to the department;

(d) Be provided thirty days in advance of a transfer or discharge initiated by the nursing facility, except that the notice may be given as soon as practicable when the facility cannot meet the resident's urgent medical needs, or under the conditions described in (1)(c), (d), and (e) of this section; and

(e) Be provided fifteen days in advance of a transfer or discharge initiated by the nursing home, unless the transfer is an emergency.

(3) The nursing home must:

(a) Provide sufficient preparation and orientation to the resident to ensure safe and orderly transfer or discharge from the nursing home;

(b) Attempt to avoid the transfer or discharge of a resident from the nursing home through the use of reasonable accommodations unless agreed to by the resident and the requirements of WAC 388-97-032 are met; and

(c) Develop and implement a bed-hold policy. This policy must be consistent with any bed-hold policy that the department develops.

(4) The nursing home must provide the bed-hold policy, in written format, to the resident, and a family member, before the resident is transferred or goes on therapeutic leave. At a minimum the policy must state:

(a) The number of days, if any, the nursing home will hold a resident's bed pending return from hospitalization or social/therapeutic leave;

(b) That a Medicaid eligible resident, whose hospitalization or social/therapeutic leave exceeds the maximum number of bed-hold days will be readmitted to the first available semi-private bed, provided the resident needs nursing facility services. Social/therapeutic leave is defined under WAC 388-97-005. The number of days of social/therapeutic leave allowed for Medicaid residents and the authorization process is found under WAC 388-97-047; and

(c) That a Medicaid eligible resident may be charged if he or she requests that a specific bed be held, but may not be charged a bed-hold fee for the right to return to the first available bed in a semi-private room.

(5) The nursing facility must send a copy of the federally required transfer or discharge notice to:

(a) The department's home and community services when the nursing home has determined under WAC 388-97-037, that the Medicaid resident's health has improved sufficiently so that the resident no longer needs the services provided by the facility; and

(b) The department's designated local office 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.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-042, filed 2/24/00, effective 3/26/00.]

WAC 388-97-043 Transfer and discharge appeals for residents in Medicare or Medicaid certified facilities. (1) A skilled nursing facility and a nursing facility that initiates transfer or discharge of any resident, regardless of payor status, must:

(a) Provide the required written notice of transfer or discharge to the resident and, if appropriate, to 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 administrative hearings on or before the date the resident actually transfers or discharges; and

(iii) The nursing home will assist the resident in requesting a hearing to appeal the transfer or discharge decision.

(2) A skilled nursing facility or nursing facility must suspend transfer or discharge pending the outcome of the appeal when the resident's appeal is received by the office of administrative hearings 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.

(3) The resident is entitled to appeal the skilled nursing facility or nursing facility's transfer or discharge decision. The appeals process is set forth in chapter 388-08 WAC and this chapter. In such appeals, the following will 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 will prevail;

(b) The resident shall be the appellant and the skilled nursing facility or the nursing facility will be the respondent;

(c) The department must be notified of the appeal and may choose whether to participate in the proceedings. If the department chooses to participate, its role 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) If a Medicare certified or Medicaid certified 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. 00-06-028, § 388-97-043, filed 2/24/00, effective 3/26/00.]

WAC 388-97-047 Discharge or leave of a nursing facility resident. (1) A nursing facility or hospital must send immediate written notification of the date of discharge or death of a Medicaid resident to the department's local home and community service office.

(2) The nursing facility must:

(a) Notify the department of nursing facility discharge and readmission for all Medicaid recipients admitted as hospital inpatients; and

(b) Document in the resident's clinical record all social/therapeutic leave exceeding twenty-four hours.

(3) The department will pay the nursing facility for a Medicaid resident's social/therapeutic leave not to exceed a total of eighteen days per calendar year per resident.

(4) The department's 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 the department's home and community services, the

department will not make payment to a nursing facility for leave days exceeding eighteen per calendar year per resident.

(5) An individual who is on social/therapeutic leave retains the status of a nursing facility resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-047, filed 2/24/00, effective 3/26/00.]

RESIDENT RIGHTS

WAC sections 388-97-055, 388-97-060, and 388-97-065 implement the federal Patient Self-Determination Act and clarify requirements under chapter 11.94 RCW, Power of attorney; chapter 7.70 RCW, Actions for injuries resulting from health care; and chapter 70.122 RCW, Natural Death Act; chapter 11.88 RCW, Guardianship-appointment, qualification, removal of guardians and limited guardians; chapter 11.92 RCW, Guardianship-powers and duties of guardian or limited guardian.

WAC 388-97-051 Resident rights. (1) The nursing home must meet the resident rights requirements of this section and those in the rest of the chapter.

(2) The resident has a right to a dignified existence, self-determination, and communication with, and access to individuals and services inside and outside the nursing home.

(3) A nursing home must promote and protect the rights of each resident, including those with limited cognition or other barriers that limit the exercise of rights.

(4) The resident has the right to:

(a) 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;

(b) Be free of interference, coercion, discrimination, and reprisal from the nursing home in exercising his or her rights; and

(c) Not be asked or required to sign any contract or agreement that includes provisions to waive:

(i) Any resident right set forth in this chapter or in the applicable licensing or certification laws; or

(ii) Any potential liability for personal injury or losses of personal property.

(5) The nursing home must take steps to safeguard residents and their personal property from foreseeable risks of injury or loss.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-051, filed 2/24/00, effective 3/26/00.]

WAC 388-97-052 Free choice. The resident has the right to:

(1) Choose a personal attending physician.

(2) 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.

(3) Participate in planning care and treatment or changes in care and treatment.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-052, filed 2/24/00, effective 3/26/00.]

WAC 388-97-053 Statutes implemented in resident decision making, informed consent and advance direc-

tives. WAC 388-97-055, 388-97-060, and 388-97-065 implement the federal Patient Self-Determination Act and clarify requirements under chapters 11.94; 7.70; 70.122; 11.88; and 11.92 RCW.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-053, filed 2/24/00, effective 3/26/00.]

WAC 388-97-055 Resident decision making. (1) At the time of admission, or not later than the completion of the initial comprehensive resident assessment, the nursing home must determine if the resident:

(a) Has appointed another individual to make his or her health care, financial, or other decisions;

(b) Has created any advance directive or other legal documents that will establish a surrogate decision maker in the future; and

(c) Is not making his or her own decisions, and identify who has the authority for surrogate decision making, and the scope of the surrogate decision maker's authority.

(2) The nursing home must review the requirements of (1) of this section when the resident's condition warrants the review or when there is a significant change in the resident's condition.

(3) In fulfilling its duty to determine who, if anyone, is authorized to make decisions for the resident, the nursing home must:

(a) Obtain 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 individual who has legal authority for substitute decision making;

(ii) The type of decision making authority such individual has; and

(iii) Where copies of the legal documents are located at the facility.

(4) In accordance with state law or at the request of the resident, the resident's surrogate decision maker is, in the case of:

(a) A capacitated resident, the individual authorized by the resident to make decisions on the resident's behalf;

(b) A resident adjudicated by a court of law to be incapacitated, the court appointed guardian; and

(c) A resident who has been determined to be incapacitated, but is not adjudicated incapacitated 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.

(5) Determination of an individual's incapacity must be a process according to state law not a medical diagnosis only and be 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.

(6) The nursing home must promote the resident's right to exercise decision making and self-determination to the fullest extent possible, taking into consideration his or her

ability to understand and respond. Therefore, the nursing home must presume that the resident is the resident's own decision maker unless:

(a) A court has established a full guardianship of the individual;

(b) The capacitated resident has clearly and voluntarily appointed a surrogate decision maker;

(c) A surrogate is established by a legal document such as a durable power of attorney for health care; or

(d) The facility determines that the resident is an incapacitated individual according to RCW 11.88.010 and (5)(a) of this section.

(7) The nursing home must honor the exercise of the resident's rights by the surrogate decision maker as long as the surrogate acts in accordance with this section and with state and federal law which govern his or her appointment.

(8) If a surrogate decision maker exercises a resident's rights, the nursing home must take into consideration the resident's ability to understand and respond and must:

(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.

(9) The nursing home must:

(a) Regularly review any determination of incapacity based on (4)(b) and (c) of this section;

(b) Except for residents with a guardian, cease to rely upon the surrogate decision maker to exercise the resident's rights, if the resident regains capacity, unless so designated by the resident or by court order; and

(c) In the case of a guardian notify the court of jurisdiction in writing if:

(i) The resident regains capacity;

(ii) The guardian is not respecting or promoting the resident's rights;

(iii) The guardianship should be modified; or

(iv) A different guardian needs to be appointed.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-055, filed 2/24/00, effective 3/26/00; 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 must ensure that the informed consent process is followed with:

(a) The resident to the maximum extent possible, taking into consideration his or her ability to understand and respond; and

(b) 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. The surrogate decision maker must:

(i) First determine if the resident would consent or refuse the proposed or alternative treatment;

(ii) Discuss determination of consent or refusal with the resident whenever possible; and

(iii) 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.

(2) The informed consent process must include, in words and language that the resident, or if applicable the resident's surrogate decision maker, understands, a description of:

(a) The nature and character of the proposed treatment;

(b) The anticipated results of the proposed treatment;

(c) The recognized possible alternative forms of treatment;

(d) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment including nontreatment; and

(e) The right of the resident to choose not to be informed.

(3) To ensure informed consent or refusal by a resident, or if applicable the resident's surrogate decision maker, regarding plan or care options, the nursing home must:

(a) Provide the informed consent process to the resident in a neutral manner and in a language, words, 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 plan of care development (see WAC 388-97-085 and 388-97-090) and with condition changes, as necessary to ensure that the resident's wishes are known;

(c) Inform the resident at the time of initial plan of care 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 and 388-97-090; and

(e) Where appropriate, include evidence of resident's choice not to be informed as required in subsections (2) and (3) of this section.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-060, filed 2/24/00, effective 3/26/00; 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 cardiopulmonary resuscitation (CPR), do not resuscitate (DNR), and organ tissue donation.

(2) The nursing home must carry out the provisions of this section in accordance with the applicable provisions of WAC 388-97-055 and 388-97-060, and with state law.

(3) The nursing home must:

(a) Document in the clinical record whether or not the resident has an advance directive;

(b) Not request or 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;

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(c) In a language and words 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, including the right to change his or her mind regarding previous decisions;

(ii) Nursing home policies and procedures concerning implementation of advance directives, including how the nursing home implements emergency responses; and

(d) Review and update as needed the 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.

(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 must:

(a) Inform the resident of the existence of any nursing home practice or policy which would preclude implementing the health care directive;

(b) Provide the resident with written policies and procedures that explain under what circumstances a resident's health care directive will or will not be implemented by the nursing home;

(c) Meet with the resident to discuss the conflict; and

(d) Determine, in light of the conflicting practice or policy, whether the resident chooses to remain at the nursing home;

(i) 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. Attach the plan to the resident's directive in the resident's clinical record; or

(ii) If, after recognizing the conflict between the resident's wishes and nursing home practice or policy the resident chooses to seek other long-term care services, or another physician who will implement the directive, the nursing home must assist the resident in locating other appropriate services.

(5) If a terminally ill resident, in accordance with state law, wishes to die at home, the nursing home must:

(a) Use the informed consent process as described in WAC 388-97-060, 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. 00-06-028, § 388-97-065, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-065, filed 9/15/94, effective 10/16/94.]

