

Title 388 WAC

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

<p>Chapters</p> <p>GENERAL</p> <p>388-01 DSHS organization/disclosure of public records.</p> <p>388-02 DSHS hearing rules.</p> <p>388-03 Rules and regulations for the certification of DSHS spoken language interpreters and translators.</p> <p>388-04 Protection of human research subjects.</p> <p>388-05 Contractor billing requirements—General.</p> <p>388-06 Background checks.</p> <p style="text-align: center;">CHILD SUPPORT</p> <p>388-14A Division of child support rules.</p> <p style="text-align: center;">CHILD PROTECTIVE SERVICES</p> <p>388-15 Child protective services.</p> <p>388-22 Determining and verifying eligibility—Definitions.</p> <p style="text-align: center;">FOSTER CARE/ADOPTION/RECONCILIATION</p> <p>388-25 Child welfare services—Foster care.</p> <p>388-27 Child welfare services—Adoption services and adoption support.</p> <p>388-32 Child welfare services to prevent out-of-home placement and achieve family reconciliation.</p> <p>388-39A Child welfare services—Complaint resolution.</p> <p style="text-align: center;">DOMESTIC VIOLENCE</p> <p>388-60 Domestic violence perpetrator treatment program standards.</p> <p>388-61 Family violence.</p> <p>388-61A Shelters for victims of domestic violence.</p> <p>388-70 Child welfare services—Foster care—Adoption services—Services to unmarried parents.</p> <p style="text-align: center;">AGING AND ADULT SERVICES</p> <p>388-71 Home and community services and programs.</p> <p>388-76 Adult family homes minimum licensing requirements.</p> <p>388-78A Boarding homes.</p> <p>388-79 Guardianship fees for clients of the department.</p> <p>388-96 Nursing facility Medicaid payment system.</p> <p>388-97 Nursing homes.</p> <p>388-105 Medicaid rates for contracted home and community residential care services.</p>	<p>388-110 Contracted residential care services: Assisted living services, enhanced adult residential care, and adult residential care.</p> <p>388-112 Residential long-term care services.</p> <p style="text-align: center;">CHILD CARE AGENCIES/LICENSING REQUIREMENTS</p> <p>388-148 Licensing requirements for child foster homes, staffed residential homes, group care programs/facilities, and agencies.</p> <p>388-150 Minimum licensing requirements for child day care centers.</p> <p>388-151 School-age child care center minimum licensing requirements.</p> <p>388-155 Minimum licensing requirements for family child day care homes.</p> <p>388-160 Minimum licensing requirements for overnight youth shelters.</p> <p>388-165 Children's Administration child care subsidy programs.</p> <p>388-200 Financial and medical assistance—General provisions.</p> <p style="text-align: center;">ASSISTANCE PROGRAMS</p> <p>388-271 Limited English proficient services.</p> <p>388-273 Washington telephone assistance program.</p> <p>388-280 United States repatriation program.</p> <p>388-290 Working connections child care.</p> <p>388-310 WorkFirst.</p> <p>388-400 Program summary.</p> <p>388-404 Age requirements.</p> <p>388-406 Applications.</p> <p>388-408 Assistance units.</p> <p>388-410 Benefit error.</p> <p>388-412 Benefit issuances.</p> <p>388-414 Categorical eligibility for food assistance.</p> <p>388-416 Certification periods.</p> <p>388-418 Change of circumstance.</p> <p>388-420 Chemical dependency food assistance.</p> <p>388-422 Child support.</p> <p>388-424 Citizenship/alien status.</p> <p>388-426 Client complaints.</p> <p>388-428 Confidentiality.</p> <p>388-432 Diversion assistance.</p> <p>388-434 Eligibility reviews and recertifications.</p> <p>388-436 Emergency cash assistance.</p> <p>388-437 Emergency assistance for food stamps.</p> <p>388-438 Emergency assistance for medical needs.</p> <p>388-440 Exception to rule.</p> <p>388-442 Felons.</p> <p>388-444 Food stamp employment and training.</p> <p>388-446 Fraud.</p> <p>388-448 Incapacity.</p>
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- 388-891 Vocational rehabilitation services for individuals with disabilities.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE**Chapter 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. 388-08-015
- 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

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. 388-08-080
- 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. 388-08-080
- 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. 388-08-083
- 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). 388-08-150
- 388-08-003 Prerequisites. [Regulation 23.21, filed 10/13/66, effective 11/13/66; Regulation 23.21, filed 1/24/64.] Repealed by Order 286, filed 4/1/68. 388-08-150
- 388-08-004 County office organization for fair hearing. [Regulation 23.22, filed 10/13/66, effective 11/13/66; Regulation 23.30, filed 1/24/64.] Repealed by Order 286, filed 4/1/68. 388-08-160
- 388-08-00401 Authority to adjudicate. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-00401, filed 2/17/84; 81-12-015 (Order 1657), § 388-08-00401, filed 5/29/81, effective 7/1/81.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a). 388-08-170
- 388-08-005 County office responsibility. [Order 265, § 388-08-005, filed 12/5/67; Regulation 23.23, filed 10/13/66, effective 11/13/66; Regulation 23.51, filed 1/24/64.] Repealed by Order 286, filed 4/1/68. 388-08-180
- 388-08-006 Administrative hearing—Form of request. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-006, filed 2/17/84; Order 768, § 388-08-006, filed 1/10/73; Order 524, § 388-08-006, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-006, filed 4/1/68; Regulation 23.31, filed 10/13/66, effective 11/13/66; Regulation 23.40, filed 1/24/64.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a). 388-08-190
- 388-08-00601 Administrative hearing—Group hearing. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-00601, filed 2/17/84; Order 768, § 388-08-00601, filed 1/10/73.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a). 388-08-200
- 388-08-007 Fair hearing—Access to records. [Order 768, § 388-08-007, filed 1/10/73; Order 524, § 388-08-007, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-007, filed 4/1/68; Regulation 23.33, filed 6/16/67; Regulation 23.33, filed 10/13/66, effective 11/13/66; Regulation 23.52, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340. 388-08-210
- 388-08-010 Administrative hearing—Who may appear as a representative. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-010, filed 2/17/84; Order 952, § 388-08-010, filed 7/16/74; Order 768, § 388-08-010, filed 1/10/73; Order 524, § 388-08-010, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-010, filed 4/1/68; Regulation 23.32, filed 6/16/67; Regulation 23.32, filed 10/13/66, effective 11/13/66; Regulation 23.63, filed 1/24/64.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a). 388-08-015
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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.]
- 388-08-503 Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-510 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 388-11 CHILD SUPPORT—OBLIGATIONS

- 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.
- 388-11-011 Definitions. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1020.
- 388-11-015 Credits allowed—Debt satisfaction. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3375.
- 388-11-020 Original determinations. [Order 1054, § 388-11-020, filed 9/25/75; Order 875, § 388-11-020, filed 11/16/73.] Repealed by 80-01-026 (Order 1465), filed 12/14/79. Statutory Authority: RCW 74.08.090.
- 388-11-030 Notice and finding of financial responsibility. [Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-030, filed 8/16/93, effective 9/16/93. Statutory Authority: 1990 1st ex. s. c. 2. 90-20-072 (Order 3081), § 388-11-030, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-030, filed 8/30/88. Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-11-030, filed 2/12/86; 80-01-026 (Order 1465), § 388-11-030, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-030, filed 6/15/78; Order 1054, § 388-11-030, filed 9/25/75; Order 875, § 388-11-030, filed 11/16/73.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-032 Notice and finding of parental responsibility. [Statutory Authority: RCW 74.20A.056. 92-13-026 (Order 3403), § 388-11-032, filed 6/9/92, effective 7/10/92.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-035 Notice and finding of medical responsibility. [Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-035, filed 8/16/93, effective 9/16/93.] Repealed by 96-09-036 (Order

- 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-040 Service of notice and finding of financial or parental responsibility. [Statutory Authority: RCW 74.20A.056, 92-13-026 (Order 3403), § 388-11-040, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-040, filed 8/30/88. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-040, filed 12/14/79; Order 1054, § 388-11-040, filed 9/25/75; Order 875, § 388-11-040, filed 11/16/73.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-045 Service requirements—Tolling. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3350.
- 388-11-048 Request for paternity tests—Liability for costs. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-8300.
- 388-11-050 Failure to make request for hearing. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-050, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-050, filed 6/15/78; Order 1054, § 388-11-050, filed 9/25/75; Order 875, § 388-11-050, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-055 Petition for hearing after twenty days—Stay. [Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5), 93-17-060 (Order 3622), § 388-11-055, filed 8/16/93, effective 9/16/93. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996, 92-08-034 (Order 3344), § 388-11-055, filed 3/24/92, effective 4/24/92. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-055, filed 8/30/88. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-055, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-055, filed 6/15/78.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-060 Request for hearing. [Statutory Authority: RCW 74.20A.056, 92-13-026 (Order 3403), § 388-11-060, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-060, filed 8/30/88. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-060, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-060, filed 6/15/78; Order 1054, § 388-11-060, filed 9/25/75; Order 875, § 388-11-060, filed 11/16/73.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-065 Defenses to liability. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01.
- Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3370.
- 388-11-067 Equitable estoppel. [Statutory Authority: RCW 74.08.090, 94-10-033 (Order 3731), § 388-11-067, filed 4/28/94, effective 5/29/94.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6500.
- 388-11-070 Continuance of cases. [Order 1054, § 388-11-070, filed 9/25/75; Order 875, § 388-11-070, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-080 Requests for admission. [Order 1054, § 388-11-080, filed 9/25/75; Order 875, § 388-11-080, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-090 Hearings examiner. [Statutory Authority: RCW 34.04.020, 80-06-090 (Order 1505), § 388-11-090, filed 5/28/80. Statutory Authority: RCW 74.08.090, 78-07-015 (Order 1305), § 388-11-090, filed 6/15/78; Order 875, § 388-11-090, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-100 Duty of the administrative law judge in a hearing to determine the amount of a 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, § 388-11-100, 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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6300.
- 388-11-105 Review of initial decision. [Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-105, filed 8/30/88. Statutory Authority: RCW 74.08.090, 81-05-021 (Order 1605), § 388-11-105, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-105, filed 12/14/79.] Repealed by 90-04-077 (Order 3005), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090 and 34.05.220 (1)(a).
- 388-11-110 Determination of future liability. [Order 875, § 388-11-110, filed 11/16/73.] Repealed by 80-01-026 (Order 1465), filed 12/14/79. Statutory Authority: RCW 74.08.090.
- 388-11-115 Fraud—Vacation of decision. [Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-115, filed 8/30/88. Statutory Authority: RCW 74.08.090, 81-05-021 (Order 1605), § 388-11-115, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-115, filed 12/14/79.] Repealed by 93-17-060 (Order 3622), filed 8/16/93, effective 9/16/93. Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5).
- 388-11-120 When is it appropriate to vacate a default order? [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-11-120, 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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3700.
- 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.
- 388-11-135 Service. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3130.
- 388-11-140 Modification. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3800 and 388-14A-3925.
- 388-11-143 Department review of support orders. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3900 through 388-14A-3907.
- 388-11-145 Notice to parties. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-11-150 The parties may resolve any child support case by entering a consent order or an agreed settlement. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3600.
- 388-11-155 Duration of obligation. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3810.
- 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.
- 388-11-170 Collection of debts determined. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090 and 388-14A-4030.
- 388-11-180 Procedural reference. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6000.
- 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.
- 388-11-205 Assessing support. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3200, 388-14A-3205, and 388-14A-3400.
- 388-11-210 Administrative orders. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3110, 388-14A-3850, and 388-14A-6300.
- 388-11-215 Health insurance. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority:

- 388-11-220 RCW 74.08.090. Later promulgation, see WAC 388-14A-3125 and 388-14A-4100 through 388-14A-4130. Liability for birth costs. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-8300.
- 388-11-280 Credit for dependent benefits. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4200.
- 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. Later promulgation, see WAC 388-14A-3115.
- 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. Later promulgation, see WAC 388-14A-3120.
- 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. Later promulgation, see WAC 388-14A-3125.
- 388-11-300 Amending notices. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3275.
- 388-11-305 Uniform Interstate Family Support Act—Notices served in another state. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-7200.
- 388-11-310 Request for late hearing—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, § 388-11-310, 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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3500.
- 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. Later promulgation, see WAC 388-14A-3850 through 388-14A-3875.
- 388-11-320 What is the division of child support's DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-320, filed 12/11/98, effective 1/11/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4600.
- 388-11-325 Whose picture can go on the division of child support's DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-325, filed 12/11/98, effective 1/11/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4605.
- 388-11-330 How does a noncustodial parent avoid being posted on the DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-330, filed 12/11/98, effective 1/11/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4610.
- 388-11-335 When does DCS remove a noncustodial parent from the DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-335, filed 12/11/98, effective 1/11/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4615.
- 388-11-340 What information does the division of child support post to the DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-340, filed 12/11/98, effective 1/11/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4620.
- 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. Later promulgation, see WAC 388-14A-3140.
- 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. Later promulgation, see WAC 388-14A-3131 through 388-14A-3140.
- 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. Later promulgation, see WAC 388-14A-3600.

**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 388-13
RECOVERY OF SUPPORT PAYMENTS**

- 388-13-010 Debt, assignment, recoupment, set-off. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-010, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-13-020 Notice of support debt. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-13-030 Service of notice of support debt. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-030, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5510.
- 388-13-040 Failure to make answer or request for hearing. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-040, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5515.
- 388-13-050 Petition for hearing after twenty days—Stay. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5530.
- 388-13-060 Timely application for hearing. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5520.
- 388-13-070 Hearing—Initial decision. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5525.
- 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.

- 388-13-085 Collection action. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-085, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5535.
- 388-13-090 Limitation on proceeding. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-090, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5505(9).
- 388-13-100 Acknowledgment of debt. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-100, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5540.
- 388-13-110 Default. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5515 and 388-14A-5525.
- 388-13-120 Procedural reference. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6000.

**Chapter 388-14
SUPPORT ENFORCEMENT**

- 388-14-010 Office of support enforcement as the Title IV-D agency. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1000.
- 388-14-020 Definitions. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1020.
- 388-14-030 Confidentiality. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2105 through 388-14A-2160.
- 388-14-035 Requests for address disclosure—Form of request. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2110 and 388-14A-2115.
- 388-14-040 Authorization for address release. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2125.
- 388-14-045 Requests for address disclosure—Notice of request—Standards for nonrelease. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2115.
- 388-14-050 Requests for address disclosure—Hearings. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2120.
- 388-14-100 Absent parent's responsibility—Liability. [Order 1054, § 388-14-100, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-14-200 Families accepting assistance must assign certain support rights to the state. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2030, 388-14A-2035, and 388-14A-2036.
- 388-14-201 Cooperation with division of child support. [Statutory Authority: RCW 74.20A.310 and 26.23.035. 98-10-042, § 388-14-201, filed 4/28/98, effective 5/29/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2040.
- 388-14-202 Effects of noncooperation. [Statutory Authority: RCW 74.20A.310 and 26.23.035. 98-10-042, § 388-14-202, filed 4/28/98, effective 5/29/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2041 and 388-14A-2075.
- 388-14-203 Medical assistance only—Assignment of support rights—Cooperation. [Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-203, filed 6/9/92, effective 7/10/92.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-14-205 Responsibilities of the office. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1025, 388-14A-1030, 388-14A-2000, and 388-14A-2005.
- 388-14-210 Support payments to office of support enforcement. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1000 and 388-14A-3375.
- 388-14-220 Subpoena power. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-8500.
- 388-14-250 Payments to the family. [Order 1054, § 388-14-250, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5000.
- 388-14-260 Interstate cases. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-7100 and 388-14A-7200.
- 388-14-270 Distribution of support payments. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5000 through 388-14A-5100.
- 388-14-271 Notice of intent to distribute support money. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5050.
- 388-14-272 Notice to recover a support payment. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5300.
- 388-14-273 Payment distribution payment services only cases. [Statutory Authority: RCW 26.23.035. 92-13-026 (Order 3403), § 388-14-273, filed 6/9/92, effective 7/10/92.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5000 and 388-14A-5001.
- 388-14-274 Distribution notice. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5100.
- 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.
- 388-14-276 Total versus total notice. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5200.
- 388-14-300 Nonassistance support enforcement services—Persons eligible for 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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2000.
- 388-14-302 Nonassistance support enforcement—Persons eligible. [Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-302, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-302, filed 2/12/86; 85-01-004 (Order 2174), § 388-14-302, filed 12/6/84; 84-15-057 (Order 2123), § 388-14-302, filed 7/18/84; 81-05-021 (Order 1605), § 388-14-302, filed 2/11/81; 80-01-026 (Order 1465), § 388-14-302, filed 12/14/79; Order 1054, § 388-14-302, filed 9/25/75.] Repealed by 90-16-041 (Order 3043), filed 7/24/90, effective 8/24/90. Statutory Authority: RCW 74.08.090.
- 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.
- 388-14-310 Nonassistance support enforcement application. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2000, 388-14A-2010, and 388-14A-2015.
- 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.
- 388-14-350 Location of absent parents. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1035.
- 388-14-360 Cooperation with other states. [Order 1054, § 388-14-360, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1050.
- 388-14-365 Reassignment by state administering an approved plan. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1055.
- 388-14-370 Cooperative arrangements with courts and law enforcement officials. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1060.
- 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.
- 388-14-376 Recovery of excess day care and special child rearing expense payments. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4300 through 388-14A-4304.
- 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.
- 388-14-385 The division of child support's grievance and dispute resolution method is called a conference board. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6400.
- 388-14-386 How to apply for a conference board. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6405.
- 388-14-387 Explanation of the conference board process. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6410.
- 388-14-388 Scope of authority of conference board chair defined. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW

- 74.08.090. Later promulgation, see WAC 388-14A-6415.
- 388-14-390 Hearing when collection action is initiated against a bank account—Exemptions—Burden of proof. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6200.
- 388-14-395 Limitation on collection of support payments from head of household—Request for conference board—Burden of proof. [Statutory Authority: RCW 74.08.090. 83-21-014 (Order 2036), § 388-14-395, filed 10/6/83.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-8120.
- 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.
- 388-14-410 Release of information to consumer reporting agency. [Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-14-410, filed 2/12/86.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2160.
- 388-14-415 Notice of support owed. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3310.
- 388-14-420 Once a support enforcement case is opened, under what circumstances can it be closed? [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2080.
- 388-14-421 Under what circumstances may DCS deny a request to close a support enforcement case? [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2085.
- 388-14-422 Who is mailed notice of DCS' intent to close a case? [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2090.
- 388-14-423 What if I don't agree with the case closure notice? [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2095.
- 388-14-424 What happens to payments that come in after a case is closed? [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2097.
- 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.
- 388-14-427 Payroll deduction notice—Order to withhold and deliver—Wage assignments—Agreements for electronic service. [Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-14-427, filed 2/10/93, effective 3/13/93.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4040.
- 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.
- 388-14-435 Notice of support debt. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3304.
- 388-14-440 Notice to payee. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3315.
- 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.
- 388-14-450 Debt adjustment notice. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5400.
- 388-14-460 Notice of intent to enforce—Health insurance coverage. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01.

	Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4100.	RCW 74.08.090. Later promulgation, see WAC 388-14A-4530.
388-14-480	Notice of enrollment—Health insurance coverage—Issuance and 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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4120.	
388-14-490	All Washington employers must report new hires to the Washington state support registry. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-8200.	
388-14-495	Registering an order from another state for enforcement or modification. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-7100.	
388-14-496	Uniform Interstate Family Support Act—Notices served in another state. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.	
388-14-500	The division of child support will accept oral requests for hearing or conference board. [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.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6100.	
388-14-510	What is the division of child support's license suspension program? [Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-510, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4500.	
388-14-520	The notice of noncompliance and intent to suspend licenses. [Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-520, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4505.	
388-14-530	Who is subject to the DCS license suspension program? [Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-530, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4510.	
388-14-540	How do I avoid having my license suspended for failure to pay child support? [Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-540, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4515.	
388-14-550	Signing a repayment agreement will avoid certification for noncompliance. [Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-550, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4520.	
388-14-560	How to obtain a release of certification for noncompliance. [Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-560, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4525.	
388-14-570	Administrative hearings regarding license suspension are limited in scope. [Statutory Authority: RCW 74.20A.320(10), 98-17-031, § 388-14-570, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority:	
		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.]

- tive 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.	388-16-580
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.	388-16-585
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 pay-	
	ments to custodian of child(ren). [Order 624, § 388-16-575, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.	
	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.	
	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. Statu-

388-19-020

388-19-025

388-19-030

388-19-035

388-19-040

388-19-045

388-19-050

388-20-010

388-20-020

388-21-005

tory Authority: RCW 43.20A.550. Recodified as WAC 246-790-060.

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.

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.

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.

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.

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.

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.

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

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.

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

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.	388-24-005 Aid to families with dependent children—Sub-categories of AFDC. [Order 441, § 388-24-045, filed 4/15/70; Order 365, § 388-24-045, filed 7/9/69; Regulation 6.211, filed 8/29/66; Regulation 6.211, filed 12/31/65.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
388-24-010	Aid to blind—Summary of eligibility conditions. [Order 618, § 388-24-010, filed 10/27/71; Order 530, § 388-24-010, filed 3/31/71, effective 5/1/71; Regulation 6.11, filed 6/30/67; Regulation 6.11, filed 6/3/65, 1/24/64.] Repealed by Order 917, filed 3/14/74.	388-24-050 Aid to families with dependent children—Assistance unit. [Statutory Authority: RCW 74.04.660. 93-19-038 (Order 3631), § 388-24-050, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090. 91-12-044 (Order 3188), § 388-24-050, filed 6/4/91, effective 7/5/91; 88-24-009 (Order 2731), § 388-24-050, filed 11/30/88; 88-09-039 (Order 2621), § 388-24-050, filed 4/15/88; 85-18-041 (Order 2275A), § 388-24-050, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-050, filed 11/2/83; 81-10-012 (Order 1644), § 388-24-050, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-050, filed 10/23/79. Statutory Authority: RCW 74.08.090. 78-12-027 (Order 1357), § 388-24-050, filed 11/15/78. Statutory Authority: RCW 74.08.090. 78-06-074 (Order 1297), § 388-24-050, filed 5/31/78, effective 7/1/78; Order 1235, § 388-24-050, filed 8/31/77; Order 1199, § 388-24-050, filed 3/18/77; Order 978, § 388-24-050, filed 10/28/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1600, 388-215-1610 and 388-215-1620 part.
388-24-015	Aid to blind—Blindness defined. [Order 530, § 388-24-015, filed 3/31/71, effective 5/1/71; Regulation 6.121, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.	
388-24-020	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.	388-24-052 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.
388-24-042	Aid to families with dependent children—Eligibility of strikers. [Statutory Authority: RCW 74.08.090. 89-12-079 (Order 2808), § 388-24-042, filed 6/7/89; 83-22-066 (Order 2033), § 388-24-042, filed 11/2/83; 82-09-034 (Order 1792), § 388-24-042, filed 4/14/82; 82-01-009 (Order 1728), § 388-24-042, filed 12/4/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1540.	388-24-055 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 388-215-1300 part, 388-215-1320 part and 388-215-1390 part.
388-24-044	Mandatory monthly reporting. [Statutory Authority: RCW 74.08.090. 94-08-017 (Order 3724), § 388-24-044, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.057. 92-18-039 (Order 3449), § 388-24-044, filed 8/27/92, effective 9/27/92. Statutory Authority: RCW 74.08.090. 86-16-044 (Order 2400), § 388-24-044, filed 8/1/86; 86-01-010 (Order 2316), § 388-24-044, filed 12/5/85; 84-23-028 (Order 2169), § 388-24-044, filed 11/14/84; 84-09-074 (Order 2096), § 388-24-044, filed 4/18/84; 83-17-012 (Order 1993), § 388-24-044, filed 8/5/83; 82-17-067 (Order 1863), § 388-24-044, filed 8/18/82; 82-10-060 (Order 1799), § 388-24-044, filed 5/5/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-	388-24-060 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 6.221, 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 388-215-1300 (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; 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 6.231, filed 12/31/65, 6/17/64, 1/24/64.] 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.]
- 388-24-2070 Repealed by 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.
- 388-24-2100 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.
- 388-24-2150 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.
- 388-24-2200 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.
- 388-24-2250 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.
- 388-24-2350 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.
- 388-24-2430 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.
- 388-26-122 Later promulgation, see WAC 388-215-1200 and 388-235-0100.
- 388-26-124 Citizenship and alienage—Verification of citizenship. [Order 942, § 388-26-122, filed 6/26/74.] Repealed by Order 1241, filed 9/23/77.
- 388-26-126 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.
- 388-26-128 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.
- 388-26-130 Citizenship and alienage—Probative value. [Order 942, § 388-26-128, filed 6/26/74.] Repealed by Order 1241, filed 9/23/77.
- 388-26-135 Concurrent eligibility—Policies. [No history, a caption section only.] Repealed by Order 531, filed 3/31/71, effective 5/1/71.
- 388-26-140 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.
- 388-26-145 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.
- 388-26-149 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.
- 388-26-200 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.
- 388-26-205 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.
- 388-26-210 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.
- 388-26-215 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.
- 388-26-220 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.
- 388-26-225 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.
- 388-26-230 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.
- 388-26-235 Transfer of property—Adjustment in period of ineligibility. [Order 531, § 388-26-230, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-230, filed 5/26/70, effective 7/1/70; Regulation 7.56, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-245 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.
- 388-26-250 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.
- 388-26-255 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; Regulation 8.252, filed 7/27/67; Regulation 8.252, filed 2/23/67, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-133 Maximums to monthly standards for basic requirements. [Order 1234, § 388-28-133, filed 8/31/77; Order 1145, § 388-28-133, filed 8/26/76; Order 1040, § 388-28-133, filed 8/7/75; Order 963, § 388-28-133, filed 8/19/74; Order 927, § 388-28-133, filed 4/15/74; Order 902, § 388-28-133, filed 1/29/74; Order 823, § 388-28-133, filed 7/26/73; Order 721, § 388-28-133, filed 9/28/72; Order 650, § 388-28-133, filed 2/9/72; Order 561, § 388-28-133, filed 5/5/71.] Repealed by Order 1241, filed 9/23/77.
- 388-28-134 Additional monthly allowance for noninstitutionalized adult recipient of continuing general assistance. [Order 1052, § 388-28-134, filed 10/9/75; Order 917, § 388-28-134, filed 3/14/74; Order 823, § 388-28-134, filed 7/26/73; Order 721, § 388-28-134, filed 9/28/72.] Repealed by Order 1234, filed 8/31/77.