WAC 388-97-07005 Notice of rights and services. (1) The nursing home must inform the resident, before admission, or at the time of admission in the case of an emergency, and as changes occur during the resident's stay, both orally

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and in writing and in language and words that the resident understands, of his or her rights as a resident, including:

(a) All rules and regulations governing resident conduct and responsibilities during the stay in the nursing home;

(b) Advanced directives, and of any facility policy or practice that might conflict with the resident's advance directive if made;

(c) Advance notice or transfer requirements, consistent with RCW 70.129.150;

(d) Advance notice of deposits and refunds, consistent with RCW 70.129.150; and

(e) Items, services and activities available in the facility and of charges for those services, including any charges for services not covered under Medicare or Medicaid or by the facility's per diem rate.

(2) The resident has the right:

(a) Upon an oral or written request, to access all records pertaining to the resident including clinical records within twenty-four hours for Medicare certified and Medicaid certified facilities, and according to chapter 70.02 RCW; and

(b) After receipt of his or her records for inspection, to purchase at a cost not to exceed twenty-five cents a page, photocopies of the records or any portions of them upon request and two working days advance notice to the nursing home. For the purposes of this chapter, "**working days**" means Monday through Friday, except for legal holidays.

(3) The resident has the right to:

(a) Be fully informed in words and language that he or she can understand of his or her total health status, including, but not limited to, his or her medical condition;

(b) Accept or refuse treatment; and

(c) Refuse to participate in experimental research.

(4) The Medicare certified and Medicaid certified facility must inform each resident:

(a) Who is entitled to Medicaid benefits, in writing, prior to the time of admission to the nursing facility or, when the resident becomes eligible for Medicaid of the items, services and activities:

(i) That are included in nursing facility services under the Medicaid state plan and for which the resident may not be charged; and

(ii) That the facility offers and for which the resident may be charged, and the amount of charges for those services;

(b) That deposits and prepayment cannot be solicited or accepted from Medicare or Medicaid eligible residents; and

(c) That minimum stay requirements cannot be imposed on Medicare or Medicaid eligible residents.

(5) The nursing home must, except for emergencies, inform each resident in writing, thirty days in advance before changes are made to the availability or charges for items, services or activities specified in section (4)(a)(i) and (ii), or before changes to the facility rules.

(6) The private pay resident has the right to the following, regarding fee disclosure-deposits:

(a) Prior to admission, a nursing home that requires payment of an admission fee, deposit, or a minimum stay fee, by or on behalf of an individual seeking admission to the facility, must provide the individual:

(i) Full disclosure in writing:

(A) Of the nursing home's schedule of charges for items, services, and activities provided by the facility; and

(B) 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) The amount of any admission fees, deposits, or minimum stay fees.

(b) If a resident dies or is hospitalized or is transferred and does not return to the facility, the nursing home:

(i) Must refund any deposit or charges already paid, less the facility's per diem rate, for the days the resident actually resided or reserved or retained a bed in the facility, regardless of any minimum stay or discharge notice requirements; except that

(ii) The facility may retain an additional amount to cover its reasonable, actual expenses incurred as a result of a private pay resident's move, not to exceed five days per diem charges, unless the resident has given advance notice in compliance with the admission agreement.

(c) The nursing home must refund any and all refunds due the resident within thirty days from the resident's date of discharge from the facility; and

(d) 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 must be consistent with the requirements of this section.

(7) The nursing home must furnish a written description of legal rights which includes:

(a) A description of the manner of protecting personal funds, under WAC 388-97-07015.

(b) 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 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;

(c) A posting of names, addresses, and telephone numbers of all relevant 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

(d) A statement that the resident may file a complaint with the state survey and certification agency concerning resident abandonment, abuse, neglect, financial exploitation, and misappropriation of resident property in the nursing home.

(8) The nursing home must:

(a) Inform each resident of the name, and specialty of the physician responsible for his or her care; and

(b) Provide a way for each resident to contact his or her physician.

(9) 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.

(10) The written information provided by the nursing home pursuant to this section, and the terms of any admission contract executed between the nursing home and an individual seeking admission to the nursing home, must be consistent with the requirements of chapters 74.42 and 18.51 RCW and, in addition, for facilities certified under Medicare or Medicaid, with the applicable federal requirements.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07005, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07010 Notification of changes. (1) 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, interested family member(s) when there is:

(a) An accident involving the resident which results in injury and has the potential for requiring physician intervention;

(b) 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;

(c) 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

(d) A decision to transfer or discharge the resident from the facility.

(2) 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(s) when there is:

(a) A change in room or roommate assignment, refer to the timing requirements in WAC 388-97-07065; or

(b) A change in resident rights under federal or state law or regulations as specified in WAC 388-97-07005.

(3) 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(s).

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07015 Protection of resident funds. (1) 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 nursing home.

(2) 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 nursing home.

(3) The nursing home must establish and maintain a system that assures a full, complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the nursing home on the resident's behalf and must:

(a) Deposit any resident's personal funds in excess of fifty dollars, one hundred dollars for Medicare residents, in an interest-bearing resident personal fund account or accounts, separate from any nursing home operating accounts, and credit all interest earned to the account;

(b) Keep personal funds under fifty dollars, one hundred dollars for Medicare residents, in a noninterest-bearing account or petty cash fund maintained for residents; and

(c) Make the individual financial record available to the resident or his or her surrogate decision maker through quarterly statements and on request.

(4) The nursing facility must notify each resident that receives Medicaid benefits:

(a) When the amount in the resident's account reaches two hundred dollars less than the SSI resource limit for one individual; and

(b) 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 individual, the resident may lose eligibility for Medicaid or SSI.

(5) The nursing home must convey the resident's funds, and a final accounting of those funds, to the individual or jurisdiction administering the resident's estate, within thirty days of the death of any resident with a personal fund deposited with the nursing home. For a Medicaid resident, the funds must be sent to the state of Washington, department of social and health services, office of financial recovery.

(6) The nursing facility must purchase a surety bond, or an approved alternative, to assure security of personal funds of residents deposited with the facility.

(7) Medicare certified and Medicaid certified facilities may not impose a charge against a resident's personal funds 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).

(8) Medicare certified and Medicaid certified nursing facilities must:

(a) Not charge a resident (or the resident's representative) for any item or service not requested by the resident;

(b) Not require a resident, or the resident's representative, to request any item or service as a condition of admission or continued stay; and

(c) 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.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07015, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07020 Privacy and confidentiality. (1) The resident has the right to personal privacy and confidentiality of his or her personal and clinical records. Personal privacy includes:

- (a) Accommodations;
- (b) Medical treatment;
- (c) Written and telephone communications
- (d) Personal care;
- (e) Visits; and
- (f) Meetings with family and resident groups.

(2) The resident may approve or refuse the release of personal and clinical records to any individual outside the nursing home, unless the resident has been adjudged incapacitated according to state law.

(3) The resident's right to refuse release of personal and clinical records does not apply when:

- (a) The resident is transferred to another health care institution; or
- (b) Record release is required by law.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07020, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07025 Work. The resident has the right to:

- (1) Refuse to perform services for the nursing home; and
- (2) Perform services for the nursing home, if he or she chooses, when:
- (a) The facility has documented the need or desire for work in the plan of care;
- (b) The plan specifies the nature of the services performed and whether the services are voluntary or paid;
- (c) Compensation for paid services is at or above prevailing rates; and
- (d) The resident agrees to the work arrangement described in the plan of care.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07025, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07030 Self-administration of drugs. A resident may self-administer drugs if the interdisciplinary team has determined that this practice is safe.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07030, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07035 Grievance rights. A resident has the right to:

- (1) Voice grievances without discrimination or reprisal. Grievances include those with respect to treatment which has been furnished as well as that which has not been furnished.
- (2) Prompt efforts by the nursing home to resolve voiced grievances, including those with respect to the behavior of other residents.
- (3) File a complaint, contact, or provide information to the department, the long-term care ombudsman, the attorney general's office, and law enforcement agencies without interference, discrimination, or reprisal. All forms of retaliatory treatment are prohibited, including those listed in chapter 74.39A RCW.
- (4) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07035, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07040 Examination of survey results.

- (1) A resident has the right to examine the results of the most recent survey and complaint investigation of the nursing home conducted by federal and state surveyors or inspectors and the plans of correction in effect with respect to the facility.
- (2) The nursing home must publicly post:
- (a) A copy of the report and plan of correction of the most recent full survey and complaint investigations; and
- (b) A notice that the results of the survey and investigation are available and the location of the reports.

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- (3) The nursing home must post a copy or copies of survey and complaint investigations, with plans of correction, and notices, available for examination in a place or places:

- (a) Readily accessible to residents, which does not require staff intervention to access; and
- (b) In plain view of the nursing home residents, individuals visiting those residents, and individuals who inquire about placement in the facility.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07040, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07045 Resident mail. The resident has the right to privacy in written communications, including the right to:

- (1) Send and promptly receive mail that is unopened; and
- (2) Have access to stationery, postage and writing implements at the resident's own expense.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07045, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07050 Access and visitation rights. (1) The resident has the right and the nursing home must provide immediate access to any resident by the following:

- (a) Any representative of the secretary;
- (b) Any representative of the state;
- (c) The resident's personal physician;
- (d) Any representative of the state long term care ombudsman (established under section 307 (a)(12) of the Older American's Act of 1965);
- (e) 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);
- (f) The agency responsible for the protection and advocacy system for mentally ill individuals (established under the Protection and Advocacy for Mentally Ill Individuals Act);
- (g) Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and
- (h) 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.

(2) 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.

(3) The nursing home must allow representatives of the state ombudsman, described in subsection (1)(d) 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. The ombudsman may also, under federal law, access resident's records when the resident is incapacitated and has no surrogate decision maker, and may access records over the objection of a surrogate decision maker if access is authorized by the state ombudsman pursuant to 42 C.F.R. §3058g(b).

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07050, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07055 Telephone. The resident has the right to have twenty-four hour access to a telephone which:

- (1) Provides auditory privacy;
- (2) Is accessible to an individual with a disability and accommodates an individual with sensory impairment; and
- (3) Does not include the use of telephones in staff offices and at the nurses station(s).

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07055, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07060 Personal property. (1) The resident has the right, unless to do so would infringe upon the rights or health and safety of other residents, to:

- (a) Retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits; and
 - (b) Provide his or her own bed and other furniture, if desired and space permits; and
 - (c) Not be required to keep personal property locked in the facility office, safe, or similar arrangement.
- (2) The nursing home must:
- (a) Not request or require residents to sign waivers of potential liability for losses of personal property; and
 - (b) Have a system in place to safeguard personal property within the nursing home that protects the personal property and yet allows the resident to use his or her property.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07060, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07065 Roommates/rooms. (1) A resident has the right to:

- (a) 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) Receive three days notice of change in room or roommate except:
 - (i) For room changes: The move is at the resident's request; and
 - (ii) For room or roommate changes: A longer or shorter notice is required to protect the health or safety of the resident or another resident; or an admission to the facility is necessary, and the resident is informed in advance. The nursing home must recognize that the change may be traumatic for the resident and take steps to lessen the trauma.

(2) The nursing home must make reasonable efforts to accommodate residents wanting to share the same room.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07065, filed 2/24/00, effective 3/26/00.]

WAC 388-97-07070 Refusal of certain transfers. In dually certified facilities all beds are Medicaid certified. Therefore the beds in a certified distinct part for Medicare are also nursing facility beds for Medicaid.

(1) Each resident has the right to refuse a transfer to another room within the facility, if the purpose of the transfer is to relocate:

- (a) A resident from the Medicare distinct part of the facility to a part of the facility that is not a Medicare distinct part; or

(b) A resident from the part of the facility that is not a Medicare distinct part to the Medicare distinct part of the facility.

(2) A resident's exercise of the right to refuse transfer under subsection (1)(a) of this section does not affect the individual's eligibility or entitlement to Medicare or Medicaid benefits.

(3) The skilled nursing facility or nursing facility must inform residents of their rights under subsection (1) and (2) of this section at the time of the proposed transfer or relocation.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07070, filed 2/24/00, effective 3/26/00.]

WAC 388-97-075 Chemical and physical restraints.

(1) The resident has the right to be free from any physical or chemical restraint 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.

(2) The nursing home must develop and implement written policies and procedures governing:

- (a) The emergency use of restraints;
- (b) The use of chemical and physical restraints, required for the treatment of the resident's medical symptoms, not for discipline or convenience;

(c) The personnel authorized to administer restraints in an emergency; and

(d) Monitoring and controlling the use of restraints.

(3) Physical restraints may be used in an emergency only when:

(a) It has been assessed as necessary to prevent a resident from inflicting injury to self or to others;

(b) The restraint is the least restrictive form of restraint possible;

(c) A physician's order is obtained:

(i) Within twenty-four hours; and

(ii) The order includes treatments to assist in resolving the emergency situation and eliminating the need for the restraint; and

(b) The resident is released from the restraint as soon as the emergency no longer exists.

(4) In certain situations, chemical or physical restraints may be necessary for residents with acute or chronic mental or physical impairments. When chemical or physical restraints are used the nursing home must ensure that:

(a) The use of the restraint is related to a specific medical need or problem identified through a multi-disciplinary assessment;

(b) The informed consent process is followed as described under WAC 388-97-060; and

(c) The resident's plan of care provides approaches to reduce or eliminate the use of the restraint, where possible.

(5) The nursing home must ensure that any resident physically restrained 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.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-075, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-075, filed 9/15/94, effective 10/16/94.]

WAC 388-97-076 Prevention of abuse. (1) Each resident has the right to be free from verbal, sexual, physical and mental abuse, corporal punishment, and involuntary seclusion.

(2) The nursing home must develop and implement written policies and procedures that:

(a) Prohibit abandonment, abuse, and neglect of residents, financial exploitation, and misappropriation of resident property; and

(b) Require staff to report possible abuse, and other related incidents, as required by chapter 74.34 RCW, and for skilled nursing facilities and nursing facilities 42 C.F.R. §483.13.

(3) The nursing home must not allow staff to:

(a) Engage in verbal, mental, sexual, or physical abuse;

(b) Use corporal punishment;

(c) Involuntarily seclude, abandon, neglect, or financially exploit residents; or

(d) Misappropriate resident property.

(4) The nursing home must not employ individuals in positions that will provide them with the opportunity for unsupervised access with vulnerable residents, if the individuals have:

(a) Been found to have abused, neglected, exploited or abandoned a minor or vulnerable adult, by a court of law or by a licensing authority;

(b) A finding of abuse, neglect, exploitation or abandonment on any state registry, including the nursing assistant registry; or

(c) Been found to have abused, neglected, or misappropriated resident property by the department's resident protection program.

(5) The nursing home must report any information it has about an action taken by a court of law against an employee to the department's complaint resolution unit and the appropriate department of health licensing authority, if that action would disqualify the individual from employment as described in RCW 43.43.842.

(6) The nursing home and mandatory reporters must ensure that all allegations involving abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property, including injuries of unknown origin, are reported immediately to the department, other applicable officials, and the administrator of the facility. The nursing home must:

(a) Ensure that the reports are made through established procedures in accordance with state law including chapter 74.34 RCW, and guidelines developed by the department; and

(b) Not have any policy or procedure that interferes with the requirement of chapter 74.34 RCW that employees and other mandatory reporters file reports directly with the department, and with law enforcement, if they suspect sexual or physical assault has occurred.

(7) The nursing home must:

(a) Have evidence that all alleged violations are thoroughly investigated;

(b) Prevent further potential abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property while the investigation is in progress; and

(c) Report the results of all investigations to the administrator or his designated representative and to other officials in accordance with state law and established procedures (including the state survey and certification agency) within five working days of the incident, and if the alleged violation is verified appropriate action must be taken.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-076, filed 2/24/00, effective 3/26/00.]

WAC 388-97-077 Resident protection program. (1)

As used in this section, the term "**individual**," means any individual, including a volunteer, used by the facility to provide services to residents.

(2) The department will review all allegations of resident abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property, as defined in this chapter and RCW 74.34.020.

(3) If, after the review of an allegation, the department concludes that there is reason to believe that an individual has abused or neglected a resident, or has misappropriated a resident's property, then the department will initiate an investigation.

(4) The department's investigation may include, but is not limited to:

(a) The review of facility and state agency records;

(b) Interviews with any individuals who may have relevant information about the allegation; and

(c) The collection of any evidence deemed necessary by the investigator.

(5) If, after review of the results of the investigation, the department makes a preliminary determination that the resident abuse, neglect, or misappropriation of resident funds has occurred, the department will make a preliminary finding to that effect; except that a preliminary finding of neglect will not be made if the individual is able to demonstrate, that the neglect was caused by factors beyond the control of the individual.

(6) Within ten days of making its preliminary determination, the department must send notice of a preliminary finding:

(a) To the individual by first class and certified mail, return receipt requested. The department may choose to substitute personal service for certified mail;

(b) To the current administrator of the facility where the incident occurred; and

(c) To the appropriate licensing agency.

(7) The notice will include the following information:

(a) A description of the allegation;

(b) The date and time of the incident, if known;

(c) That the individual may appeal the preliminary finding; and

(d) That the preliminary finding will become final unless the individual makes a written request for a hearing within thirty days of the date of the notice.

(8) The individual may appeal the department's preliminary finding of abuse, neglect or misappropriation of resident property by notifying the office of administrative hearings in writing within thirty days of the date of the notice.

(9) If, within one hundred eighty days of the date of the notice of the preliminary finding, an individual requests a hearing and can demonstrate good cause for failing to request a hearing within thirty days, the office of administrative hearing may grant the request. The individual's name will remain on the nursing assistant registry pending the outcome of the hearing.

(10) Upon receipt of a written request for a hearing from an individual, the office of administrative hearings will schedule a hearing, taking into account the following requirements:

(a) The hearing decision must be issued within one hundred twenty days of the date the office of administrative hearings receives a hearing request;

(b) The hearing will be conducted at a reasonable time and at a place that is convenient for the individual;

(c) The hearing, and any subsequent appeals, shall be governed by this chapter, chapter 34.05 RCW, and chapter 388-08 WAC, or its successor regulations;

(d) A continuance may be granted upon the request of any party for good cause, as long as the hearing decision can still be issued within one hundred twenty days of the date of the receipt of the appeal. Neither the department nor the individual can waive the one hundred twenty-day requirement. If, however, the administrative law judge finds that extenuating circumstances exist that will make it impossible to complete the record within one hundred twenty days, the administrative law judge may extend the one hundred twenty-day requirement a maximum of sixty days; and

(e) If the administrative law judge upholds the department's preliminary finding, it becomes final.

(11) The department will report a final finding of abuse, neglect and misappropriation of resident property within ten working days to the following:

(a) The individual;

(b) The current administrator of the facility in which the incident occurred;

(c) The administrator of the facility that currently employs the individual;

(d) The department's nursing assistant registry; and

(e) The appropriate licensing authority.

(12) The individual against whom a finding is made is entitled to submit a statement disputing the allegations. Information about the finding, including the individual's statement, must be made available to all requesters.

(13) The findings will remain on the department's nursing assistant registry permanently unless:

(a) The finding is set aside by further administrative or judicial review as provided for in chapter 34.05 RCW;

(b) The department determines that the finding was made in error;

(c) The department removed a single finding of neglect from the nursing assistant registry based upon a petition by the individual as provided in 42 U.S.C. 1396r (g)(1)(C); or

(d) The department is notified of the individual's death.

(14) Information obtained during the investigation into allegations of abuse, neglect and misappropriation of property, and any documents generated by the department will be maintained and disseminated with regard for the privacy of the resident and any reporting individuals and in accordance with laws and regulations regarding confidentiality and privacy.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-077, filed 2/24/00, effective 3/26/00.]

QUALITY OF LIFE

WAC 388-97-08010 Resident dignity and accommodation of needs. (1) Dignity. The nursing home must ensure that:

(a) Resident care is provided in a manner to enhance each resident's dignity, and to respect and recognize his or her individuality; and

(b) Each resident's personal care needs are provided in a private area free from exposure to individuals not involved in providing the care.

(2) Accommodation of needs. Each resident has the right to reasonable accommodation of personal needs and preferences, except when the health or safety of the individual or other residents would be endangered.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-08020 Environment. The nursing home must provide and maintain:

(1) A safe, clean, comfortable, and homelike environment, allowing the resident to use his or her personal belongings to the extent possible;

(2) Housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior;

(3) Comfortable and safe temperature levels:

(a) Facilities licensed after October 1, 1990 must maintain a temperature range of seventy-one to eighty-one degrees Fahrenheit; and

(b) Regardless of external weather conditions, all nursing homes must develop and implement procedures and processes to maintain a temperature level that is comfortable and safe for residents;

(4) Comfortable sound levels, to include:

(a) Minimizing the use of the public address system to ensure each use is in the best interest of the residents; and

(b) Taking reasonable precautions with noisy services so as not to disturb residents, particularly during their sleeping time; and

(5) Lighting suitable for any task the resident chooses to do, and any task the staff must do.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08020, filed 2/24/00, effective 3/26/00.]

WAC 388-97-08030 Self-determination and participation. The resident has the right to:

(1) Choose activities, schedules, and health care consistent with his or her interests, assessments, and plan of care;

(2) Interact with members of the community both inside and outside the nursing home;

(3) Make choices about aspects of his or her life in the facility that are significant to the resident; and

(4) Participate in social, religious, and community activities that do not interfere with the rights of other residents in the nursing home.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08030, filed 2/24/00, effective 3/26/00.]

WAC 388-97-08040 Participation in resident and family groups. (1) A resident has the right to organize and participate in resident groups in the nursing home.

(2) The nursing home must provide a resident or family group, if one exists, with private space.

(3) Staff or visitors may attend meetings only at the group's invitation.

(4) The nursing home must provide a designated staff individual responsible for providing assistance and responding to written requests that result from group meetings.

(5) When a resident or family group exists, the nursing home must 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.

(6) A resident's family has the right to meet in the nursing home with the families of other residents in the facility.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08040, filed 2/24/00, effective 3/26/00.]

WAC 388-97-08050 Activities. The nursing home must:

(1) 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;

(2) Provide activities meaningful to the residents at various times throughout every day and evening based on each resident's need and preference; and

(3) Ensure that the activities program is directed by a qualified professional who:

(a) Is a qualified therapeutic recreation specialist or an activities professional who 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

(b) 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

(c) Is a qualified occupational therapist or occupational therapy assistant.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08050, filed 2/24/00, effective 3/26/00.]

WAC 388-97-08060 Social services. The nursing home must:

(2001 Ed.)

(1) Provide medically-related social services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident; and

(2) Employ a qualified social worker on a full-time basis if the nursing home has more than one hundred twenty beds. A qualified social worker is an individual with:

(a) 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

(b) One year of supervised social work experience in a health care setting working directly with patients or residents.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08060, filed 2/24/00, effective 3/26/00.]