- 388-28-135 Standards for requirements—Transportation—Old age and aid to blind assistance only. [Order 442, § 388-28-135, filed 4/15/70; Order 375, § 388-28-135, filed 8/7/69; Regulation 8.26, filed 7/27/67, 2/23/67, 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-136 Cost standards for requirements—Person in medical institution. [Order 1145, § 388-28-136, filed 8/26/76; Order 1052, § 388-28-136, filed 9/10/75; Order 1017, § 388-28-136, filed 4/14/75.] Repealed by Order 1241, filed 9/23/77.
- 388-28-137 Cost standards for requirements—Person in congregate care facility. [Order 1234, § 388-28-137, filed 8/31/77; Order 1145, § 388-28-137, filed 8/26/76; Order 1076, § 388-28-137, filed 12/17/75; Order 1052, § 388-28-137, filed 9/10/75; Order 1017, § 388-28-137, filed 4/14/75.] Repealed by Order 1241, filed 9/23/77.
- 388-28-138 Cost standards for requirements—Maternity home care. [Order 1234, § 388-28-138, filed 8/31/77; Order 1116, § 388-28-138, filed 4/28/76.] Repealed by Order 1241, filed 9/23/77.
- 388-28-140 Monthly standards for basic requirements—AFDC—Child living with relative not in need. [Order 1234, § 388-28-140, filed 8/31/77; Order 1145, § 388-28-140, filed 8/26/76; Order 1052, § 388-28-140, filed 9/10/75; Order 1007, § 388-28-140, filed 2/13/75; Order 976, § 388-28-140, filed 10/28/74; Order 902, § 388-28-140, filed 1/29/74; Order 823, § 388-28-140, filed 7/26/73; Order 650, § 388-28-140, filed 2/9/72; Order 375, § 388-28-140, filed 8/7/69; Order 346, § 388-28-140, filed 4/16/69; Regulation 8.27, filed 7/27/67; Regulation 8.27, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-142 Monthly standards for basic requirements—AFDC—Child in need of specialized education or training. [Order 1234, § 388-28-142, filed 8/31/77; Order 1052, § 388-28-142, filed 9/10/75; Order 823, § 388-28-142, filed 7/26/73; Order 650, § 388-28-142, filed 2/9/72; Order 561, § 388-28-142, filed 5/5/71; Order 521, § 388-28-142, filed 3/2/71; Order 346, § 388-28-142, filed 4/16/69.] Repealed by Order 1241, filed 9/23/77.
- 388-28-150 Standards for additional requirements under specified circumstances. [Order 1176, § 388-28-150, filed 12/23/76; Order 650, § 388-28-150, filed 2/9/72; Regulation 8.30, filed 7/27/67; Regulation 8.30, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-155 Standards for additional requirements under specified circumstances—Child care expenses for employed person. [Order 1236, § 388-28-155, filed 8/31/77.] Repealed by 78-06-086 (Order 1303), filed 6/2/78. Statutory Authority: RCW 74.04.510 and 74.08.090.
- 388-28-160 Standards for additional requirements under specified circumstances—Board. [Order 823, § 388-28-160, filed 7/26/73; Order 650, § 388-28-160, filed 2/9/72; Order 521, § 388-28-160, filed 3/2/71; Order 375, § 388-28-160, filed 8/7/69; Regulation 8.311, filed 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.	388-28-325	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.
388-28-270	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.	388-28-330	Support enforcement services. [Regulation 8.524, filed 1/24/64.] Repealed by Order 481, filed 9/29/70, effective 11/1/70.
388-28-275	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.	388-28-335	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.
388-28-280	Requirements of person with other living arrangements—Transportation. [Regulation 8.414, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.	388-28-337	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.
388-28-285	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.	388-28-338	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.
388-28-290	Requirements of person with other living arrangements—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.	388-28-340	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.
388-28-292	Adult family home—Care defined. [Order 455, § 388-28-292, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.	388-28-343	Confidentiality. [Order 942, § 388-28-343, filed 6/26/74.] Repealed by Order 1054, filed 9/25/75.
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.	388-28-345	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.
388-28-294	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.	388-28-350	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.
388-28-295	Adult family home—Standards for payment approval. [Order 455, § 388-28-295, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.	388-28-355	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.
388-28-296	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.	388-28-360	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.
388-28-297	Adult family home—Services to be provided. [Order 455, § 388-28-297, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.	388-28-365	Community, separate and jointly owned property—Separate property. [Statutory Authority: RCW 74.08.090. 88-19-029 (Order 2691), § 388-28-365, filed 9/12/88; Regulation 8.552, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2100 part and 388-218-1140.
388-28-298	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.	388-28-370	Community, separate and jointly owned property—Further considerations for determining property of husband and wife. [Statutory Authority: RCW 74.08.090. 88-19-029 (Order 2691), § 388-28-370, filed 9/12/88; Regulation 8.553, filed 1/24/64.] Repealed by 94-04-043 (Order 3696) and 94-10-065 (Order 3732), filed 1/27/94 and 5/3/94, effective 2/27/94 and 6/3/94. Statutory Authority: RCW 74.08.335 and 7.08.090.
388-28-300	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.	388-28-380	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).
388-28-305	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.		

- 388-28-385 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 8/11/93, effective 9/1/93. 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 avail-

- able. [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.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-155 Standards for additional requirements under specified circumstances—Child care expenses for employed persons. [Statutory Authority: RCW 74.08.090. 80-11-055 (Order 1532), § 388-29-155, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-155, filed 9/21/79; 79-06-007 (Order 1393), § 388-29-155, filed 5/8/79; 78-09-047 (Order 1327), § 388-29-155, filed 8/21/78. Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-29-155, filed 6/2/78.] Repealed by 82-01-009 (Order 1728), filed 12/4/81. Statutory Authority: RCW 74.08.090.
- 388-29-158 Standards for additional requirements under specified circumstances—Child care expenses for AFDC recipients in approved training plans. [Statutory Authority: RCW 74.08.090. 81-01-017 (Order 1576), § 388-29-158, filed 12/8/80.] Repealed by 81-10-033 (Order 1649), filed 4/29/81. Statutory Authority: RCW 74.08.090.
- 388-29-160 Additional requirements—Restaurant meals. [Statutory Authority: RCW 74.08.090. 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-160, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-160, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-160, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-160, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-160, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-160, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-160, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-160, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-160, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-160, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-160, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-160, filed 7/28/78; Order 1241, § 388-29-160, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-170 Standards for additional requirements under specified circumstances—Daily restaurant meals. [Statutory Authority: RCW 74.08.090. 80-11-055 (Order 1532), § 388-29-170, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-170, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-170, filed 7/28/78; Order 1241, § 388-29-170, filed 9/23/77.] Repealed by 81-08-018 (Order 1626), filed 3/25/81. Statutory Authority: RCW 74.08.090.
- 388-29-180 Additional requirements—Home-delivered meals (meals-on-wheels). [Statutory Authority: RCW 74.04.005. 91-23-086 (Order 3288), § 388-29-180, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-180, filed 3/13/85; 81-19-127 (Order 1701), § 388-29-180, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-180, filed 9/21/79; Order 1241, § 388-29-180, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-190 Transportation to state of legal residence. [Statutory Authority: RCW 74.08.090. 78-12-001 (Order 1355), § 388-29-190, filed 11/3/78; Order 1241, § 388-29-190, filed 9/23/77.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-29-200 Additional requirements—Food for guide dog. [Statutory Authority: RCW 74.08.090. 90-06-035 (Order 2947), § 388-29-200, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-200, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-200, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-200, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-200, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-200, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-200, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-200, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-200, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-200, filed 7/28/78; Order 1241, § 388-29-200, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-210 Additional requirements—Telephone. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-210, filed 3/13/85; Order 1241, § 388-29-210, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-220 Additional requirements—Laundry. [Statutory Authority: RCW 74.08.090. 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-220, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-220, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-220, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-220, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-220, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-220, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-220, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-220, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-220, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-220, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-220, filed 9/21/79; 78-08-084

(Order 1321), § 388-29-220, filed 7/28/78; Order 1241, § 388-29-220, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

388-29-230 Additional requirements—Winterizing homes—AFDC. [Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-230, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-230, filed 3/1/90, effective 4/1/90; 85-07-020 (Order 2215), § 388-29-230, filed 3/13/85; 81-19-127 (Order 1701), § 388-29-230, filed 9/23/81; 79-04-060 (Order 1385), § 388-29-230, filed 3/28/79; Order 1241, § 388-29-230, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

388-29-260 Standards of assistance—Persons in boarding homes—General assistance. [Statutory Authority: RCW 74.08.090. 88-20-082 (Order 2708), § 388-29-260, filed 10/5/88; 85-24-051 (Order 2309), § 388-29-260, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-260, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-260, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-260, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-260, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-260, filed 9/23/81; 80-15-002 (Order 1550), § 388-29-260, filed 10/2/80; 79-10-083 (Order 1434), § 388-29-260, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-260, filed 7/28/78; Order 1241, § 388-29-260, filed 9/23/77.] Repealed by 90-06-035 (Order 2947), filed 3/1/90, effective 4/1/90. Statutory Authority: RCW 74.08.090.

388-29-270 Additional requirements for emergent situations—AFDC. [Statutory Authority: RCW 74.04.005. 92-09-033 (Order 3369), § 388-29-270, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.08.090. 87-01-071 (Order 2451), § 388-29-270, filed 12/17/86; 85-20-022 (Order 2284), § 388-29-270, filed 9/23/85; 82-19-060 (Order 1877), § 388-29-270, filed 9/17/82; 78-12-001 (Order 1355), § 388-29-270, filed 11/3/78; Order 1241, § 388-29-270, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

388-29-280 Standards of assistance—Adult family home care. [Statutory Authority: RCW 74.08.090. 93-12-052 (Order 3557), § 388-29-280, filed 5/26/93, effective 6/26/93; 90-06-035 (Order 2947), § 388-29-280, filed 3/1/90, effective 4/1/90; 88-19-032 (Order 2694), § 388-29-280, filed 9/12/88. Statutory Authority: 1987 1st ex.s. c 7. 88-04-019 (Order 2588), § 388-29-280, filed 1/22/88. Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-280, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-280, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-280, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-280, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-280, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-280, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-280, filed 7/28/78; Order 1241, § 388-29-280, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

388-29-290 Low-income home energy assistance allowance. [Statutory Authority: RCW 43.20A.550. 85-04-020 (Order 2196), § 388-29-290, filed 1/30/85; 84-02-050 (Order 2058), § 388-29-290, filed 1/4/84. Statutory Authority: RCW 74.08.090. 82-23-061 (Order 1909), § 388-29-290, filed 11/17/82. Statutory Authority: RCW 43.20A.550. 82-01-050 (Order 1736), § 388-29-290, filed 12/16/81. Statutory Authority: RCW 74.08.090. 81-08-045 (Order 1631), § 388-29-290, filed 3/31/81. Statutory Authority: RCW 74.04.510 and 74.08.090. 80-05-044 (Order 1498), § 388-29-290, filed 4/16/80.] Repealed by 85-24-051 (Order 2309), filed 12/2/85. Statutory Authority: RCW 74.08.090.

388-29-295 Standards of assistance—Supplemental security income (SSI) program. [Statutory Authority: RCW 74.04.050. 94-04-035 (Order 3698), § 388-29-295, filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-295, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.04.620. 92-18-027 (Order 3443), § 388-29-295, filed 8/26/92, effective 9/26/92. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-295, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-295, filed 3/1/90, effective 4/1/90; 89-05-030 (Order 2759), §

388-29-295, filed 2/13/89; 88-01-040 (Order 2565), § 388-29-295, filed 12/11/87; 87-01-102 (Order 2452), § 388-29-295, filed 12/23/86; 86-14-061 (Order 2391), § 388-29-295, filed 6/27/86; 86-01-007 (Order 2311), § 388-29-295, filed 12/5/85; 85-07-020 (Order 2215), § 388-29-295, filed 3/13/85; 84-09-073 (Order 2095), § 388-29-295, filed 4/18/84; 83-17-070 (Order 2008), § 388-29-295, filed 8/19/83; 82-17-004 (Order 1855), § 388-29-295, filed 8/5/82; 81-19-127 (Order 1701), § 388-29-295, filed 9/23/81.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

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

388-30-010 Continuing eligibility. [Order 533, § 388-30-010, filed 3/31/71, effective 5/1/71; Regulation 9.00, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-015 Factors not common to all categories—Old age assistance. [Regulation 9.11, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.

388-30-020 Continuing eligibility—Aid to blind. [Order 533, § 388-30-020, filed 3/31/71, effective 5/1/71; Regulation 9.12, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.

388-30-025 Continuing eligibility—Aid to families with dependent children. [Order 976, § 388-30-025, filed 10/28/74; Order 918, § 388-30-025, filed 3/14/74; Order 830, § 388-30-025, filed 7/26/73; Order 533, § 388-30-025, filed 3/31/71, effective 5/1/71; Order 321, § 388-30-025, filed 11/27/68; Regulation 9.13, filed 8/29/66; Regulation 9.13, filed 6/17/64, effective 8/1/64, 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-030 Continuing eligibility—Disability assistance. [Order 637, § 388-30-030, filed 1/13/72; Order 533, § 388-30-030, filed 3/31/71, effective 5/1/71; Regulation 9.14, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.

388-30-040 Continuing eligibility—Continuing general assistance to unemployable persons. [Order 533, § 388-30-040, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-040, filed 10/30/70, effective 12/1/70; Regulation 9.15, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.

388-30-050 Continuing eligibility—Age. [Order 917, § 388-30-050, filed 3/14/74; Order 620, § 388-30-050, filed 10/27/71; Order 533, § 388-30-050, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-050, filed 10/30/70, effective 12/1/70; Order 367, § 388-30-050, filed 7/9/69; Regulation 9.21, filed 12/31/65; Regulation 9.21, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-055 Continuing eligibility—Residence. [Order 533, § 388-30-055, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-055, filed 10/30/70, effective 12/1/70; Order 367, § 388-30-055, filed 7/9/69; Regulation 9.221, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-060 Continuing eligibility—Institutional living arrangement. [Order 533, § 388-30-060, filed 3/31/71, effective 5/1/71; Regulation 9.23, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-065 Continuing eligibility—Transfer of exempt property. [Order 533, § 388-30-065, filed 3/31/71, effective 5/1/71; Regulation 9.24, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-070 Continuing eligibility—Exempt property transferable without consent. [Order 533, § 388-30-070, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-070, filed 5/26/70, effective 7/1/70; Regulation 9.241, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-075 Continuing eligibility—Exempt property transferable with consent. [Order 533, § 388-30-075, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-075, filed 5/26/70, effective 7/1/70; Regulation 9.242, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-078 Replacement of exempt property. [Order 1194, § 388-30-078, filed 3/3/77.] Repealed by Order 1241, filed 9/23/77.