WAC 388-97-08070 Pets. (1) Each resident must have a reasonable opportunity to have regular contact with animals, if desired.

(2) The nursing home must:

(a) Consider the recommendations of nursing home residents, resident councils, and staff;

(b) Determine how to provide residents access to animals;

(c) Determine the type and number of animals available in the facility, which the facility can safely manage. Such animals should include only those customarily considered domestic pets.

(d) Ensure that any resident's rights, preferences, and medical needs are not compromised by the presence of an animal; and

(e) 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.

(3) Animals living on the nursing home premises must:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state; and

(b) Be veterinarian certified to be free of diseases transmittable to humans.

(4) Pets must be restricted from:

(a) Central food preparation areas; and

(b) Residents who object to the presence of pets.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08070, filed 2/24/00, effective 3/26/00.]

RESIDENT ASSESSMENT AND PLAN OF CARE

WAC 388-97-085 Resident assessment. (1) The nursing home must:

(a) Provide resident care based on a systematic, comprehensive, interdisciplinary assessment, and care planning process in which the resident participates, to the fullest extent possible.

(b) Conduct initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity;

(c) At the time each resident is admitted:

(i) Have physician's orders for the resident's immediate care; and

(ii) Ensure that the resident's immediate care needs are identified in an admission assessment; and

(d) 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.

(2) The comprehensive assessment must include at least the following information:

- (a) Identification and demographic information;
- (b) Customary routine;
- (c) Cognitive patterns;
- (d) Communication;
- (e) Vision;
- (f) Mood and behavior patterns;
- (g) Psychosocial well-being;
- (h) Physical functioning and structural problems;
- (i) Continence;
- (j) Disease diagnosis and health conditions;
- (k) Dental and nutritional status;
- (l) Skin conditions;
- (m) Activity pursuit;
- (n) Medications;
- (o) Special treatments and procedures;
- (p) Discharge potential;
- (q) Documentation of summary information regarding

the assessment performed; and

(r) Documentation of participation in assessment.

(3) The nursing home must 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.

(4) The nursing home must ensure that:

(a) Each resident is assessed 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 388-97-090.

(5) The skilled nursing facility and nursing facility must:

(a) For the required assessment, complete the state approved resident assessment instrument (RAI) for each resident in accordance with federal requirements;

(b) Place copies of the completed state approved RAI in each resident's clinical record, unless all charting is computerized;

(c) Maintain all copies of resident assessments completed within the resident's active clinical record for fifteen months;

(d) Assess each resident not less than every three months, using the state approved assessment instrument; and

(e) Transmit all state and federally required RAI information for each resident to the department:

(i) In a manner approved by the department;

(ii) Within ten days of completion of any RAI required under this subsection; and

(iii) Within ten days of discharging or readmitting a resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-085, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-085, filed 9/15/94, effective 10/16/94.]

WAC 388-97-090 Comprehensive plan of care. (1)

The nursing home must develop a comprehensive plan of care 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.

(2) The comprehensive plan of care must:

(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;

(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 388-97-07005 and 388-97-060);

(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 residents needs;

(e) Consist of an ongoing process which includes a meeting if desired by the resident or the resident's representative; and

(f) Include the ongoing participation of the resident to the fullest extent possible, the resident's family or the resident's surrogate decision maker.

(3) The nursing home must implement a plan of care to meet the immediate needs of newly admitted residents, prior to the completion of the comprehensive assessment and plan of care.

(4) The nursing home must:

(a) Follow the informed consent process with the resident as specified in WAC 388-97-060, regarding the interdisciplinary team's plan of care recommendations;

(b) Respect the resident's right to decide plan of care goals and treatment choices, including acceptance or refusal of plan of care recommendations;

(c) Include in the interdisciplinary plan of care 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 individuals, if any, the resident wants to take part in resident plan of care functions;

(e) Provide reasonable advance notice to and reasonably accommodate the resident family members or other individuals the resident wishes to have attend, when scheduling plan of care meeting times; and

(f) Where for practical reasons any individuals significant to the plan of care process, including the resident, are unable to attend plan of care meetings, provide a method for such individuals to give timely input and recommendations.

(5) The nursing home must ensure that each comprehensive plan of care:

(a) Designates the discipline of the individuals responsible for carrying out the program; and

(b) Is reviewed at least quarterly by qualified staff, as part of the ongoing process of monitoring the resident's needs and preferences.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-090, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-090, filed 9/15/94, effective 10/16/94.]

WAC 388-97-097 Dementia care. (1) A nursing home must ensure that it provides residents with dementia with an environment designed to attain or maintain the highest level of functioning and well-being possible, taking into consideration the resident's medical condition and functional status. Therefore, the nursing home must:

(a) Have a program designed to meet the identified needs of the residents;

(b) Develop and implement program policies and procedures.

(c) Train all staff, who have resident contact, in the special needs and care approaches applicable to residents with dementia. This training must be ongoing and consistent with requirements under WAC 388-97-170 (2)(b).

(2) A nursing home that has a locked or secured dementia unit must:

(a) Always have staff present in the unit, available to meet the needs of the residents and to protect them in the event of an emergency;

(b) Have staff available to assist residents, as needed, in accessing outdoor areas;

(c) Have admission, transfer, and discharge criteria which ensures that:

(i) The process of informed consent is followed before admission to or transfer/discharge from the unit;

(ii) The resident is provided with unit specific admission or transfer/discharge criteria, prior to admission to the unit;

(iii) The resident's need for admission to the unit from another part of the nursing home, or transfer/discharge from the unit, is based on the comprehensive assessment and plan of care;

(iv) Through an evaluation prior to admission, a resident admitted directly from outside the nursing home meets the cognitive and functional criteria of the unit;

(v) In the case of an individual admitted directly to the unit from outside the nursing home, as specified in subsection (2)(b)(iv) above, the nursing home may complete the comprehensive assessment after the individual's admission to the unit, provided that the nursing home complies with required time frames for completion of the resident assessment under WAC 388-97-085.

(d) Provide private pay residents, or their surrogate decision maker written notification:

(i) If admitted from outside the nursing home, of additional charges, if any, for services, items, and activities in the unit, prior to admission; and

(ii) If admitted from another part of the nursing home, thirty days in advance of changes to those charges.

(2001 Ed.)

(e) Comply with physical plant requirements in WAC 388-97-350 through 388-97-35060, for existing facilities and for new construction.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-097, filed 2/24/00, effective 3/26/00.]

QUALITY OF CARE

WAC 388-97-110 Quality of care. (1) Consistent with resident rights, the nursing home must provide each resident with 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 his or her comprehensive assessment and plan of care.

(2) Based on the comprehensive assessment of a resident, the nursing home must ensure that:

(a) A resident's abilities in activities of daily living do not decline unless circumstances of the resident's clinical condition demonstrate that the decline was unavoidable. This includes the resident's ability to:

(i) Bathe, dress, and groom;

(ii) Transfer and ambulate;

(iii) Toileting;

(iv) Eat; and

(v) Use speech, language, or other functional communication systems.

(b) A resident is given the appropriate treatment and services to maintain or improve the resident's abilities in activities of daily living specified in subsection (2)(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.

(3) The nursing home must ensure that the appropriate care and services are provided to the resident in the following areas, as applicable in accordance with the resident's individualized assessments and plan of care:

(a) Vision and hearing;

(b) Skin;

(c) Continence;

(d) Range of motion;

(e) Mental and psychosocial functioning and adjustment;

(f) Nasogastric and gastrostomy tubes;

(g) Accident prevention;

(h) Nutrition;

(i) Hydration;

(j) 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) Dental care;

(viii) Foot care; and

(ix) Prostheses.

(k) Medications, including freedom from:

(i) Unnecessary drugs;

(ii) Nursing home error rate of five percent or greater;

and

- (iii) Significant medication errors.
- (l) Self-administration of medication; and
- (m) Independent living skills.

(4) The nursing home must ensure that each resident is monitored for desired responses and undesirable side effects of prescribed drugs.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-110, filed 2/24/00, effective 3/26/00; 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) The nursing home must ensure that 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.

(2) The nursing home must:

(a) Designate a registered nurse or licensed practical nurse to serve as charge nurse, who is accountable for nursing services on each tour of duty; and

(b) Have a full time director of nursing service who is a registered nurse.

(3) The nursing home must 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. "**Directly supervising**" means the supervising individual is on the premises and is quickly and easily available to provide necessary assessments and other direct care of residents; and oversight of supervised staff.

(4) The nursing home must 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.

(5) The director of nursing services is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Ensuring that registered nurses and licensed practical nurses comply with chapter 18.79 RCW; and

(c) Ensuring that the nursing care provided 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. 00-06-028, § 388-97-115, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-115, filed 9/15/94, effective 10/16/94.]

DIETARY SERVICES

WAC 388-97-120 Dietary services. The nursing home must:

(1) Provide each resident with a nourishing, palatable, well-balanced diet that meets their daily nutritional and special dietary needs.

(2) Serve food in an attractive manner and at temperatures safe and acceptable to each resident.

[Title 388 WAC—p. 414]

(3) Ensure that food service is in compliance with chapter 246-215 WAC.

(4) Retain dated menus, dated records of foods received, a record of the number of meals served, and standardized recipes for at least three months for department review as necessary.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-120, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-120, filed 9/15/94, effective 10/16/94.]

WAC 388-97-12010 Meal provision. The nursing home must:

(1) Provide a minimum of three meals in each twenty-four period, at regular times similar to normal meal times in the community;

(2) Make fresh fruits and vegetables, in season, available to residents on a daily basis;

(3) 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 a late breakfast or an alternative to the regular breakfast for late risers; and

(c) Provide food consistent with the cultural and religious needs of the residents.

(4) Use input from residents and the resident council, if the nursing home has one, in meal planning, scheduling, and the meal selection process.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-12020 Individual dietary needs. The nursing home must:

(1) Encourage residents to continue eating independently;

(2) Provide effective adaptive utensils as needed to promote independence;

(3) Allow sufficient time for eating in a relaxed manner;

(4) Provide individualized assistance as needed;

(5) Provide table service, for all residents capable of eating at a table, in a dining area/room, located outside of the resident's room; and

(6) Offer a substitute of similar nutritive value when a resident refuses food served.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12020, filed 2/24/00, effective 3/26/00.]

WAC 388-97-12030 Dietary personnel. The nursing home must have sufficient support personnel capable of carrying out the functions of dietary services and must:

(1) Employ a qualified dietitian either full-time, part-time or on a consultant basis who must:

(a) Approve regular and therapeutic menus which meet the dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences;

(b) Prepare dated menus for general and modified diets at least three weeks in advance;

(c) Provide services which include:

(i) Nutrition assessment;

- (ii) Liaison with medical and nursing staff, and administrator;
- (iii) Inservice training; and
- (iv) Guidance to the director of food service, and food service staff.

(2) If a qualified dietitian is not employed full-time as the food service manager the nursing home must employ a food service manager to serve as the director of food service.

(3) The food service manager means:

(a) An individual who is a qualified dietitian; or

(b) An individual:

(i) Who has completed a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association/Dietary Manager Association; and

(ii) Receives regularly scheduled consultation from a qualified dietitian.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12030, filed 2/24/00, effective 3/26/00.]

WAC 388-97-12040 Dietary menus. The nursing home must:

(1) Ensure that menus are followed;

(2) Post the current dated general menu, including substitutes, in the food service area and in a place accessible and conspicuous to residents and visitors, in print the residents can read; and

(3) Note any changes to the regular menu on the posted menu.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12040, filed 2/24/00, effective 3/26/00.]

WAC 388-97-12050 Diet orders. The nursing home must:

(1) Ensure that 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

(2) Provide supplementary fluid and nourishment in accordance with each resident's needs as determined by the assessment process.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12050, filed 2/24/00, effective 3/26/00.]

WAC 388-97-12060 Modified diets. The nursing home must review a resident's modified diet to ensure that the food form and texture are consistent with the resident's current needs and functional level:

(1) At the request of the resident.

(2) When the resident's condition warrants.

(3) At the time of the plan of care review.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12060, filed 2/24/00, effective 3/26/00.]

WAC 388-97-12070 Tube feedings. If the nursing home prepares tube feeding formula, or mixes additives to the prepared formula it must ensure that:

(1) Each resident's tube feedings are of uniform consistency and quality; and

(2001 Ed.)

(2) Tube feeding formulas are prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12070, filed 2/24/00, effective 3/26/00.]

PHYSICIAN SERVICES

WAC 388-97-125 Physician services. (1) Except as specified in RCW 74.42.200, a physician must personally approve in writing a recommendation that an individual be admitted to a nursing home.

(2) The nursing home must ensure that:

(a) Except as specified in RCW 74.42.200, the medical care of each resident is supervised by a physician;

(b) Another physician supervises the medical care of residents when their attending physician is unavailable; and

(c) Physician services are provided twenty-four hours per day, in case of emergency.

(3) The physician must:

(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.

(4) Except as specified in subsections (5) and (6) of this section, a physician may delegate tasks to a physician's assistant or advanced registered nurse practitioner who is:

(a) Licensed by the state;

(b) Acting within the scope of practice as defined by state law; and

(c) Under the supervision of the physician.

(5) The physician may not delegate a task when the delegation is prohibited under state law or by the facility's own policies.

(6) 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.

(7) 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.

(8) The attending physician, or the physician-designated advanced registered nurse practitioner or physician's assistant must:

(a) Participate in the interdisciplinary plan of care process as described in WAC 388-97-090;

(b) Provide to the resident, or where applicable the resident's surrogate decision maker, information so that the resident can make an informed consent to care or refusal of care (see WAC 388-97-060); and

(c) Order resident self-medication when appropriate.

(9) The nursing home must obtain from the physician 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 a 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. 00-06-028, § 388-97-125, filed 2/24/00, effective 3/26/00; 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) If specialized habilitative and rehabilitative services such as, but not limited to, physical therapy, speech-language pathology, occupational therapy, and mental health rehabilitative services for mental illness and mental retardation, are required in the resident's comprehensive plan of care, the facility must:

(a) Provide the required services; or

(b) Obtain the required services from an outside provider of specialized rehabilitative services.

(2) As determined by the resident's individualized comprehensive plan of care, qualified therapists, as defined in RCW 74.46.020(40), will provide specialized habilitative or rehabilitative services under the written order of the physician. According to state law and at the qualified therapist's discretion, certain services may be delegated to and provided by support personnel under appropriate supervision.

(3) The nursing facility must:

(a) Ensure that residents who display mental or psychosocial adjustment difficulties receive appropriate treatment and services to correct the assessed problem; and

(b) Provide or arrange for the mental health or mental retardation services needed by residents that are of a lesser intensity than the specialized services defined at WAC 388-97-251.

(4) The nursing home may provide specialized rehabilitative and habilitative services to outpatients on the facility premises, only if the nursing home continues to also meet the needs of current residents.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-130, filed 2/24/00, effective 3/26/00; 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) The nursing home must:

(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 must:

(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.

(2) Drugs and biologicals used in the nursing home must be labeled and stored in accordance with applicable state and federal laws.

(3) The nursing home must provide pharmaceutical services that:

(a) Meet recognized and accepted standards of pharmacy practice; and

(b) Comply with chapter 246-865 WAC, except nursing home staff administering drugs to residents may document administration at the time of pouring the drug or immediately after administration.

(4) The nursing home must 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 to determine desired effect and undesirable side effects of drug regimens; and

(iii) Use of psychotropic drugs.

(b) Reference materials regarding medication administration, adverse reactions, toxicology, and poison center information are readily available;

(c) Pharmacist monthly drug review reports are acted on in a timely and effective manner;

(d) Accurate detection, documentation, reporting and resolution of drug errors and adverse drug reactions; and

(e) Only individuals authorized by state law to do so will receive drug orders and administer drugs;

(5) The resident has the right to a choice of pharmacies when purchasing prescription and nonprescription drugs as long as the following conditions are met to ensure the resident is protected from medication errors:

(a) The medications are delivered in a unit of use compatible with the established system of the facility for dispensing drugs; and

(b) The medications are delivered in a timely manner to prevent interruption of dose schedule.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-135, filed 2/24/00, effective 3/26/00; 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) The nursing home must:

(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.

(2) Under the infection control program, the nursing home must:

(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.

(3) Nursing home personnel must handle, store, process, and transport linens so as to prevent the spread of infection.

(4) The nursing home must 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.

(5) The nursing home must provide areas, equipment, and supplies to implement an effective infection control program and 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. 00-06-028, § 388-97-140, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-140, filed 9/15/94, effective 10/16/94.]

WAC 388-97-147 Surveillance, management and early identification of individuals with active tuberculosis.

(1) The nursing home must develop and implement policies and procedures that comply with nationally recognized tuberculosis standards set by the Centers for Disease Control (CDC), and applicable state law. Such policies and procedures include, but are not limited to, the following;

(a) Evaluation of any resident or employee with symptoms suggestive of tuberculosis whether tuberculin skin test results were positive or negative;

(b) Identifying and following up residents and personnel with suspected or actual tuberculosis, in a timely manner; and

(c) Identifying and following up visitors and volunteers with symptoms suggestive of tuberculosis.

(2001 Ed.)

(2) The nursing home must comply with chapter 49.17 RCW, Washington Industrial Safety and Health Act (WISHA) requirements to protect the health and safety of employees.

(3) The nursing home must ensure that tuberculosis screening is carried out as follows:

(a) Skin testing, whether documented historically or performed currently, must be by intradermal (Mantoux) administration of purified protein derivative (PPD) and read in forty-eight to seventy-two hours of administration, by trained personnel, and with results recorded in millimeters of induration;

(b) The nursing home must conduct tuberculin skin testing of residents and personnel, within three days of admission or hire, to establish tuberculosis status.

(c) The skin test must consist of a baseline two step test, given no more than one to three weeks apart, unless the individual meets the requirements in (d) or (e) of this subsection.

(d) An individual does not need to be skin tested for tuberculosis if he/she has:

(i) A documented history of a previous positive skin test results;

(ii) Documented evidence of adequate therapy for active disease; or

(iii) Documented evidence of adequate preventive therapy for infection.

(e) An individual needs to have only a one-step skin test upon admission or employment if:

(i) There was documented history of a negative result from previous two step testing; or

(ii) There was a documented negative result from one step skin testing in the previous twelve months.

(f) Annual one step skin testing for personnel, thereafter.

(4) If the skin test results in a positive reaction the nursing home must:

(a) Ensure that the individual has a chest X-ray within seven days; and

(b) Evaluate each resident or employee, with a positive test result, for signs and symptoms of tuberculosis.

(5) Where tuberculosis is suspected, by presenting symptoms, or diagnosed, for a resident or an employee, the nursing home must:

(a) Notify the local public health officer so that appropriate contact investigation can be performed;

(b) Institute appropriate measures for the control of the transmission of droplet nuclei;

(c) Apply living or work restrictions where residents or personnel are, or may be, infectious and pose a risk to other residents and personnel; and

(d) Ensure that personnel caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection found in WAC 296-62-071.

(6) The nursing home must:

(a) Retain records of the tuberculin test results, reports of X-ray findings, physician or public health official orders, and declination in the nursing home; and

(b) Retain employee tuberculin testing results for the duration of employment; and

(c) Provide the employee a copy of his/her testing results.

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(7) The local health department may require additional tuberculin testing of residents or personnel as necessary for contact investigation.

(8) A resident or employee who has reason to decline skin testing may submit a signed statement to the nursing home giving the reason for declining and evidence to support the reason.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-147, filed 2/24/00, effective 3/26/00.]

WAC 388-97-155 Care of residents with active tuberculosis. (1) When the nursing home accepts the care of a resident with suspected or confirmed tuberculosis, the nursing home must:

(a) Coordinate the resident's admission, nursing home care, discharge planning, and discharge with the local health officer or officer designee;

(b) Provide necessary education about tuberculosis for staff, visitors, and residents; and

(c) Ensure that personnel caring for a resident with active tuberculosis comply with the WISHA standards for respiratory protection, WAC 246-62-071.

(2) For a resident who requires respiratory isolation for tuberculosis, the nursing home must:

(a) Provide a private or semiprivate isolation room:

(i) In accordance with WAC 388-97-33040;

(ii) In which, construction review of the department of health determines that 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, or other measures deemed appropriate to protect others in the facility;

(iii) However, when a semiprivate isolation room is used, only residents requiring respiratory isolation for confirmed or suspected tuberculosis are placed together.

(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.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-155, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-155, filed 9/15/94, effective 10/16/94.]

ADMINISTRATION

WAC 388-97-160 General administration. (1) The nursing home must 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.

(2) 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 individuals functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the nursing home.

(3) The governing body of the nursing home must appoint the administrator who:

(a) Is licensed by the state;

(b) Is responsible for management of the facility;

(c) Keeps the licensee informed of all surveys and notices of noncompliance;

(d) Complies with all requirements of chapter 18.52 RCW, and all regulations put into effect under the chapter;

(e) Is an onsite, full-time individual in active administrative charge at the premises of only one nursing home, a minimum of four days and an average of forty hours per week. Exception: Onsite, full-time administrator with small resident populations or in rural areas will be defined as an individual in active administrative charge at the premises of only one nursing home:

(i) A minimum of four days and an average of twenty hours per week at facilities with one to thirty beds; or

(ii) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine beds; and

(4) Nursing homes temporarily without an administrator may operate up to four continuous weeks under a responsible individual authorized to act as administrator designee. The designee must be qualified by experience to assume designated duties and the nursing home must have a written agreement with a Washington State licensed nursing home administrator who must be available to consult with the designee.

(5) The nursing home must 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 individual to furnish a specific service to be provided by the nursing home, the nursing home must:

(a) Have that service furnished to residents by an individual or agency outside the nursing home under a written arrangement or agreement; and

(b) Ensure the arrangement or agreement referred to in (a) of this subsection 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 must:

(a) Report to the local law enforcement agency and the department any individual threatening bodily harm or causing a disturbance which threatens any individual's welfare and safety;

(b) Identify, investigate, and report incidents involving residents, according to established nursing home guidelines; and

(c) Comply with "whistle blower" rules as defined in chapter 74.34 RCW. "Whistle blower" means a resident or

employee of a nursing home, or any individual licensed under Title 18 RCW, who in good faith reports alleged abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property to the department.

(8) The department will:

(a) Discourage "whistle blower" complaints made in bad faith;

(b) Take action against a nursing home that is found to have used retaliatory treatment toward a resident or employee who has voiced grievances; and

(c) Investigate complaints, made to the department's toll free number, according to established protocols.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-160, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-160, filed 9/15/94, effective 10/16/94.]

WAC 388-97-162 Required notification and reporting. (1) The nursing home and mandatory reporters under chapter 74.34 RCW are responsible for the reporting and notification requirements found in this section and elsewhere in this chapter.