388-30-080 Continuing eligibility—Property transferred contrary to WAC 388-30-070 and 388-30-075. [Order 533, § 388-30-080, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-080, filed 5/26/70, effective 7/1/70; Regulation 9.243, filed 12/21/64, effective 2/1/65; Regulation 9.243, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

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

Chapter 388-31

LIFELINE TELEPHONE ASSISTANCE PROGRAM

- 388-31-010 Purpose of program. [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.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.440.
- 388-31-015 Definitions. [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.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.440.
- 388-31-020 Conditions of eligibility. [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.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.440.
- 388-31-025 WTAP benefits. [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.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.440.
- 388-31-030 Notification and eligibility periods. [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.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.440.
- 388-31-035 WTAP fund. [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.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.440.

Reviser's note: Later promulgation, see chapter 388-273 WAC.

Chapter 388-33

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

- 388-33-015 Payment of grant—Persons included. [Statutory Authority: RCW 74.04.005. 92-10-047 (Order 3378), § 388-33-015, filed 5/5/92, effective 7/1/92. Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-33-015, filed 9/18/78; Order 652, § 388-33-015, filed 2/9/72; Order 534, § 388-33-015, filed 3/31/71, effective 5/1/71; Regulation 10.11, filed 8/29/66; Regulation 10.11, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-020 Payment of grant—Monthly basis. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-020, filed 4/15/81; Order 906, § 388-33-020, filed 2/14/74; Order 694, § 388-33-020, filed 6/29/72; Order 534, § 388-33-020, filed 3/31/71, effective 5/1/71; Regulation 10.12, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory

- Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-025 Payment of grant—Amount. [Order 534, § 388-33-025, filed 3/31/71, effective 5/1/71; Order 394, § 388-33-025, filed 10/15/69; Regulation 10.13, filed 8/29/66; Regulation 10.13, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-030 Payment limitations—Maximum cost of requirements. [Order 376, § 388-33-030, filed 8/7/69; Regulation 10.14, filed 12/31/65; Regulation 10.14, filed 1/24/64.] Repealed by Order 394, filed 10/15/69.
- 388-33-045 Payment of grant—Deduction of overpayment. [Order 534, § 388-33-045, filed 3/31/71, effective 5/1/71; Regulation 10.16, filed 8/29/66; Regulation 10.16, filed 3/31/66, 10/1/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-270-1400.
- 388-33-050 Payment of grant—Self-imposed maximum amount. [Order 534, § 388-33-050, filed 3/31/71, effective 5/1/71; Regulation 10.17, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-051 Payment of grant—Rounding down. [Statutory Authority: RCW 74.08.090. 82-24-071 (Order 1918), § 388-33-051, filed 12/1/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-055 Payment of grant—Minimum amount. [Statutory Authority: RCW 74.08.090. 82-24-071 (Order 1918), § 388-33-055, filed 12/1/82; 82-09-034 (Order 1792), § 388-33-055, filed 4/14/82; 82-01-009 (Order 1728), § 388-33-055, filed 12/4/81; Order 534, § 388-33-055, filed 3/31/71, effective 5/1/71; Regulation 10.18, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-080 Grant authorization, reauthorization, and computation—Authorizing documents. [Statutory Authority: RCW 74.08.090. 85-15-056 (Order 2258), § 388-33-080, filed 7/17/85; 81-09-044 (Order 1637), § 388-33-080, filed 4/15/81; Order 534, § 388-33-080, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-080, filed 5/14/70, effective 6/15/70; Regulation 10.21, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1050 (part).
- 388-33-085 Grant authorization, reauthorization, and computation—Local office function. [Statutory Authority: RCW 74.08.090. 85-15-056 (Order 2258), § 388-33-085, filed 7/17/85; 81-09-044 (Order 1637), § 388-33-085, filed 4/15/81; Order 906, § 388-33-085, filed 2/14/74; Order 534, § 388-33-085, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-085, filed 5/14/70, effective 6/15/70; Regulation 10.22, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-210-1350 part, 388-265-1050 part, chapter 388-245 WAC.
- 388-33-090 Grant authorization, reauthorization and computation—State office function. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-090, filed 4/15/81; Order 906, § 388-33-090, filed 2/14/74; Order 534, § 388-33-090, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-090, filed 5/14/70, effective 6/15/70; Regulation 10.23, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-095 Grant authorization, reauthorization and computation—State office reauthorization and recomputation of grant. [Order 906, § 388-33-095, filed 2/14/74; Order 534, § 388-33-095, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-095, filed 5/14/70, effective 6/15/70; Regulation 10.231, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1050 (parts).
- 388-33-105 Grant authorization, reauthorization, computation—Recording denial, grant authorization and change. [Order 449, § 388-33-105, filed 5/14/70, effective 6/15/70; Regulation 10.24, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-115 Effective date of eligibility—Applicant, reapplicant and reinstated recipient. [Statutory Authority: RCW 74.08.090. 81-12-045 (Order 1661), § 388-33-115, filed 6/3/81; Order 906, § 388-33-115, filed 2/14/74; Order 534, § 388-33-115, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-115, filed 5/14/70, effective 6/15/70; Regulation 10.25, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-210-1350 (parts).
- 388-33-120 Effective date of eligibility—Exceptions. [Statutory Authority: RCW 74.08.090. 82-09-034 (Order 1792), § 388-33-120, filed 4/14/82; 82-01-009 (Order 1728), § 388-33-120, filed 12/4/81; 79-06-028 (Order 1398), § 388-33-120, filed 5/16/79; 78-10-036 (Order 1338), § 388-33-120, filed 9/18/78; Order 906, § 388-33-120, filed 2/14/74; Order 791, § 388-33-120, filed 4/12/73; Order 747, § 388-33-120, filed 12/7/72; Order 534, § 388-33-120, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-120, filed 5/14/70, effective 6/15/70; Order 394, § 388-33-120, filed 10/15/69; Regulation 10.251, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-210-1350 part, 388-245-1210 and 388-245-1410 part.
- 388-33-125 Notification of grant approval. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-125, filed 4/15/81; Order 906, § 388-33-125, filed 2/14/74; Order 534, § 388-33-125, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-125, filed 5/14/70, effective 6/15/70; Order 270, § 388-33-125, filed 12/5/67; Regulation 10.252, filed 7/17/67; 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 824, § 388-34-045, filed 7/26/73; Order 732, § 388-34-045, filed 10/27/72; Order 675, § 388-34-045, filed 5/10/72; Order 651, § 388-34-045, filed 2/9/72; Order 553, § 388-34-045, filed 4/1/71; Order 377, § 388-34-045, filed 8/7/69; Regulation 11.12, filed 2/23/67, 8/29/66, 3/31/66, 12/31/65, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-055 Skilled nursing home care—Authorization and payment. [Order 759, § 388-34-055, filed 12/28/72; Regulation 11.131, filed 8/29/66; Regulation 11.131, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-060 Authorizing initial and continuing eligibility and grant—Procedures. [Regulation 11.132, filed 8/29/66; Regulation 11.132, filed 1/24/64.] Repealed by Order 759, filed 12/28/72.
- 388-34-065 Authorizing initial and continuing eligibility and grant—Reporting procedure between county office and state office. [Regulation 11.133, filed 1/24/64.] Repealed by Order 651, filed 2/9/72.
- 388-34-070 Intermediate care facility—Eligibility. [Order 323, § 388-34-070, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-072 Intermediate care facility—Determination of need for intermediate care. [Order 395, § 388-34-072, filed 10/15/69; Order 323, § 388-34-072, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-074 Intermediate care facility—Placement of recipient. [Order 395, § 388-34-074, filed 10/15/69; Order 323, § 388-34-074, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-076 Intermediate care facility—Services to be provided by operator. [Order 395, § 388-34-076, filed 10/15/69; Order 323, § 388-34-076, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-078 Intermediate care facility—Payment standards—Rates—Procedures. [Order 562, § 388-34-078, filed 5/19/71; Order 553, § 388-34-078, filed 4/1/71; Order 467, § 388-34-078, filed 7/21/70; Order 395, § 388-34-078, filed 10/15/69; Order 377, § 388-34-078, filed 8/7/69; Order 339, § 388-34-078, filed 2/14/69; Order 323, § 388-34-078, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-080 Intermediate care facility—Payment procedures—Operator's responsibility. [Order 395, § 388-34-080, filed 10/15/69; Order 323, § 388-34-080, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-082 Intermediate care facility—Periodic review and re-evaluation. [Order 395, § 388-34-082, filed 10/15/69; Order 323, § 388-34-082, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-084 Intermediate care facility—Application from facility to provide intermediate care. [Order 395, § 388-34-084, filed 10/15/69.] Repealed by Order 651, filed 2/9/72.
- 388-34-085 Public nursing home—Definition—Grant requirements. [Order 1017, § 388-34-085, filed 4/14/75; Order 907, § 388-34-085, filed 2/14/74; Order 824, § 388-34-085, filed 7/26/73; Order 651, § 388-34-085, filed 2/9/72; Order 553, § 388-34-085, filed 4/1/71; Order 377, § 388-34-085, filed 8/7/69; Order 249, § 388-34-085, filed 11/1/67; Regulation 11.20, filed 7/24/67; Regulation 11.20, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-095 Fraternal, religious, or benevolent home. [Statutory Authority: RCW 74.08.090, 78-10-036 (Order 1338), § 388-34-095, filed 9/18/78; Order 651, § 388-34-095, filed 2/9/72; Order 377, § 388-34-095, filed 8/7/69; Order 249, § 388-34-095, filed 11/1/67; Regulation 11.30, filed 8/29/66; Regulation 11.30, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-110 General hospital—Grants requirements. [Order 1017, § 388-34-110, filed 4/14/75; Order 917, § 388-34-110, filed 3/14/74, 3/18/74; Order 824, § 388-34-110, filed 7/26/73; Order 651, § 388-34-110, filed 2/9/72; Order 553, § 388-34-110, filed 4/1/71; Order 377, § 388-34-110, filed 8/7/69; Order 249, § 388-34-110, filed 11/1/67; Regulation 11.41, filed 7/27/67; Regulation

- 11.41, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-120 Tuberculosis hospital—Grant requirements. [Order 1017, § 388-34-120, filed 4/14/75; Order 917, § 388-34-120, filed 3/14/74, 3/18/74; Order 824, § 388-34-120, filed 7/26/73; Order 651, § 388-34-120, filed 2/9/72; Order 377, § 388-34-120, filed 8/7/69; Order 553, § 388-34-120, filed 4/1/71; Order 249, § 388-34-120, filed 11/1/67; Regulation 11.42, filed 7/27/67, 2/23/67, 1/4/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-125 Psychiatric hospital (JCAH approved)—Standards for requirements. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-34-125, filed 9/18/78; Order 1044, § 388-34-125, filed 8/14/75; Order 824, § 388-34-125, filed 7/26/73; Order 651, § 388-34-125, filed 2/9/72; Order 553, § 388-34-125, filed 4/1/71; Order 377, § 388-34-125, filed 8/7/69; Order 249, § 388-34-125, filed 11/1/67.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-130 Patient in psychiatric facility—Commercial home not subject to state licensing. [Regulation 11.50, filed 7/27/67; Regulation 11.50, filed 3/21/67, 8/29/66, 1/24/64.] Repealed by Order 455 (part), filed 5/18/70.
- 388-34-140 Maternity services. [Order 688, § 388-34-140, filed 6/15/72; Order 434, § 388-34-140, filed 3/31/70; Regulation 11.60, filed 3/31/66; Regulation 11.60, filed 6/24/64, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-150 Other homes. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-34-150, filed 9/18/78; Regulation 11.70, filed 8/29/66; Regulation 11.70, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-160 Grant change—Admittance to institution other than nursing home. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-34-160, filed 5/4/83; 78-10-036 (Order 1338), § 388-34-160, filed 9/18/78; Regulation 11.80, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-165 Grant change—Discharge from institution other than licensed nursing home. [Regulation 11.81, filed 6/14/66; Regulation 11.81, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-180 Notification of grant authorization and change in grant. [Order 312, § 388-34-180, filed 10/31/68; Regulation 11.90, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-370 Intermediate care—Eligibility conditions. [Order 701, § 388-34-370, filed 7/27/72; Order 651, § 388-34-370, filed 2/9/72.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-372 Intermediate care—Determination of need for intermediate care. [Order 701, § 388-34-372, filed 7/27/72; Order 440, § 388-34-372, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-374 Intermediate care—Placement of recipient. [Order 440, § 388-34-374, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-375 Intermediate care—Absence for social reasons. [Order 867, § 388-34-375, filed 10/26/73.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-376 Intermediate care—Services to be provided by operator. [Order 440, § 388-34-376, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-378 Intermediate care—Grant requirements—Procedures. [Order 1017, § 388-34-378, filed 4/14/75; Order 907, § 388-34-378, filed 2/14/74; Order 862, § 388-34-378, filed 10/11/73; Order 842, § 388-34-378, filed 8/9/73; Order 824, § 388-34-378, filed 7/26/73; Order 732, § 388-34-378, filed 10/27/72; Order 716, § 388-34-378, filed 9/14/72; Order 675, § 388-34-378, filed 5/10/72; Order 651, § 388-34-378, filed 2/9/72; Order 440, § 388-34-378, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-380 Intermediate care—Payment procedures—Operator's responsibility. [Order 440, § 388-34-380, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-384 Intermediate care—Application to provide intermediate care. [Order 867, § 388-34-384, filed 10/26/73; Order 627, § 388-34-384, filed 10/24/71; Order 440, § 388-34-384, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.