(2) The nursing home and mandatory reporters, where applicable, must immediately notify the department's aging and adult services administration (AASA) of:

(a) Any allegations of resident abandonment, abuse, or neglect, including substantial injuries of an unknown source, financial exploitation and misappropriation of a resident's property;

(b) Any unusual event, having an actual or potential negative impact on residents, requiring the actual or potential implementation of the nursing home's disaster plan. These unusual events include but are not limited to those listed under WAC 388-97-185 (1)(a) through (k), and could include the evacuation of all or part of the residents to another area of the nursing home or to another address; and

(c) Circumstances which threaten the nursing home's ability to ensure continuation of services to residents.

(3) The nursing home must notify the department's AASA of:

(a) Physical plant changes, including but not limited to:

(i) New construction;

(ii) Proposed resident area or room use change;

(iii) Resident room number changes; and

(iv) Proposed bed banking;

(b) Mechanical failure of equipment important to the everyday functioning of the facility, which cannot be repaired within a reasonable time frame, such as an elevator; and

(c) An actual or proposed change of ownership (CHOW).

(4) The nursing home must notify, in writing, the department's AASA and each resident, of a loss of, or change in, the nursing home's administrator or director of nursing services at the time the loss or change occurs.

(5) The nursing home licensee must notify the department in writing of any change in the name of the licensee, or of the nursing home, at the time the change occurs.

(6) If a licensee operates in a building it does not own, the licensee must immediately notify the department of the occurrence of any event of default under the terms of the lease, or if it receives verbal or written notice that the lease

agreement will be terminated, or that the lease agreement will not be renewed.

(7) The nursing home must report any case or suspected case of a reportable disease to the appropriate department of health officer and must also notify the appropriate department(s) of other health and safety issues, according to state and local laws.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-162, filed 2/24/00, effective 3/26/00.]

WAC 388-97-165 Staff and equipment. (1) The nursing home must ensure that:

(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;

(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 must ensure that any employee giving direct resident care, excluding professionally licensed nursing staff:

(a) Has successfully completed or is a student in a DSHS-approved nursing assistant training program; and

(b) Meets other requirements applicable to individuals performing nursing related duties in a nursing home, including those which apply to minors.

(3) The nursing home must 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. 00-06-028, § 388-97-165, filed 2/24/00, effective 3/26/00; 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 must have a staff development program that is under the direction of a designated registered nurse or licensed practical nurse.

(2) The nursing home must:

(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 must:

(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. 00-06-028, § 388-97-170, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-170, filed 9/15/94, effective 10/16/94.]

WAC 388-97-175 Medical director. (1) The nursing home must designate a physician to serve as medical director.

(2) 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. 00-06-028, § 388-97-175, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-175, filed 9/15/94, effective 10/16/94.]

WAC 388-97-180 Clinical records. (1) The nursing home must:

(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.

(2) The nursing home must 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 individual or individuals the resident designates as significant;

(b) Medical information required under WAC 388-97-125;

(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 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.

(3) The nursing home must:

(a) Designate an individual 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 must ensure the register includes discharges for social leave and transfers to other treatment facilities in excess of twenty-four hours.

(4) The nursing home must ensure the clinical record of each resident:

(a) Is documented and authenticated accurately, promptly and legibly by individuals giving the order, making the observation, performing the examination, assessment, treatment or providing the care and services. "**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 individual; and:

(i) Documents from other health care facilities that are clearly identified as being authenticated at that facility will be considered authenticated at the receiving facility; and

(ii) The original or a durable, legible, direct copy of each document will 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.

(5) In cases where the nursing home maintains records by computer rather than hard copy, the nursing home must:

(a) Have in place safeguards to prevent unauthorized access; and

(b) Provide for reconstruction of information.

(6) The nursing home must:

(a) Retain health records for the time period required in RCW 18.51.300:

(i) For a period of no less than eight years following the most recent discharge of the resident; except

(ii) That the records of minors must be retained for no less than three years following the attainment of age eighteen years, or ten years following their most recent discharge, whichever is longer.

(b) In the event of a change of ownership, provide for the orderly transfer of clinical 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 clinical records.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-180, filed 2/24/00, effective 3/26/00; 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) The nursing home must develop and implement detailed written plans and procedures to meet potential emergencies and disasters. At a minimum the nursing home must ensure these plans provide for:

(a) Fire or smoke;

(b) Severe weather;

(c) Loss of power;

(d) Earthquake;

(e) Explosion;

(f) Missing resident, elopement;

(g) Loss of normal water supply;

(h) Bomb threats;

(i) Armed individuals;

(j) Gas leak, or loss of service; and

(k) Loss of heat supply.

(2) The nursing home must train all employees in emergency procedures when they begin 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 must 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. 00-06-028, § 388-97-185, filed 2/24/00, effective 3/26/00; 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) The nursing home must 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.

(2) The nursing home must ensure the quality assessment and assurance process:

(a) Seeks out and incorporates input from the resident and family councils, if any, or individual residents and support groups; and

(b) Reviews expressed concerns and grievances.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-190, filed 2/24/00, effective 3/26/00; 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 must develop and implement written policies and procedures, including those specified in RCW 74.42.430, for all services provided in the facility.

(2) The nursing home must ensure the written policies and procedures:

(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 readily available to staff, residents, members of residents' families, the public, and representatives of the department;

(c) Are current, and continued without interruption in the event of staff changes; and

(d) Are consistent with other state and federal laws applicable to nursing home operations.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-195, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-195, filed 9/15/94, effective 10/16/94.]

WAC 388-97-202 Criminal history disclosure and background inquiries. (1) Except as provided in this section, a nursing home must not employ any individual, directly or by contract, or accept as a volunteer or student, any individual who may have regularly scheduled unsupervised access to residents if the individual:

(a) Has been convicted of a "crime against children and other persons" as defined in RCW 43.43.830, unless the individual has been convicted of one of the five crimes listed below and the required number of years has passed between the most recent conviction and the date of the application for employment:

(i) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed;

(ii) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed;

(iii) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed;

(iv) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed; or

(v) Forgery, or the same offense as forgery may hereafter be renamed, and five or more years have passed.

(b) Has been convicted of crimes relating to financial exploitation as defined under RCW 43.43.830;

(c) Has been found, by a court of law, to have abused, neglected, exploited, or abandoned a minor or vulnerable adult in criminal, dependency or domestic relations proceeding. A "vulnerable adult" is defined in chapter 74.34 RCW;

(d) Was subject to an order of protection under chapter 74.34 RCW for abandonment, abuse, neglect, or financial exploitation of a vulnerable adult, or misappropriation of resident property; or

(e) Has been found to have neglected, exploited, or abandoned a minor or vulnerable adult by a disciplining authority, including the state department of health, or by the department's resident protection program.

(2) A nursing home may conditionally employ an individual pending a background inquiry provided the nursing home requests the inquiry within seventy-two hours of the conditional employment.

(3) A nursing home licensed under chapter 18.51 RCW must 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 chapters 18.51, 18.20, and 70.128 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 the Washington state patrol within the two years of 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; and

(e) A nursing home may not rely on a criminal background inquiry from a former employer, including a nursing pool, if the nursing home knows or has reason to know that the applicant has, or may have, a disqualifying conviction or finding.

(4) Nursing homes must:

(a) Request a background inquiry of any individual employed, directly or by contract, or accepted as a volunteer or student; and

(b) Notify appropriate licensing or certification agency of any individual resigning or terminated as a result of having a conviction record.

(5) Before a nursing home employs any individual, directly or by contract, or accepts any individual as a volunteer or student, a nursing home must:

(a) Inform the individual that the facility must make a background inquiry and require the individual to sign a disclosure statement, authorizing the inquiry; or

(b) Inform the individual that he or she may make a request for a copy of a completed background inquiry of this section; and

(c) Require the individual to sign a statement authorizing the nursing home, the department, and the Washington state patrol to make a background inquiry; and

(d) Verbally inform the individual of the background inquiry results within seventy-two hours of receipt.

(6) The nursing home must establish procedures ensuring that:

(a) The individual is verbally informed of the background inquiry results within seventy-two hours of receipt;

(b) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;

(c) Disclosure statements and background inquiry responses are used for employment purposes only;

(d) Disclosure statements and background inquiry responses are not disclosed to any individual except:

(i) The individual about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state employees including the department's licensure and certification staff, resident protection program staff and background inquiry unit staff;

(iii) Authorized federal employees including those from the Department of Health and Human Services, Health Care Financing Administration;

(iv) The Washington state patrol auditor; and

(v) Potential employers licensed under chapters 18.51, 18.20, and 70.128 RCW who are making a request as provided for under subsection (3) of this section; and

(e) A record of findings be retained by the facility for twelve months beyond the date of employment termination.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-202, filed 2/24/00, effective 3/26/00.]

MISCELLANEOUS SERVICES

WAC 388-97-205 Laundry services. (1) The nursing home must meet the requirements of WAC 388-97-347, and:

(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) For residents' personal clothing, the nursing home:

(a) Must have a system in place to ensure that personal clothing is not damaged or lost during handling and laundering; and

(b) May use department approved chemical disinfection in lieu of the hot water disinfection.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-205, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-205, filed 9/15/94, effective 10/16/94.]

WAC 388-97-212 Short-term care, including respite services and adult day or night care. (1) The nursing home may provide short-term care to individuals which include:

(a) Respite services to provide relief care for families or other caregivers of individuals with disabilities which must:

(i) Provide short-term care and supervision in substitution for the caregiver;

(ii) Be for short-term stays up to a maximum of thirty-one days; and

(iii) Not be used as a short-term placement pending the individual's admission to the nursing home; and

(b) Adult day or night care to provide short-term nursing home care:

(i) Not to exceed sixteen hours each day; and

(ii) May be on a regular or intermittent basis.

(2) The nursing home providing respite services, and adult day or night care must:

(a) Develop and implement policies and procedures consistent with this section;

(b) Ensure that individuals receiving short-term services under respite or adult day or night care are treated and cared for in accordance with the rights and choices of long-term residents, except for transfer and discharge rights which are provided under the program for short-term services which covers the individual in the nursing home;

(c) Have appropriate and adequate staff, space, and equipment to meet the individual's needs without jeopardy to the care of regular residents;

(d) Before or at the time of admission, obtain sufficient information to meet the individual's anticipated needs. At a minimum, such information must include:

(i) The name, address, and telephone number of the individual's attending physician, and alternate physician if any;

(ii) Medical and social history, which may be obtained from a respite care assessment and service plan performed by a case manager designated by an area agency on aging under contract with the department, and mental and physical assessment data; and

(iii) Physician's orders for diet, medication and routine care consistent with the individual's status on admission.

(e) Ensure the individuals have assessments performed, where needed, and where the assessment of the individual reveals symptoms of tuberculosis, follow tuberculosis testing requirements under WAC 388-97-147;

(f) With the participation of the individual and, where appropriate, their representative, develop a plan of care to maintain or improve their health and functional status during their stay or care in the nursing home;

(g) Provide for the individual to:

(i) Bring medications from home in accordance with nursing home policy; and

(ii) Self-medicate where determined safe.

(h) Promptly report injury, illness, or other adverse change in health condition to the attending physician; and

(i) Inquire as to the need for and comply with any request of the individual, or where appropriate, the individual's representative, to secure cash and other valuables brought to the nursing home during the stay/care.

(3) The nursing home may, in lieu of opening a new record, reopen the individual's clinical record with each period of stay or care up to one year from the previous stay or care, provided the nursing home reviews and updates the recorded information.

(4) Medicaid certified nursing facilities must complete the state-approved resident assessment instrument, within fourteen days, for any individual whose respite stay exceeds fourteen days.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-212, filed 2/24/00, effective 3/26/00.]

WAC 388-97-220 Dialysis services. (1) The nursing home must ensure that appropriate care, treatment, and services are provided to each nursing home resident receiving dialysis. "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 semi-permeable membrane.

(2) Dialysis for acute renal failure must not be administered in a nursing home.

(3) 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 individuals representing the kidney center, the resident, the resident's nephrologist, and the nursing home. A "**kidney center**" means those facilities as defined and certified by the federal government to provide end stage renal (ESRD) services.

(4) The nursing home must ensure that:

(a) A current written agreement is in effect with each kidney center responsible for the management and care of each nursing home resident undergoing dialysis; and

(b) Such agreement delineates the functions, responsibilities, and services of both the kidney center and the nursing home.

(5) The kidney center must assist the nursing home in ensuring appropriate care, treatment, and services related to dialysis. Responsibilities of the kidney center must include, but not be limited to:

(a) The provision of clinical and chemical laboratory services;

(b) The services of a qualified dietitian;

(c) Social services;

(d) Preventative maintenance and emergency servicing of dialysis and water purification equipment;

(e) The certification and continuing education of dialysis helpers and periodic review and updating of dialysis helpers' competencies. A "dialysis helper" means an individual who has completed an inservice class approved by the kidney center and has been hired by the resident to provide to the resident care related only to the dialysis treatment;

(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.

(6) 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; and

(b) When a dialysis helper is not a registered nurse, the nursing home must have a registered nurse who has completed an in-service class approved by the kidney center, on the premises during dialysis.

(7) A physician, designated or approved by the kidney center, must be on call at all times dialysis is being administered in the nursing home.

(8) The resident's attending physician and the kidney center must provide, or direct and supervise, the continuing medical management and surveillance of the care of each nursing home resident receiving dialysis.

(9) The nursing home must:

(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.

(10) The dialysis room in the nursing home must be in compliance with federal standards established 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. 00-06-028, § 388-97-220, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-220, filed 9/15/94, effective 10/16/94.]

PRE-ADMISSION SCREENING AND RESIDENT REVIEW (PASRR) IN MEDICAID CERTIFIED FACILITIES

WAC 388-97-247 Pre-admission screening—Level I.

(1) Pre-admission screening (PAS) is a process by which individuals are evaluated:

(a) For the presence of a serious mental illness or a developmental disability, before admission to the nursing facility;

(b) For nursing facility level of care; and

(c) If the individual does have either a serious mental illness or a developmental disability, to determine whether there is a need for specialized services, or services of a lesser intensity.

(2) The referring hospital, physician, or other referral source must:

(a) Perform the identification screen using a standardized department-specified Level I screening form for all individuals seeking admission to a nursing facility unless they:

(i) Are being readmitted to the nursing facility from the hospital; or

(ii) Are being transferred from one nursing facility to another, with or without an intervening hospital stay.

(b) Identify whether the individual may have a serious mental illness or a developmental disability as defined under 42 C.F.R. §483.102, or successor laws; and

(c) Refer all individuals identified as likely to have a serious mental illness or a developmental disability to the department for a nursing facility level of care assessment and a Level II screening.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-247, filed 2/24/00, effective 3/26/00.]

WAC 388-97-249 Advanced categorical determinations, not subject to pre-admission screening—Level II. Individuals identified as having symptoms of mental illness or a developmental disability and meeting any of the

advanced categorical determinations do not need to be referred for a Level II screening. The determinations include that the individual:

(1) Is admitted to the nursing facility for respite care as defined under WAC 388-97-212, or convalescent care, following treatment in an acute care hospital, not to exceed thirty days;

(2) Cannot accurately be diagnosed because of delirium. NOTE: The individual would be subject to a Level II screening when the delirium cleared;

(3) Has been certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(4) Has been diagnosed with a severe physical illness such as coma, ventilator dependence, and is functioning at a brain stem level;

(5) Has a severe level of impairment from diagnoses such as:

(a) Chronic obstructive pulmonary disease;

(b) Parkinson's disease;

(c) Huntington's chorea;

(d) Amyotrophic lateral sclerosis;

(e) Congestive heart failure; or

(6) Has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder. NOTE: There must be evidence to support this determination.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-249, filed 2/24/00, effective 3/26/00.]

WAC 388-97-251 Pre-admission screening—Level II.

(1) For individuals likely to have a serious mental illness or developmental disability, the department must determine their need for nursing facility level of care. If they meet the nursing facility level of care, the department refers them to the department's designee, either the mental health PASRR contractor or the division of developmental disabilities, for a Level II screening.

(2) In the Level II screening, the department's designee will verify the diagnosis and determine whether the referred individuals need specialized services, or services of a lesser intensity:

(a) "**Specialized services**" for an individual with mental retardation or related conditions is defined under 42 C.F.R. §483.120 (a)(2), and §483.440 (a)(1), or successor laws. These specialized services do not include services to maintain a generally independent individual able to function with little supervision or in the absence of a treatment program; and

(b) "**Specialized services**" for an individual with a serious mental illness is defined under 42 C.F.R. §483.120 (a)(1), or successor laws. These services are generally considered acute psychiatric inpatient care, emergency respite care, or stabilization and crisis services.

(3) The need for specialized services, for a nursing facility applicant, will be determined as follows:

(a) If the individual is identified as likely to have a serious mental illness, a qualified mental health professional will verify whether the individual has a serious mental illness and, if so, will recommend whether the individual needs specialized services; and

(b) If the individual is identified as likely to have a developmental disability, a licensed psychologist will verify whether the individual has a developmental disability and, if so, staff of the division of developmental disabilities will assess and determine whether the individual requires specialized services.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-251, filed 2/24/00, effective 3/26/00.]

WAC 388-97-253 Resident review. After a resident's admission to the nursing facility must:

(1) Review the Level I screening form for accuracy and make changes as needed if the resident develops a qualifying diagnosis or if the resident's symptoms were undetected or misdiagnosed; and

(2) Refer residents who have qualifying diagnoses and who require further PASRR assessment to the mental health PASRR contractor or division of development disabilities;

(3) 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;

(4) Maintain the identification screen form and PASRR assessment information, including recommendations, in the resident's active clinical record; and

(5) Promptly notify the mental health PASRR contractor or division of developmental disabilities after a significant change in the physical or mental condition of any resident that is mentally ill or mentally retarded.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-253, filed 2/24/00, effective 3/26/00.]

WAC 388-97-260 Pre-admission screening and resident review (PASRR) determination and appeal rights.

(1) The resident has the right to choose to remain in the nursing facility and receive specialized services if:

(a) He or she has continuously resided in a nursing facility since October 1, 1987; and

(b) The department determined, in 1990, that the resident required specialized services for a serious mental illness or developmental disability but did not require nursing facility services.

(2) In the event that residents chose to remain in the nursing facility as outlined in subsection (1) above, the department, or designee, will 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.

(3) A nursing facility applicant or resident who has been adversely impacted by a PASRR determination may appeal the department's determination of:

(a) Not in need of nursing facility care as defined under WAC 388-97-022;

(b) Not in need of specialized services as defined under WAC 388-97-251; or

(c) Need for specialized services as defined under WAC 388-97-251.

(4) The nursing facility must assist the applicant or resident, as needed, in requesting a hearing to appeal the department's PASRR determination.

(2001 Ed.)

(5) If the department's PASRR determination requires that a resident be transferred or discharged, the department will:

(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 administrative hearings on or before the date of transfer or discharge set forth in the written transfer or discharge notice; and

(iii) The resident will 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.

(6) The department's home and community services may pay for the resident's nursing facility services after the time specified in subsection (3)(c)(iii) of this section, if the department determines that a location appropriate to the resident's medical and other needs is not available.

(7) The department will:

(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:

(i) If the office of administrative hearings receives an appeal on or before the date set for transfer or discharge or before the resident is actually transferred or discharged; and

(ii) Until the office of appeals makes a determination; and

(c) Provide assistance to the resident for relocation necessitated by the department's PASRR determination.

(8) Resident appeals of PASRR determinations will 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 will prevail.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-260, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-260, filed 9/15/94, effective 10/16/94.]

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

WAC 388-97-285 Intermediate care facilities for the mentally retarded. (1) An ICF/MR nursing facilities must meet the requirements of 42 C.F.R. §483. Subpart I and the requirements of this subchapter except that in an ICF/MR nursing facility:

[Title 388 WAC—p. 425]

(a) There must be at least one registered nurse or licensed practical nurse on duty eight hours per day, and additional licensed staff on any shift if indicated. WAC 388-97-115 (2)(a) and (3)(a) and (b) do not apply to ICF/MR nursing facilities; and

(b) A medical director is not required.

(2) Staff from the division of developmental disabilities will approve of social/therapeutic leave for individuals who reside in ICF/MR nursing facilities.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-285, filed 2/24/00, effective 3/26/00.]

SUBCHAPTER II PHYSICAL ENVIRONMENT

GENERAL

WAC 388-97-295 Design. The design of a nursing home must facilitate resident-centered care and services in a safe, clean, comfortable and homelike environment that allows the resident to use his or her personal belongings to the greatest extent possible.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-295, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-295, filed 9/15/94, effective 10/16/94.]

WAC 388-97-29510 New construction compliance. The nursing home must ensure that: (1) New construction complies with all the requirements of subchapter II;

(2) New construction approved by the department of health, certificate of need and construction review, before the effective date of this chapter complies with the rules in effect at the time of the plan approval;

(3) The department of health, certificate of need and construction review, is contacted for review and issues an applicable determination and approval for all new construction; and

(4) The department has done a pre-occupancy survey and has determined that the new construction is in compliance with these regulations before the area is placed in use.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29510, filed 2/24/00, effective 3/26/00.]

WAC 388-97-29520 Fire standards and approval, and other standards. The nursing home must: (1) Conform to at least the minimum standards for the prevention of fire, and for the protection of life and property against fire, according to the Uniform Fire Code, RCW 19.27.031, the federal Life Safety Code, and additional state guidelines in chapter 212-12 WAC; and

(2) Comply with all other applicable requirements of state and federal law.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29520, filed 2/24/00, effective 3/26/00.]

WAC 388-97-29530 Maintenance and repair. All nursing homes must: (1) Maintain electrical, mechanical, and patient care equipment in safe and operating condition; and

(2) 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. 00-06-028, § 388-97-29530, filed 2/24/00, effective 3/26/00.]

WAC 388-97-29540 Noise. (1) All nursing homes must maintain comfortable sound levels, to include minimizing the use of the public address system and taking reasonable precautions with noisy services so residents are not disturbed, particularly during their sleeping time; and

(2) **In new construction**, the nursing home must:

(a) Have walls, floor/ceiling and roof/ceiling assemblies constructed with materials that provide comfortable sound levels in all resident areas, rated at an STC 50 or greater; and

(b) Utilize an alternative to the public address system for nonemergency communication that best serves the residents' needs.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29540, filed 2/24/00, effective 3/26/00.]

WAC 388-97-29550 Accessibility in new construction. The nursing home must be readily accessible to a person with disability and comply with WAC 388-97-410.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29550, filed 2/24/00, effective 3/26/00.]

WAC 388-97-29560 Types of new construction. New construction includes, but is not limited to: (1) New structures.