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

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

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

- 388-36-010 Noncontinuing general assistance. [Order 536, § 388-36-010, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-010, filed 12/31/69; Order 294, § 388-36-010, filed 7/10/68; Regulation 12.00, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-015 Employable person—Defined. [Order 294, § 388-36-015, filed 7/10/68; Regulation 12.01, filed 12/31/65, effective 2/1/66; Regulation 12.01, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-025 Noncontinuing general assistance—Eligibility conditions—Summary. [Order 760, § 388-36-025, filed 12/28/72; Order 536, § 388-36-025, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-025, filed 12/31/69; Order 368, § 388-36-025, filed 7/9/69; Order 294, § 388-36-025, filed 7/10/68; Order 250, § 388-36-025, filed 11/1/67; Regulation 12.10, filed 12/31/65, effective 2/1/66; Regulation 12.10, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-055 Full-time employment. [Order 250, § 388-36-055, filed 11/1/67; Regulation 12.12, filed 12/31/65, effective 2/1/66; Regulation 12.12, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-060 Full-time employment—Effect on eligibility. [Order 250, § 388-36-060, filed 11/1/67; Regulation 12.121, filed 12/31/65, effective 2/1/66; Regulation 12.121, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.

- 388-36-070 Noncontinuing general assistance—Limitations on eligibility. [Order 760, § 388-36-070, filed 12/28/72; Order 633, § 388-36-070, filed 12/24/71; Order 622, § 388-36-070, filed 10/27/71; Order 536, § 388-36-070, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-070, filed 12/31/69; Order 250, § 388-36-070, filed 11/1/67; Regulation 12.13, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-080 Transfer of resource. [Order 294, § 388-36-080, filed 7/10/68; Regulation 12.14, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-095 Noncontinuing general assistance—Requirements. [Order 653, § 388-36-095, filed 2/9/72; Order 536, § 388-36-095, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-095, filed 12/31/69; Order 294, § 388-36-095, filed 7/10/68; Order 250, § 388-36-095, filed 11/1/67; Regulation 12.151, filed 12/31/65, effective 2/1/66; Regulation 12.151, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-100 Noncontinuing general assistance—Computing income. [Order 536, § 388-36-100, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-100, filed 12/31/69; Regulation 12.152, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-105 Noncontinuing general assistance—Exempt and nonexempt resources and income. [Order 536, § 388-36-105, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-105, filed 12/31/69; Regulation 12.153, filed 12/31/65, effective 2/1/66; Regulation 12.153, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-110 Noncontinuing general assistance—Utilization of resources and income by noncontinuing general assistance recipient. [Order 536, § 388-36-110, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-110, filed 12/31/69; Regulation 12.154, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-125 Noncontinuing general assistance—Assistance unit defined. [Order 760, § 388-36-125, filed 12/28/72; Order 659, § 388-36-125, filed 2/23/72; Order 536, § 388-36-125, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-125, filed 12/31/69; Regulation 12.20, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-160 Other persons eligible for noncontinuing general assistance. [Order 294, § 388-36-160, filed 7/10/68; 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.
- 9/17/84; 83-08-025 (Order 1955), § 388-37-038, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-038, filed 10/26/82.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-039 Continuing general assistance—Assistance units. [Statutory Authority: RCW 74.04.005. 92-10-049 (Order 3380), § 388-37-039, filed 5/5/92, effective 7/1/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-040 Continuing general assistance—Standards for requirements—Authorization. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-040, filed 8/21/87. Statutory Authority: RCW 74.08.090. 84-19-046 (Order 2152), § 388-37-040, filed 9/17/84; 82-22-021 (Order 1894), § 388-37-040, filed 10/26/82; 81-12-045 (Order 1661), § 388-37-040, filed 6/3/81; 79-06-028 (Order 1398), § 388-37-040, filed 5/16/79; Order 1102, § 388-37-040, filed 3/2/76; Order 841, § 388-37-040, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-045 General assistance-unemployable—Determination of capacity to engage in gainful employment. [Statutory Authority: RCW 74.04.005. 93-06-073 (Order 3520), § 388-37-045, filed 3/2/93, effective 4/2/93.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-050 General assistance-unemployable—Redetermination of eligibility. [Statutory Authority: RCW 74.04.005. 93-06-073 (Order 3520), § 388-37-050, filed 3/2/93, effective 4/2/93. Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-050, filed 8/21/87. Statutory Authority: RCW 74.08.090. 84-19-046 (Order 2152), § 388-37-050, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-050, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-050, filed 10/26/82; Order 1102, § 388-37-050, filed 3/2/76; Order 943, § 388-37-050, filed 6/28/74; Order 904, § 388-37-050, filed 1/31/74; Order 841, § 388-37-050, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-060 Congregate care—Alcoholism treatment. [Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-060, filed 7/24/85; 84-19-046 (Order 2152), § 388-37-060, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-060, filed 3/30/83. Statutory Authority: RCW 74.08.044. 82-04-076 (Order 1759), § 388-37-060, filed 2/3/82; Order 1173, § 388-37-060, filed 11/24/76.] Repealed by 87-18-005 (Order 2525), filed 8/21/87. Statutory Authority: 1987 c 406.
- 388-37-100 Progressive evaluation process. [Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-100, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-110 Determination of severity—General definitions. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-110, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-110, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-115 Progressive evaluation process Step I—Review of medical documentation. [Statutory Authority: 1991 c 10 and 126. 91-20-051 (Order 3249), § 388-37-115, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-115, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-120 Progressive evaluation process Step II—Severity of mental impairments. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-120, filed 8/21/87. Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-120, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-130 Progressive evaluation process Step III—Severity of physical impairments. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-130, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-130, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed

- 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-135 Alcoholism/drug addiction. [Statutory Authority: RCW 74.04.050, 92-03-047 (Order 3306), § 388-37-135, filed 1/10/92, effective 2/10/92. Statutory Authority: 1987 c 406, 87-18-005 (Order 2525), § 388-37-135, filed 8/21/87. Statutory Authority: RCW 74.08.090, 85-15-090 (Order 2259), § 388-37-135, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-140 Progressive evaluation process Step IV—Multiple impairments. [Statutory Authority: RCW 74.08.090, 89-01-047 (Order 2733), § 388-37-140, filed 12/14/88; 88-15-013 (Order 2652), § 388-37-140, filed 7/8/88. Statutory Authority: 1987 c 406, 87-18-005 (Order 2525), § 388-37-140, filed 8/21/87. Statutory Authority: RCW 74.08.090, 85-15-090 (Order 2259), § 388-37-140, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-150 Progressive evaluation process Step V—Functional capacities—Mental impairments. [Statutory Authority: RCW 74.08.090, 85-15-090 (Order 2259), § 388-37-150, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-160 Progressive evaluation process Step V—Functional capacities—Physical impairments. [Statutory Authority: RCW 74.08.090, 88-15-013 (Order 2652), § 388-37-160, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-160, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-170 Evaluation of vocational factors for Steps VI and VII. [Statutory Authority: RCW 74.08.090, 88-15-013 (Order 2652), § 388-37-170, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-170, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-180 Progressive evaluation process Step VI—Evaluation of capacity to perform past work. [Statutory Authority: RCW 74.08.090, 85-15-090 (Order 2259), § 388-37-180, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-190 Progressive evaluation process Step VII—Assessment of capacity to perform other work. [Statutory Authority: RCW 74.08.090, 88-15-013 (Order 2652), § 388-37-190, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-190, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-210 Noncontinuing general assistance—Eligible persons. [*Order 1085, § 388-37-210, filed 1/15/76; Emergency Order 1073, § 388-37-210, filed 12/12/75 (Emergency Order 1073 repealed WAC 388-37-210, which was then readopted, as amended, by Order 1085, filed 1/15/76); Order 969, § 388-37-210, filed 9/13/74; Order 939, § 388-37-210, filed 5/23/74; Order 904, § 388-37-210, filed 1/31/74; Order 841, § 388-37-210, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-215 Noncontinuing general assistance—Specific eligibility conditions. [Order 1173, § 388-37-215, filed 11/24/76; Order 973, § 388-37-215, filed 9/26/74; Order 841, § 388-37-215, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-220 Noncontinuing general assistance—Requirements. [Order 1242, § 388-37-220, filed 9/23/77; Order 1145, § 388-37-220, filed 8/26/76; Order 1040, § 388-37-220, filed 8/7/75; Order 904, § 388-37-220, filed 1/31/74; Order 841, § 388-37-220, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-230 Noncontinuing general assistance—Exempt and nonexempt resources and income. [Statutory Authority: RCW 74.08.090, 78-06-022 (Order 1294), § 388-37-230, filed 5/16/78; Order 841, § 388-37-230, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-235 Noncontinuing general assistance—Computing income. [Order 841, § 388-37-235, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-240 Noncontinuing general assistance—Utilization of resources and income. [Order 841, § 388-37-240, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-245 Noncontinuing general assistance—Effective date of eligibility. [Order 841, § 388-37-245, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-250 Noncontinuing general assistance—Grant period. [Order 841, § 388-37-250, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-255 Noncontinuing general assistance—Authorization and reauthorization of grant. [Order 841, § 388-37-255, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-260 Noncontinuing general assistance—Notification to recipient. [Order 841, § 388-37-260, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-265 Noncontinuing general assistance—Payment of grant. [Order 841, § 388-37-265, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-270 Noncontinuing general assistance—Vendor payment. [Order 841, § 388-37-270, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-300 GAU CWEP—Purpose. [Statutory Authority: SHB 2983, 1992, 92-17-006 (Order 3433), § 388-37-300, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-310 GAU CWEP—Definitions. [Statutory Authority: SHB 2983, 1992, 92-17-006 (Order 3433), § 388-37-310, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-320 GAU CWEP—Participation requirement. [Statutory Authority: SHB 2983, 1992, 92-17-006 (Order 3433), § 388-37-320, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-330 GAU CWEP—Exemptions. [Statutory Authority: SHB 2983, 1992, 92-17-006 (Order 3433), § 388-37-330, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-340 GAU CWEP—Placements. [Statutory Authority: SHB 2983, 1992, 92-17-006 (Order 3433), § 388-37-340, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-350 GAU CWEP—Placement agencies. [Statutory Authority: SHB 2983, 1992, 92-17-006 (Order 3433), § 388-37-350, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-360 GAU CWEP—Scope of services. [Statutory Authority: SHB 2983, 1992, 92-17-006 (Order 3433), § 388-37-360, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-370 GAU CWEP—Good cause for refusal or failure to participate. [Statutory Authority: SHB 2983, 1992, 92-17-006 (Order 3433), § 388-37-370, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-380 GAU CWEP—Sanctions for refusal or failure to participate. [Statutory Authority: SHB 2983, 1992, 92-17-006 (Order 3433), § 388-37-380, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 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, §

**Chapter 388-38
APPLICATION**

- 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. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-095, 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.
- 388-40-100 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 278, § 388-42-110, filed 2/14/68; Order 242, § 388-42-110, filed 10/20/67; Regulation 15.40, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-115 Application. [Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-115, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-115, filed 8/12/81; Order 612, § 388-42-115, filed 9/27/71.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-125 Fair hearing. [Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-125, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-125, filed 8/12/81; Order 538, § 388-42-125, filed 3/31/71, effective 5/1/71; Order 242, § 388-42-125, filed 10/20/67; Regulation 15.50, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-150 Maximum cost standards. [Statutory Authority: RCW 74.08.120. 93-05-021 (Order 3513), § 388-42-150, filed 2/10/93, effective 3/13/93; 92-16-015 (Order 3422), § 388-42-150, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 91-06-005 (Order 3142), § 388-42-150, filed 2/21/91, effective 3/24/91; 90-10-031 (Order 2973), § 388-42-150, filed 4/25/90, effective 5/26/90; 88-18-023 (Order 2682), § 388-42-150, filed 8/30/88. Statutory Authority: 1987 c 7. 87-24-073 (Order 2563), § 388-42-150, filed 12/2/87. Statutory Authority: RCW 74.08.090. 85-24-052 (Order 2310), § 388-42-150, filed 12/2/85; 84-11-071 (Order 2100), § 388-42-150, filed 5/22/84, effective 7/1/84; 82-06-050 (Order 1772), § 388-42-150, filed 3/3/82; 81-17-026 (Order 1691), § 388-42-150, filed 8/12/81; 80-11-055 (Order 1532), § 388-42-150, filed 8/20/80; 79-10-083 (Order 1434), § 388-42-150, filed 9/21/79; 78-10-058 (Order 1340), § 388-42-150, filed 9/22/78; Order 1247, § 388-42-150, filed 10/10/77; Order 1052, § 388-42-150, filed 9/10/75; Order 907, § 388-42-150, filed 2/14/74; Order 612, § 388-42-150, filed 9/27/71; Order 538, § 388-42-150, filed 3/31/71, effective 5/1/71; Order 378, § 388-42-150, filed 8/7/69; Order 255, § 388-42-150, filed 11/8/67; Regulation 15.60, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.

- 388-42-160 Agreements with funeral directors, cemetery and crematory operators. [Order 242, § 388-42-160, filed 10/20/67; Regulation 15.70, filed 1/24/64.] Repealed by Order 281, filed 2/14/68.
- 388-42-170 Lien against deceased person's assets exempted for use by spouse and/or minor children. [Regulation 15.80, filed 12/31/65.] Repealed by Order 245, filed 10/20/67.

Chapter 388-43

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, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-020 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.

388-43-120

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.

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.