(a) A new building to be licensed as a nursing home; or

(b) An addition to a building currently licensed as a nursing home.

(2) Existing buildings.

(a) Conversion of another building to a nursing home;

(b) Change in the use of space for access by residents within an existing nursing home; and

(c) Alterations including physical, mechanical, or electrical changes made to an existing nursing home, except for normal routine maintenance and repair.

(3) See WAC 388-97-400(3) for less extensive alterations.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29560, filed 2/24/00, effective 3/26/00.]

WAC 388-97-310 ICF/MR exceptions to physical plant requirements. The following regulations do not apply to nursing homes certified exclusively under 42 C.F.R. §483, Subpart I, or successor laws.

(1) WAC 388-97-33020, regarding the required number of square feet per bed; and

(2) WAC 388-97-33570, regarding cubicle curtains.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-310, filed 2/24/00, effective 3/26/00; 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 must 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.

(2) The nursing home must ensure the alternate source is a generator:

- (a) With on-site fuel supply;
- (b) Permanently fixed in place;
- (c) Approved for emergency service; and
- (d) An on premises emergency generator, as defined in NFPA 99, Health care facilities, when life support systems are used.

(3) The nursing home must 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.

(4) A nursing home first licensed on or after October 1, 1981, must have emergency power supplied to:

(a) 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; and

(b) Electrical outlets located in medication preparation areas, pharmacy dispensing areas, staff work stations, dining areas, resident corridors, and resident bed locations designated for use with life support systems.

(5) **In new construction** the emergency power equipment must meet the:

(a) Earthquake standards for the facility's geographic locale; and

(b) Requirements in NFPA 110, Generators.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-315, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-315, filed 9/15/94, effective 10/16/94.]

RESIDENT CARE UNIT

WAC 388-97-325 Location of the resident care unit.

The nursing home must ensure that:

(1) Each resident care unit is located to minimize through traffic to any general service, diagnostic, treatment, or administrative area; and

(2) **In new construction**, the resident care unit, and the services to support resident care and nursing needs, are designed to serve a maximum of sixty beds on the same floor.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-325, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-325, filed 9/15/94, effective 10/16/94.]

WAC 388-97-32510 Required service areas on resident care units. (1) The nursing home must ensure each resident care unit has at least the following required service areas:

- (a) A staff work station;
- (b) A medicine storage and preparation area;
- (c) A utility room that maintains separated clean and soiled functions;
- (d) Storage space for linen, other supplies, and equipment; and
- (e) Housekeeping services and janitor's closet.

(2) **In new construction** resident care units may share required services if the units are in close proximity to each

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other and the combined units serve a total of not more than sixty residents; except the nursing home must have a separate staff work station on a secured dementia care unit.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32510, filed 2/24/00, effective 3/26/00.]

WAC 388-97-32520 Staff work stations on resident care units. (1) On each unit, the nursing home must have a staff work station appropriate to the needs of staff using the space. At a minimum, the nursing home must 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.

(2) **In new construction** the work station space must be open to the corridor.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32520, filed 2/24/00, effective 3/26/00.]

WAC 388-97-32530 Call systems on resident care units. The nursing home must provide the following, or an equivalent system that meets these standards:

(1) A wired or wireless 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 must be equipped to receive resident calls from:

- (a) The bedside of each resident;
- (b) Every common area, dining and activity areas, common use toilet rooms, and other areas used by residents; and
- (c) Resident toilet, bath and shower rooms.

(2) An emergency signal device activated by a nonconductive pull cord, or adapted to meet the needs of the resident. The nursing home must locate the signal device for easy reach by the resident. A signal device must be adapted to meet resident needs and, in the dementia unit, may be adapted for staff and family use, see WAC 388-97-35050.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32530, filed 2/24/00, effective 3/26/00.]

WAC 388-97-32540 Telephones on resident care units. The nursing home must provide twenty-four hour access to a telephone for resident use which:

- (1) Provides auditory privacy;
- (2) Is accessible to a person with a disability and accommodates a person with sensory impairment;
- (3) Is not located in a staff office or at a nurse's station; and
- (4) Does not require payment for local calls.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32540, filed 2/24/00, effective 3/26/00.]

WAC 388-97-32550 Utility service rooms on resident care units. (1) All nursing homes must:

(a) Provide utility rooms designed, equipped, and maintained to ensure separation of clean and sterile supplies and equipment from those that are contaminated;

- (b) Ensure that each clean utility room has:
- (i) A work counter;
 - (ii) A sink equipped with single use hand drying towels and soap for handwashing; and
 - (iii) Closed storage units for supplies and small equipment; and
- (c) Ensure that each soiled utility room 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, including equipment, to meet nursing home needs;
 - (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.
- (2) **In new construction:**
- (a) A resident room must not be more than ninety feet from a clean utility room and a soiled utility room;
 - (b) The clean utility room and the soiled utility room must be separate rooms;
 - (c) Each soiled utility room must contain:
 - (i) A double-compartment sink with inside dimensions of each compartment deep enough to totally submerge items being cleaned and disinfected;
 - (ii) Sufficient, available work surface on each side of the sink to adequately process and dry equipment with a minimum of three feet of work surface on the clean side;
 - (iii) Drying/draining racks for wet equipment;
 - (iv) Work counters, sinks, and other fixed equipment arranged to prevent intermingling of clean and contaminated items during the cleaning process; and
 - (v) A siphon jet type clinic service sink or equivalent installed on the soiled side of the utility room away from the door.
 - (d) The nursing home's space for waste containers, linen hampers, and other large equipment, must not block work areas; and
 - (e) The utility rooms must meet the ventilation requirements of Table 5, WAC 388-97-47020.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32550, filed 2/24/00, effective 3/26/00.]

WAC 388-97-32560 Drug facilities on resident care units. The nursing home must provide an area designed and equipped for drug preparation and locked storage convenient to each work station. The nursing home must ensure:

- (1) The drug facilities are well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units;
- (2) The drug storage units are one or more of the following:
 - (a) Locked cabinetry constructed in accordance with board of pharmacy regulations for drug storage which has:
 - (i) Separately keyed storage for Schedule II and III controlled substances; and
 - (ii) Segregated storage of different residents' drugs, or
 - (b) An automated medication distribution device or storage.

(3) There is a refrigerator for storage of thermolabile drugs in the drug facility;

(4) Locks and keys for drug facilities are different from other locks and keys within the nursing home; and

(5) **In new construction**, the drug facility must be a separate room.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32560, filed 2/24/00, effective 3/26/00.]

WAC 388-97-32570 Linen storage on resident care units. The nursing home must provide:

(1) A clean area for storage of clean linen and other bedding. This may be an area within the clean utility room;

(2) A soiled linen area for the collection and temporary storage of soiled linen. This may be within the soiled utility room; and

(3) **In new construction**, storage for linen barrels and clean linen carts.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32570, filed 2/24/00, effective 3/26/00.]

WAC 388-97-32580 Janitors closets on resident care units. (1) The nursing home must have a janitors closet with a service sink and adequate storage space for housekeeping equipment and supplies convenient to each resident unit.

(2) **In new construction** a janitor's closet must meet the ventilation requirements of Table 5, WAC 388-97-47020.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32580, filed 2/24/00, effective 3/26/00.]

RESIDENT ROOMS

WAC 388-97-330 Resident rooms. (1) The nursing home must ensure that each resident bedroom:

- (a) Has direct access to a hall or corridor;
- (b) Is located on an exterior wall with a transparent glass window; and
- (c) Is located to prevent through traffic.

(2) **In a new building or addition**, each resident bedroom must:

- (a) Have an exterior transparent glass window:
 - (i) With an area equal to at least one-tenth of the bedroom usable floor area;
 - (ii) 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;
 - (iii) Located eight feet or more from any exterior walkway, paved surface, or driveway; and
 - (iv) With a sill three feet or less above the floor.
- (b) Be located on a floor level at or above grade level except for earth berms. "Grade" means the level of ground adjacent to the building floor level measured at the required exterior window. 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 to the maximum sill height of the required window at a rate of one foot vertical for two feet horizontal.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-330, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-330, filed 9/15/94, effective 10/16/94.]

WAC 388-97-33010 Capacity of resident rooms. (1)

The nursing home must ensure that any resident bedroom has:

- (a) No more than two beds between any resident bed and exterior window wall; and
- (b) A maximum capacity of four beds.

(2) **In a new building, addition, or change of use to a resident bedroom** the maximum capacity is two beds per room, for plans submitted after September 1, 1995.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-33020 Size of resident rooms. The nursing home must ensure that minimum usable room space exclusive of toilet rooms, closets, lockers, wardrobes, must:

(1) In existing facilities, 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;

(2) **In a new building or addition**, be one-hundred and ten square feet per bed in multi-bed rooms, and one-hundred square feet in single bed rooms;

(3) **In new construction**, ensure that the minimum usable room space is also exclusive of vestibules; and

(4) For exceptions to room size requirements refer to WAC 388-97-310.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33020, filed 2/24/00, effective 3/26/00.]

WAC 388-97-33030 Privacy in resident rooms. The nursing home must ensure that each resident bedroom is designed or equipped to ensure full visual privacy for each resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33030, filed 2/24/00, effective 3/26/00.]

WAC 388-97-33040 Resident isolation rooms. If a nursing home provides an isolation room, the nursing home must ensure the room is uncarpeted and contains:

(1) A handwashing sink with water supplied through a mixing valve;

(2) Its own adjoining toilet room containing a bathing facility; and

(3) **In new construction**, the handwashing sink must be located between the entry door and the nearest bed.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33040, filed 2/24/00, effective 3/26/00.]

WAC 388-97-33050 Resident room size variance. The director of residential care services, aging and adult services administration, or their designee, may permit exceptions to WAC 388-97-33010 (1)(a) and 388-97-33020(1) when the nursing home demonstrates in writing that the exception:

(1) Is in accordance with the special needs of the resident; and

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(2) Will not adversely affect any resident's health or safety.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33050, filed 2/24/00, effective 3/26/00.]

RESIDENT ROOM EQUIPMENT

WAC 388-97-335 Resident room equipment. The nursing home must determine a resident's furniture and equipment needs at the time of admission and routinely thereafter to ensure resident comfort. Except as specified in WAC 388-97-07060, the nursing home must provide each resident with the following items required in WAC 388-97-33510 through 388-97-33580.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-335, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-335, filed 9/15/94, effective 10/16/94.]

WAC 388-97-33510 Resident bed and bedside equipment. The nursing home must provide:

(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; and

(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.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33510, filed 2/24/00, effective 3/26/00.]

WAC 388-97-33520 Lockable storage space in a resident room. The nursing home must provide:

(1) A lockable storage space accessible to each resident for storage of small personal items, upon request; and

(2) **In a new building or addition**, a lockable cabinet space or drawer for storage of personal belongings for each resident bed, in addition to the bedside cabinet.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33520, filed 2/24/00, effective 3/26/00.]

WAC 388-97-33530 Wardrobes in a resident room. The nursing home must provide:

(1) A separated, enclosed wardrobe or closet for each resident's clothing and belongings accessible to the resident; and

(2) **In a new building or addition**, each bed in each room must have a separate, enclosed wardrobe or closet accessible to the resident with:

(a) Minimum inside dimensions of twenty-two inches deep by a minimum of twenty-six inches wide by sixty inches high; and

(b) Inside space including a rod, at least fifteen inches long, and allowing for fifty-four inches of clear hanging length adjustable to meet the needs of the resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33530, filed 2/24/00, effective 3/26/00.]