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 10/17/75; Order 800, § 388-44-010, filed 5/25/73; Order 539, § 388-44-010, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-010, filed 10/15/69; Regulation 16.01, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-020 Intentional overpayment—Defined. [Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-020, filed 2/16/83; 81-09-045 (Order 1638), § 388-44-020, filed 4/15/81; Order 843, § 388-44-020, filed 8/9/73; Order 800, § 388-44-020, filed 5/25/73; Order 539, § 388-44-020, filed 3/31/71, effective 5/1/71; Regulation 16.02, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-025 Overpayments—Effective dates. [Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-025, filed 2/16/83.] Repealed by 86-04-014 (Order 2335), filed 1/24/86. Statutory Authority: RCW 74.04.050.
- 388-44-035 Overpayment—Amount. [Statutory Authority: RCW 74.08.090. 88-19-070 (Order 2699), § 388-44-035, filed 9/16/88. Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-035, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-035, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-035, filed 2/3/82; 81-09-045 (Order 1638), § 388-44-035, filed 4/15/81; Order 539, § 388-44-035, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-035, filed 10/15/69; Regulation 16.11, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-040 Overpayment—Due to need factor. [Order 539, § 388-44-040, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-040, filed 10/15/69; Regulation 16.12, filed 1/24/64.] Repealed by 81-09-045 (Order 1638), filed 4/15/81. Statutory Authority: RCW 74.08.090.
- 388-44-045 Overpayment—During known period of ineligibility. [Regulation 16.13, filed 1/24/64.] Repealed by Order 396, filed 10/15/69.
- 388-44-046 Overpayment—Support payments not treated as overpayment. [Order 1054, § 388-44-046, filed 9/25/75.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-050 Overpayment—Relationship to underpayment. [Statutory Authority: RCW 74.08.090. 82-04-072 (Order 1755), § 388-44-050, filed 2/3/82; Order 539, § 388-44-050, filed 3/31/71, effective 5/1/71; Regulation 16.14, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-075 Establishing overpayment. [Order 396, § 388-44-075, filed 10/15/69; Regulation 16.20, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-085 Establishing overpayment—Person not available for interview. [Order 396, § 388-44-085, filed 10/15/69;

- 388-44-095 Regulation 16.22, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71. Establishing overpayment—Substantiation. [Order 396, § 388-44-095, filed 10/15/69; Regulation 16.23, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-110 Overpayment—Liability. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-110, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-110, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-110, filed 2/3/82; 80-14-061 (Order 1547), § 388-44-110, filed 10/1/80; Order 800, § 388-44-110, filed 5/25/73; Order 539, § 388-44-110, filed 3/31/71, effective 5/1/71; Regulation 16.24, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-115 Verification of overpayment. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-115, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-115, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-115, filed 2/3/82; 81-19-029 (Order 1698), § 388-44-115, filed 9/9/81; Order 800, § 388-44-115, filed 5/25/73.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-120 Invalid overpayment. [Order 800, § 388-44-120, filed 5/25/73.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-125 Repayment of overpayment from current recipients. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-125, filed 1/24/86. Statutory Authority: RCW 74.08.090. 84-21-079 (Order 2163), § 388-44-125, filed 10/18/84; 83-05-046 (Order 1947), § 388-44-125, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-125, filed 2/3/82; Order 965, § 388-44-125, filed 8/29/74; Order 897, § 388-44-125, filed 1/11/74; Order 800, § 388-44-125, filed 5/25/73; Order 539, § 388-44-125, filed 3/31/71, effective 5/1/71; Regulation 16.30, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-127 Repayment of overpayment occurring prior to April 3, 1982, and resulting from department error. [Statutory Authority: RCW 74.08.090. 84-21-079 (Order 2163), § 388-44-127, filed 10/18/84; 83-05-046 (Order 1947), § 388-44-127, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-127, filed 2/3/82; 81-05-002 (Order 1596), § 388-44-127, filed 2/5/81; 78-06-082 (Order 1298), § 388-44-127, filed 6/1/78; Order 897, § 388-44-127, filed 1/11/74; Order 800, § 388-44-127, filed 5/25/73; Order 539, § 388-44-127, filed 3/31/71, effective 5/1/71; Order 512, § 388-44-127, filed 1/14/71, effective 2/15/71; Order 396, § 388-44-127, filed 10/15/69.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-130 Repayment of overpayment from former recipients. [Statutory Authority: 74.08.090. 83-05-046 (Order 1947), § 388-44-130, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-130, filed 2/3/82; Order 965, § 388-44-130, filed 8/29/74; Order 897, § 388-44-130, filed 1/11/74; Order 800, § 388-44-130, filed 5/25/73; Order 539, § 388-44-130, filed 3/31/71, effective 5/1/71; Order 446, § 388-44-130, filed 4/28/70; Regulation 16.31, filed 1/24/64.] Repealed by 86-04-014 (Order 2335), filed 1/24/86. Statutory Authority: RCW 74.04.050.
- 388-44-140 Responsibility for recovery of overpayment. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-140, filed 1/24/86. Statutory Authority: RCW 74.08.090. 82-04-072 (Order 1755), § 388-44-140, filed 2/3/82; Order 897, § 388-44-140, filed 1/11/74; Order 800, § 388-44-140, filed 5/25/73; Order 539, § 388-44-140, filed 3/31/71, effective 5/1/71; Regulation 16.32, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-145 Involuntary repayment of overpayment—Mandatory grant deduction. [Statutory Authority: RCW 74.08.090. 91-09-070 (Order 3160), § 388-44-145, filed 4/17/91, effective 5/18/91. Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-145, filed 1/24/86. Statutory Authority: RCW 74.08.090. 84-21-079 (Order 2163), § 388-44-145, filed 10/18/84; 83-05-046 (Order 1947), § 388-44-145, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-145, filed 2/3/82; 81-09-045 (Order 1638), § 388-44-145, filed 4/15/81; Order 965, § 388-44-145, filed 8/29/74; Order 897, § 388-44-145, filed 1/11/74; Order 800, § 388-44-145, filed 5/25/73; Order 539, § 388-44-145, filed 3/31/71, effective 5/1/71; Order 401, § 388-44-145, filed 11/5/69; Order 324, § 388-44-145, filed 11/27/68; Emergency Order 310, filed 10/18/68; Regulation 16.321, filed 6/30/67; Regulation 16.321, filed 8/29/66, 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-150 Recovery of overpayments—Former recipients. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-150, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-150, filed 2/16/83; 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 388-46 RECIPIENT FRAUD

388-46-010 Fraud—Criminal prosecution. [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.] Repealed by 01-06-044, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.04.510, 74.04.057, and 74.04.050.

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.

388-46-100 Fraud—Federal food coupons and 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.] Repealed by 01-06-044, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.04.510, 74.04.057, and 74.04.050.

388-46-110 Disqualification period for recipients convicted of unlawfully obtaining assistance. [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.] Repealed by 01-06-044, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.04.510, 74.04.057, and 74.04.050.

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. [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.] Repealed by 01-06-044, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.04.510, 74.04.057, and 74.04.050.

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.		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.
388-47-125	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.	388-48-020	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.
388-47-127	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.	388-48-025	Conditions and limitations on disclosing confidential information. [Reference section only] Repealed by Order 541, filed 3/31/71, effective 5/1/71.
388-47-130	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.	388-48-030	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.
388-47-135	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.	388-48-033	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.
388-47-140	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.	388-48-037	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.
388-47-200	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.	388-48-040	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.
388-47-210	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.	388-48-050	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.
388-47-215	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.	388-48-060	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.
388-47-220	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.	388-48-070	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.
388-47-300	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.	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.
	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		

- 388-48-130 Prohibition against release of confidential and privileged information in judicial proceedings. [Order 541, § 388-48-130, filed 3/31/71, effective 5/1/71; Order 271, § 388-48-130, filed 12/5/67; Regulation 18.60, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-48-140 General. [Regulation 18.70, filed 1/24/64.] Repealed by Order 541, filed 3/31/71, effective 5/1/71.
- Chapter 388-49**
FOOD ASSISTANCE PROGRAMS
(Formerly chapter 388-54 WAC)
- 388-49-010 Purpose of program. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-010, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-015 General provisions. [Statutory Authority: RCW 74.04.510. 96-23-020, § 388-49-015, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.050, Public Law 103-31 and Administrative Notice 94-38. 94-23-130 (Order 3809), § 388-49-015, filed 11/23/94, effective 1/1/95. Statutory Authority: RCW 74.04.510. 94-13-203 (Order 3744), § 388-49-015, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.04.510 and Washington vs. Sunchal Park-King Co. 92-1-03967-9. 93-13-132 (Order 3574), § 388-49-015, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.04.510. 89-18-058 (Order 2866), § 388-49-015, filed 9/1/89, effective 10/2/89; 89-07-001 (Order 2770), § 388-49-015, filed 3/2/89; 88-18-058 (Order 2685), § 388-49-015, filed 9/1/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-015, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-020 Definitions. [Statutory Authority: RCW 74.05.510, Public Law 104-193 (1996), sections 115 and 824, and EHB 3901 (1997), section 101 of 55th legislature. 97-16-046, § 388-49-020, filed 7/31/97, effective 8/1/97. Statutory Authority: RCW 74.04.510. P.L. 104-193 and Sections 803, 821 and 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 97-06-096, § 388-49-020, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 74.04.510. 96-23-022, § 388-49-020, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.050. 96-06-031 (Order 3947), § 388-49-020, filed 2/29/96, effective 4/1/96; 95-19-013 (Order 3894), § 388-49-020, filed 9/7/95, effective 10/6/95. Statutory Authority: RCW 74.04.050, 74.04.510, 7 CFR 273.9(c) and 7 CFR 273.1(b). 95-06-028 (Order 3840), § 388-49-020, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, Administrative Notice 94-34 and Public Law 101-624 Section 1725. 94-20-042 (Order 3787), § 388-49-020, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.04.050. 94-16-038 (Order 3757), § 388-49-020, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 271.2. 93-11-041 (Order 3551), § 388-49-020, filed 5/12/93, effective 7/1/93. Statutory Authority: RCW 74.04.050. 92-11-059 (Order 3390), § 388-49-020, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.04.510. 91-16-065 (Order 3224), § 388-49-020, filed 8/1/91, effective 9/1/91; 91-10-096 (Order 3170), § 388-49-020, filed 5/1/91, effective 6/1/91; 90-12-057 (Order 3015), § 388-49-020, filed 5/31/90, effective 7/1/90; 89-18-035 (Order 2854), § 388-49-020, filed 8/29/89, effective 9/29/89; 89-07-001 (Order 2770), § 388-49-020, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-16-081 (Order 2662), § 388-49-020, filed 8/2/88. Statutory Authority: RCW 74.04.510. 88-08-080 (Order 2618), § 388-49-020, filed 4/6/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-020, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-030 Filing an application. [Statutory Authority: RCW 74.04.510. 91-14-081 (Order 3194), § 388-49-030, filed 7/1/91, effective 8/1/91; 89-07-001 (Order 2770), § 388-49-030, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-030, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-040 Supplemental security income (SSI) households. [Statutory Authority: RCW 74.04.510. 91-14-082 (Order 3195), § 388-49-040, filed 7/1/91, effective 8/1/91. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-040, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-050 Authorized representative. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-050, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-060 Interview process. [Statutory Authority: RCW 74.04.050 (7 CFR 273.2 (e)(i)). 94-01-066 (Order 3680), § 388-49-060, filed 12/8/93, effective 1/8/94. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-060, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-070 Public assistance households. [Statutory Authority: RCW 74.04.510. 90-12-056 (Order 3014), § 388-49-070, filed 5/31/90, effective 7/1/90; 89-18-027 (Order 2855), § 388-49-070, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-070, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-080 Expedited service. [Statutory Authority: RCW 74.04.050. 95-11-122 (Order 3856), § 388-49-080, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.04.050, Administrative Notice 93-53 and 7 CFR 274.2 (b)(3). 93-22-026 (Order 3654), § 388-49-080, filed 10/27/93, effective 11/27/93. Statutory Authority: RCW 74.04.510. 91-12-043 (Order 3187), § 388-49-080, filed 6/4/91, effective 7/5/91; 90-23-072 (Order 3097), § 388-49-080, filed 11/20/90, effective 12/21/90; 90-12-055 (Order 3013), § 388-49-080, filed 5/31/90, effective 7/1/90. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-080, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-090 Destitute household. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-090, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-100 Rights and responsibilities. [Statutory Authority: RCW 74.04.050, Public Law 101-624 Section 1725 and Administrative Notice Memo 92-34. 94-18-129 (Order 3781), § 388-49-100, filed 9/7/94, effective 10/8/94. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-100, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-110 Verification. [Statutory Authority: RCW 74.04.050. 95-11-123 (Order 3855), § 388-49-110, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.04.050, CFR 273.21(i) and Administrative Notices 94-53 and 94-30. 94-17-173 (Order 3774), § 388-49-110, filed 8/24/94, effective 9/24/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9. 92-09-032 (Order 3368), § 388-49-110, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.04.510. 90-23-073 (Order 3098), § 388-49-110, filed 11/20/90, effective 12/21/90; 89-07-001 (Order 2770), § 388-49-110, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-110, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-120 Application disposition. [Statutory Authority: RCW 74.04.510. 93-14-087 (Order 3540), § 388-49-120, filed 7/1/93, effective 8/1/93; 91-14-082 (Order 3195), § 388-49-120, filed 7/1/91, effective 8/1/91. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-120, filed 12/31/87.] Repealed by 98-16-044, filed

- 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-150 Delayed and pended applications. [Statutory Authority: RCW 74.04.050, 95-18-004 (Order 3883), § 388-49-150, filed 8/23/95, effective 9/23/95; 88-02-031 (Order 2575), § 388-49-150, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-160 Certification periods. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.10 (f)(2), 97-09-030, § 388-49-160, filed 4/10/97, effective 5/11/97. Statutory Authority: RCW 74.04.050 and 7 CFR 273.10 (f)(2), 96-14-074 (Order 3987), § 388-49-160, filed 6/28/96, effective 8/1/96. Statutory Authority: RCW 74.04.050 and Waiver to 7 CFR 273.10 (f)(6), 95-06-030 (Order 3841), § 388-49-160, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-160, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-170 Recertification. [Statutory Authority: RCW 74.04.050, 95-18-004 (Order 3883), § 388-49-170, filed 8/23/95, effective 9/23/95; 88-02-031 (Order 2575), § 388-49-170, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-180 Categorical eligibility. [Statutory Authority: RCW 74.04.510, 92-09-116 (Order 3374), § 388-49-180, filed 4/21/92, effective 5/22/92; 90-12-058 (Order 3016), § 388-49-180, filed 5/31/90, effective 7/1/90. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-180, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-190 Household concept. [Statutory Authority: RCW 74.04.510, Public Law 104-193 (1996), section 115, and EHB 3901 (1997), section 101 of 55th legislature, 97-16-045, § 388-49-190, filed 7/31/97, effective 8/1/97. Statutory Authority: RCW 74.04.510 and Public Law 104-193, Section 115 (1996), 97-09-031, § 388-49-190, filed 4/10/97, effective 7/1/97. Statutory Authority: RCW 74.04.510, Public Law 104-193 and Sections 803 and 821 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 96-22-103, § 388-49-190, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and 74.04.510, 95-12-001 (Order 3854), § 388-49-190, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.04.050, 74.04.510, P.L. 103-66, Administrative Notice 94-39 and 7 CFR 273.1(b), 95-06-027 (Order 3838), § 388-49-190, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, P.L. 103-66 and USDA Food and Nutrition Service Administrative Notices 94-01, 94-02 and 94-03, 94-16-039 (Order 3762), § 388-49-190, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510, 91-10-098 (Order 3172), § 388-49-190, filed 5/1/91, effective 6/1/91; 90-14-064 (Order 3033), § 388-49-190, filed 6/29/90, effective 8/1/90; 89-07-001 (Order 2770), § 388-49-190, filed 3/2/89. Statutory Authority: RCW 74.04.050, 88-16-081 (Order 2662), § 388-49-190, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-190, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-191 Household composition—Family independence program. [Statutory Authority: Chapter 74.21 RCW, 88-18-025 (Order 2684), § 388-49-191, filed 8/30/88.] Repealed by 89-03-053 (Order 2757), filed 1/13/89. Statutory Authority: Chapter 74.21 RCW.
- 388-49-200 Residents of institutions. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.1(e), 93-11-042 (Order 3550), § 388-49-200, filed 5/12/93, effective 7/1/93. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-200, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-210 Alcohol and drug treatment centers. [Statutory Authority: RCW 74.04.050, P.L. 103-66 and Administrative Notices 94-01, 94-02 and 94-03, 94-16-040 (Order 3760), § 388-49-210, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-210, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-220 Group living arrangements. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.1 (e)(1)(iii), 93-11-043 (Order 3549), § 388-49-220, filed 5/12/93, effective 7/1/93. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-220, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-230 Shelters for battered women and children. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-230, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-240 Meals for the homeless. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-240, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-250 Boarders. [Statutory Authority: RCW 74.04.510 [74.04.510] and 7 CFR 273.9(c) and 273.1(b), 95-06-026 (Order 3837), § 388-49-250, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.510, 89-05-032 (Order 2762), § 388-49-250, filed 2/13/89. Statutory Authority: RCW 74.04.050, 88-16-083 (Order 2664), § 388-49-250, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-250, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-260 Nonhousehold and ineligible household members. [Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b), 95-06-029 (Order 3839), § 388-49-260, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, 88-16-081 (Order 2662), § 388-49-260, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-260, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-270 Sponsored aliens. [Statutory Authority: RCW 74.04.510, 91-16-063 (Order 3225), § 388-49-270, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-270, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-280 Communal dining and delivered meals. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-280, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-290 Identity. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-290, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-300 Residency. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-300, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-310 Citizenship and alien status. [Statutory Authority: RCW 74.04.510, Sections 5302 and 5306 of the Balanced Budget Act of 1997 and Public Law 104-193, 97-22-042, § 388-49-310, filed 10/31/97, effective 12/1/97. Statutory Authority: RCW 74.04.510 and Section 510 of Public Law 104-208 (1996), 97-12-025, § 388-49-310, filed 5/29/97, effective 6/29/97. Statutory Authority: RCW 74.04.510 and section 402 of HR 3734 (P.L. 104-193) (1996), 97-06-074, § 388-49-310, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.04.050, 92-14-030 (Order 3409), § 388-49-310, filed 6/23/92, effective 7/24/92; 91-11-019 (Order 3177), § 388-49-310, filed 5/7/91, effective 6/1/91. Statutory Authority: RCW 74.04.510, 89-16-106 (Order 2836), § 388-49-310, filed 8/2/89, effective 9/2/89; 89-07-001 (Order 2770), § 388-49-310, filed 3/2/89. Statutory Authority: RCW 74.04.050, 88-16-085 (Order 2666), § 388-49-310, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-310, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

- 388-49-320 Social Security number. [Statutory Authority: RCW 74.04.510, 89-16-063 (Order 2835), § 388-49-320, filed 7/31/89, effective 8/31/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-320, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-330 Student. [Statutory Authority: 7 CFR 273.5 and RCW 74.04.050, 96-07-053 (Order 3957), § 388-49-330, filed 3/18/96, effective 5/1/96. Statutory Authority: RCW 74.04.050 and Public Law 102-237 Section 1727, 94-17-175 (Order 3777), § 388-49-330, filed 8/24/94, effective 10/1/94; 92-11-058 (Order 3387), § 388-49-330, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.04.510, 91-10-099 (Order 3173), § 388-49-330, filed 5/1/91, effective 6/1/91; 89-16-107 (Order 2837), § 388-49-330, filed 8/2/89, effective 9/2/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-330, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-340 Cooperation with quality control review. [Statutory Authority: RCW 74.04.050, Administrative Notice 94-14 and IPM 94-03, 94-18-034 (Order 3778), § 388-49-340, filed 8/30/94, effective 10/1/94. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-340, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-350 Food distribution program. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-350, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-355 Work requirements for able-bodied adults without dependents. [Statutory Authority: RCW 74.04.510, 97-03-035, § 388-49-355, filed 1/9/97, effective 2/9/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-360 Work registration and food stamp employment and training (FSE&T) program participation. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996), 97-09-012, § 388-49-360, filed 4/4/97, effective 5/5/97. Statutory Authority: RCW 74.01.510, 74.04.510, 7 CFR 273.7 (b)(1)(i), Public Law 103-66 Section 13922 and Administrative Notice 92-34, 94-22-030 (Order 3803), § 388-49-360, filed 10/26/94, effective 11/26/94. Statutory Authority: RCW 74.04.510, 89-19-025 (Order 2870), § 388-49-360, filed 9/12/89, effective 10/13/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-360, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-362 Food stamp employment and training program responsibilities. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996), 97-09-012, § 388-49-362, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-364 Food stamp employment and training program services. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996), 97-09-012, § 388-49-364, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-366 Food stamp employment and training good cause. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996), 97-09-012, § 388-49-366, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-368 Food stamp employment and training disqualifications. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996), 97-09-012, § 388-49-368, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-369 Food stamp employment and training payments. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996), 97-09-012, § 388-49-369, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-370 Unsuitable employment. [Statutory Authority: RCW 74.04.510, 89-19-025 (Order 2870), § 388-49-370, filed 9/12/89, effective 10/13/89.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-380 Voluntary quit. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996), 97-09-012, § 388-49-380, filed 4/4/97, effective 5/5/97. Statutory Authority: RCW 74.01.510, 74.04.510, 7 CFR 273.7 (b)(1)(i), Public Law 103-66 Section 13922 and Administrative Notice 92-34, 94-22-030 (Order 3803), § 388-49-380, filed 10/26/94, effective 11/26/94. Statutory Authority: RCW 74.04.510, 89-19-025 (Order 2870), § 388-49-380, filed 9/12/89, effective 10/13/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-380, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-385 Food stamp workfare. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996), 97-09-012, § 388-49-385, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-390 Strikers. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-390, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-400 Resources—Allowable maximums. [Statutory Authority: RCW 74.04.510, 90-23-075 (Order 3100), § 388-49-400, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-400, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-410 Resources—Exempt. [Statutory Authority: RCW 74.04.510 and Admin. Order 95-62, P.L. 103-66, P.L. 103-436 and 7 CFR 273.8 (e)(4), 96-07-022 (Order 3953), § 388-49-410, filed 3/13/96, effective 5/1/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b), 273.8 (e)(5) and 273.8 (h)(1)(i), 95-06-031 (Order 3836), § 388-49-410, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, USDA Food and Nutrition Service Administrative Notice 94-03 sections 13923 and 13924, P.L. 103-66 and CFR 273.8 (e)(3), 273.8(g), and 273.8(h), 94-16-041 (Order 3756), § 388-49-410, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510, 92-09-117 (Order 3375), § 388-49-410, filed 4/21/92, effective 5/22/92; 91-23-087 (Order 3289), § 388-49-410, filed 11/19/91, effective 12/20/91; 91-10-097 (Order 3171), § 388-49-410, filed 5/1/91, effective 6/1/91; 90-11-004 (Order 2976), § 388-49-410, filed 5/3/90, effective 6/3/90; 89-18-030 (Order 2857), § 388-49-410, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.04.050, 88-16-081 (Order 2662), § 388-49-410, filed 8/2/88. Statutory Authority: RCW 74.04.510, 88-08-081 (Order 2619), § 388-49-410, filed 4/6/88. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-410, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-420 Resources—Nonexempt. [Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b), 95-06-032 (Order 3835), § 388-49-420, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.510, 91-22-046 (Order 3277), § 388-49-420, filed 10/31/91, effective 12/1/91; 91-10-097 (Order 3171), § 388-49-420, filed 5/1/91, effective 6/1/91; 90-23-075 (Order 3100), § 388-49-420, filed 11/20/90, effective 12/21/90; 89-07-001 (Order 2770), § 388-49-420, filed 3/2/89. Statutory Authority: RCW 74.04.050, 88-16-081 (Order 2662), § 388-49-420, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-420, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98.

- tive 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-430 Resources—Vehicles. [Statutory Authority: RCW 74.04.510. 96-23-023, § 388-49-430, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.510 and P.L. 103-66. 95-24-018 (Order 3920), § 388-49-430, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b), 273.8(e)(5) and 273.8(h)(1)(i). 95-06-031 (Order 3836), § 388-49-430, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, USDA Food and Nutrition Service Administrative Notice 94-03 sections 13923 and 13924, P.L. 103-66 and CFR 273.8(e)(3), 273.8(g) and 273.8(h). 94-16-041 (Order 3756), § 388-49-430, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.050 and 7 CFR 273.8(h). 93-16-044 (Order 3605), § 388-49-430, filed 7/28/93, effective 8/28/93. Statutory Authority: RCW 74.04.510. 91-16-064 (Order 3226), § 388-49-430, filed 8/1/91, effective 9/1/91; 89-18-030 (Order 2857), § 388-49-430, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-430, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-440 Resources—Transfer of property. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-440, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-450 Income—Earned. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(b)(1)(vi) and (c)(16). 94-22-032 (Order 3800), § 388-49-450, filed 10/26/94, effective 1/1/95. Statutory Authority: RCW 74.04.510 and 1992 § 479B. 93-17-032 (Order 3614), § 388-49-450, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510. 89-11-101 (Order 2800), § 388-49-450, filed 5/24/89; 89-05-032 (Order 2762), § 388-49-450, filed 2/13/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-450, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-460 Income—Unearned. [Statutory Authority: RCW 74.04.510 and Section 829 of H.R. 3734 (Public Law 104-193). 96-22-102, § 388-49-460, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(b)(2)(ii) and (iv). 94-22-033 (Order 3801), § 388-49-460, filed 10/26/94, effective 1/1/95. Statutory Authority: RCW 74.04.510 and 7 CFR 273.11(k). 94-16-042 (Order 3761), § 388-49-460, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510. 89-24-040 (Order 2911), § 388-49-460, filed 12/1/89, effective 1/1/90; 89-05-032 (Order 2762), § 388-49-460, filed 2/13/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-460, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-470 Income—Exclusions. [Statutory Authority: RCW 74.04.510 and 7 U.S.C. 2014(d) and (k). 97-05-002, § 388-49-470, filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 74.04.510 and Section 807 and 808 of H.R. 3734 (Public Law 104-193). 96-22-100, § 388-49-470, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(c)(16). 94-22-029 (Order 3802), § 388-49-470, filed 10/26/94, effective 1/1/95. Statutory Authority: RCW 74.04.510, P.L. 103-66 (8-10-93) and 7 CFR 273.11(k). 94-16-074 (Order 3766), § 388-49-470, filed 7/29/94, effective 9/1/94. Statutory Authority: RCW 74.04.510 and 1992 § 479B. 93-17-032 (Order 3614), § 388-49-470, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(b)(5), (c)(2), and (c)(6). 92-22-051 (Order 3475), § 388-49-470, filed 10/28/92, effective 12/1/92. Statutory Authority: RCW 74.04.510 and Public Law 102-237. 92-11-063 (Order 3392), § 388-49-470, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.04.510. 92-03-119 (Order 3316), § 388-49-470, filed 1/21/92, effective 2/21/92; 91-06-004 (Order 3141), § 388-49-470, filed 2/21/91, effective 3/24/91; 90-15-028 (Order 3040), § 388-49-470, filed 7/13/90, effective 8/13/90; 89-24-040 (Order 2911), § 388-49-470, filed 12/1/89, effective 1/1/90; 89-11-101 (Order 2800), § 388-49-470, filed 5/24/89; 88-21-096 (Order 2716), § 388-49-470, filed 10/19/88; 88-08-079 (Order 2617), § 388-49-470, filed 4/6/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-470, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-480 Income—Ineligible household members. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.1(b)(2)(i). 95-07-122 (Order 3842), § 388-49-480, filed 3/22/95, effective 4/22/95. Statutory Authority: RCW 74.04.510. 91-15-088 (Order 3209), § 388-49-480, filed 7/23/91, effective 8/23/91; 89-07-001 (Order 2770), § 388-49-480, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-16-081 (Order 2662), § 388-49-480, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-480, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-485 Income—Nonhousehold members. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-485, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-490 Income—Sponsored aliens. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-490, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-500 Income—Deductions. [Statutory Authority: RCW 74.04.510 and Section 809 of HR 3734 P.L. 104-193. 96-24-072, § 388-49-500, filed 12/2/96, effective 1/1/97. Statutory Authority: USDA Administrative Notice 96-03 and RCW 74.04.050 and USDA. 96-06-046 (Order 3951), § 388-49-500, filed 3/5/96, effective 4/5/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(a),(d)(6)(v) and (vi), (5), (7) and (8). 95-21-052 (Order 3907), § 388-49-500, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(d)(6)(v). 95-11-120 (Order 3852), § 388-49-500, filed 5/24/95, effective 7/1/95. Statutory Authority: RCW 74.04.500 and 7 CFR 273.9(d)(1) and (5)(i). 95-02-023 (Order 3814), § 388-49-500, filed 12/28/94, effective 1/28/95. Statutory Authority: RCW 74.04.510 and Public Law 103-66. 94-20-041 (Order 3786), § 388-49-500, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(e)(5)(ii). 94-12-042 (Order 3738), § 388-49-500, filed 5/26/94, effective 7/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a)(3), (d)(1), (d)(5)(i) and (ii). 93-23-033 (Order 3666), § 388-49-500, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 92-22-055 (Order 3473), § 388-49-500, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(e)(5)(i). 92-09-031 (Order 3367), § 388-49-500, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.04.510. 91-23-090 (Order 3292), § 388-49-500, filed 11/19/91, effective 12/20/91; 90-23-074 (Order 3099), § 388-49-500, filed 11/20/90, effective 12/21/90; 90-12-054 (Order 3012), § 388-49-500, filed 5/31/90, effective 7/1/90; 89-23-083 (Order 2901), § 388-49-500, filed 11/17/89, effective 12/18/89; 88-23-085 (Order 2726), § 388-49-500, filed 11/18/88; 88-08-078 (Order 2616), § 388-49-500, filed 4/6/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-500, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-505 Utility allowances. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(2)(6)(vi) requires the state review and adjust the utility allowances each year. 97-18-086, § 388-49-505, filed 9/3/97, effective 10/1/97. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(d)(6)(v) and (vi). 96-22-101, § 388-49-505, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(a), (d)(6)(v) and (vi), (5), (7) and (8). 95-21-052 (Order 3907), § 388-49-505, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(d)(6)(vi). 95-11-121 (Order 3853), § 388-49-505, filed 5/24/95, effective 7/1/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(d)(6)(v) and (vi). 94-17-174 (Order 3776), § 388-49-505, filed 8/24/94, effective 10/1/94. Statutory

- Authority: RCW 74.04.510 and 7 CFR 273.9 (d)(6)(vi) and Letter of Approval from Food and Nutrition Services. 93-18-024 (Order 3626), § 388-49-505, filed 8/25/93, effective 10/1/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 92-22-055 (Order 3473), § 388-49-505, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510. 91-08-013 (Order 3154), § 388-49-505, filed 3/26/91, effective 4/26/91; 89-23-083 (Order 2901), § 388-49-505, filed 11/17/89, effective 12/18/89; 88-23-085 (Order 2726), § 388-49-505, filed 11/18/88. Statutory Authority: RCW 74.04.050. 88-04-042 (Order 2593), § 388-49-505, filed 1/28/88. Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-510 Income eligibility standards. [Statutory Authority: RCW 74.04.510, Food Stamp Act and 7 CFR 273.9(a). 98-03-049, § 388-49-510, filed 1/15/98, effective 1/28/98. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 96-22-104, § 388-49-510, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (a), (d)(6)(v) and (vi), (5), (7) and (8). 95-21-052 (Order 3907), § 388-49-510, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(a). 94-20-045 (Order 3790), § 388-49-510, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (a)(3), (d)(l), (d)(5)(i) and (ii). 93-23-033 (Order 3666), § 388-49-510, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 92-22-055 (Order 3473), § 388-49-510, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510. 91-23-090 (Order 3292), § 388-49-510, filed 11/19/91, effective 12/20/91; 90-23-074 (Order 3099), § 388-49-510, filed 11/20/90, effective 12/21/90; 89-23-083 (Order 2901), § 388-49-510, filed 11/17/89, effective 12/18/89; 88-23-085 (Order 2726), § 388-49-510, filed 11/18/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-510, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-515 Eligibility determinations. [Statutory Authority: RCW 74.04.050. 96-18-042, § 388-49-515, filed 8/29/96, effective 10/1/96; 88-16-082 (Order 2663), § 388-49-515, filed 8/2/88.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-520 Income budgeting—General circumstances. [Statutory Authority: RCW 74.04.050. 96-18-045, § 388-49-520, filed 8/29/96, effective 10/1/96. Statutory Authority: RCW 74.04.510, 74.04.570 and 7 CFR 273.21 (f)(2)(iii). 93-17-030 (Order 3611), § 388-49-520, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510. 92-16-018 (Order 3425), § 388-49-520, filed 7/23/92, effective 9/1/92; 92-03-086 (Order 3311), § 388-49-520, filed 1/15/92, effective 2/15/92; 91-12-025 (Order 3184), § 388-49-520, filed 5/31/91, effective 7/1/91; 90-17-117 (Order 3051), § 388-49-520, filed 8/21/90, effective 9/21/90. Statutory Authority: RCW 74.04.050. 88-16-082 (Order 2663), § 388-49-520, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-520, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-530 Retrospective income budgeting. [Statutory Authority: RCW 74.04.510. 92-16-017 (Order 3426), § 388-49-530, filed 7/23/92, effective 9/1/92; 91-12-025 (Order 3184), § 388-49-530, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.04.050. 88-16-082 (Order 2663), § 388-49-530, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-530, filed 12/31/87.] Repealed by 96-18-043, filed 8/29/96, effective 10/1/96. Statutory Authority: RCW 74.04.050.
- 388-49-535 Income budgeting—Special circumstances. [Statutory Authority: RCW 74.04.050. 96-18-044, § 388-49-535, filed 8/29/96, effective 10/1/96. Statutory Authority: RCW 74.04.510, 74.04.570 and 7 CFR 273.21 (f)(2)(iii). 93-17-030 (Order 3611), § 388-49-535, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510. 91-12-025 (Order 3184), § 388-49-535, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.04.050. 88-16-082 (Order 2663), § 388-49-535, filed 8/2/88.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-550 Computing food stamp benefits. [Statutory Authority: RCW 74.04.510 and 74.08.090. 98-10-025, § 388-49-550, filed 4/23/98, effective 5/24/98. Statutory Authority: RCW 74.04.510. 96-23-024, § 388-49-550, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.050 and 7 CFR 273.10 (e)(4)(ii)(F). 95-21-054 (Order 3909), § 388-49-550, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.10 (e)(4)(ii)(F) and FNS ADM Memo 07-19-94. 94-21-041 (Order 3795), § 388-49-550, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.04.050, Administrative Notice 94-03 and P.L. 103-66 section 13916. 94-16-045 (Order 3755), § 388-49-550, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.10 (e)(4)(ii)(F). 93-22-028 (Order 3656), § 388-49-550, filed 10/27/93, effective 11/27/93. Statutory Authority: RCW 74.04.510. 91-23-088 (Order 3290), § 388-49-550, filed 11/19/91, effective 12/20/91; 90-23-077 (Order 3102), § 388-49-550, filed 11/20/90, effective 12/21/90; 89-22-132 (Order 2894), § 388-49-550, filed 11/1/89, 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 voca-

- 388-52-185 tional 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.
- 388-52-200 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.
- 388-52-225 Vocational rehabilitation services for nondisabled. [Regulation 20.25, filed 1/24/64.] Repealed by Order 465, filed 6/23/70.
- 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 I of Elementary and Secondary Education Act, amendments of 1966. [Order 543, § 388-54-370, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-370, filed 3/17/70; Order

- 325, § 388-54-370, filed 11/27/68; Order 315, § 388-54-370, filed 10/31/68; Order 252, § 388-54-370, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-375 Food stamp program—Nonassistance household—Treatment of income from certain programs authorized or financed by Economic Opportunity Act of 1964. [Order 543, § 388-54-375, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-375, filed 3/17/70; Order 325, § 388-54-375, filed 11/27/68; Order 315, § 388-54-375, filed 10/31/68; Order 252, § 388-54-375, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-376 Food stamp program—Nonassistance household—Treatment of earned income—Child or adult AFDC recipient. [Order 600, § 388-54-376, filed 9/8/71; Order 543, § 388-54-376, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-376, filed 3/17/70.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-377 Food stamp program—Ineligible receipt of food coupons. [Order 543, § 388-54-377, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-377, filed 3/17/70; Order 349, § 388-54-377, filed 5/28/69; Order 325, § 388-54-377, filed 11/27/68; Order 283, § 388-54-377, filed 3/6/68.] Repealed by Order 568, filed 5/19/71.
- 388-54-378 Food stamp program—Unused coupons—Disposition. [Order 543, § 388-54-378, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-378, filed 3/17/70; Order 330, § 388-54-378, filed 1/8/69; Order 283, § 388-54-378, filed 3/6/68.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-380 Food stamp program—Monthly basis of issuance—Continuing and noncontinuing assistance households. [Order 252, § 388-54-380, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 451, filed 5/20/70, effective 6/15/70.
- 388-54-385 Food stamp program—Net monthly income basis of coupon issuance table. [Order 543, § 388-54-385, filed 3/31/71, effective 5/1/71; Order 451, § 388-54-385, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-385, filed 3/17/70; Order 343, § 388-54-385, filed 3/20/69; Order 252, § 388-54-385, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-390 Food stamp program—Ineligible receipt of food coupons. [Order 568, § 388-54-390, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-393 Food stamp program—Ineligible receipt of food coupons—Liability for repayment. [Order 568, § 388-54-393, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-396 Food stamp program—Ineligible receipt of food coupons—Collection of claims. [Order 568, § 388-54-396, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-399 Food stamp program—Ineligible receipt of food coupons—Eligibility-claim unpaid. [Order 568, § 388-54-399, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-405 Food stamp program—General provisions. [Order 1021, § 388-54-405, filed 4/29/75; Order 992, § 388-54-405, filed 12/31/74; Order 660, § 388-54-405, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-410 Application—Assistance household. [Order 931, § 388-54-410, filed 4/25/74; Order 660, § 388-54-410, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-415 Nonassistance household. [Order 660, § 388-54-415, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-420 Authorized representative. [Order 992, § 388-54-420, filed 12/31/74; Order 660, § 388-54-420, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-425 Eligibility standards—General. [Order 931, § 388-54-425, filed 4/25/74; Order 660, § 388-54-425, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-430 Eligibility standards—Residence. [Order 992, § 388-54-430, filed 12/31/74; Order 660, § 388-54-430, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-432 Eligibility standards—Boarding house—Institution. [Order 992, § 388-54-432, filed 12/31/74; Order 660, § 388-54-432, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-435 Eligibility standards—Cooking facilities. [Order 992, § 388-54-435, filed 12/31/74; Order 660, § 388-54-435, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-440 Eligibility standards—Household determination. [Order 1063, § 388-54-440, filed 10/23/75; Order 1021, § 388-54-440, filed 4/29/75; Order 992, § 388-54-440, filed 12/31/74; Order 809, § 388-54-440, filed 6/15/73; Order 704, § 388-54-440, filed 8/11/72; Order 685, § 388-54-440, filed 5/25/72; Order 704, § 388-54-440, filed 8/11/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-442 Student tax dependents. [Order 1030, § 388-54-442, filed 6/12/75.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-445 Eligibility standards—Delivered meals. [Order 660, § 388-54-445, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-448 Eligibility standards—Communal dining. [Order 992, § 388-54-448, filed 12/31/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-450 Eligibility standards—Tax dependents. [Order 660, § 388-54-450, filed 2/23/72, effective 4/1/72.] Repealed by Order 734, filed 11/9/72.
- 388-54-452 Eligibility standards—Drug-alcohol treatment programs. [Order 992, § 388-54-452, filed 12/31/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-455 Eligibility standards—Work registration requirement. [Order 992, § 388-54-455, filed 12/31/74; Order 660, § 388-54-455, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-460 Nonassistance household—Resources—Standards—Exemptions. [Order 1136, § 388-54-460, filed 7/29/76; Order 1030, § 388-54-460, filed 6/12/75; Order 1021, § 388-54-460, filed 4/29/75; Order 992, § 388-54-460, filed 12/31/74; Order 660, § 388-54-460, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-462 Earned income tax credit disregarded. [Order 1175, § 388-54-462, filed 12/8/76; Order 1121, § 388-54-462, filed 5/26/76.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-465 Nonassistance household—Nonrecurring lump-sum payments. [Order 992, § 388-54-465, filed 12/31/74; Order 660, § 388-54-465, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-470 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.	388-54-526	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.
388-54-482	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.	388-54-527	Participation during appeals. [Order 992, § 388-54-527, filed 12/31/74; Order 869, § 388-54-527, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-485	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.	388-54-528	Adjustments after hearing decision. [Order 924, § 388-54-528, filed 4/15/74; Order 869, § 388-54-528, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
		388-54-530	Recertification. [Order 660, § 388-54-530, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
		388-54-535	Transfer of certification and lost benefits. [Statutory Authority: RCW 74.04.510. 78-05-064 (Order 1291), § 388-54-535, filed 4/27/78; Order 660, § 388-54-535, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
		388-54-540	Basis of coupon issuance. [Statutory Authority: RCW 74.04.510. 78-10-056 (Order 1342), § 388-54-540, filed 9/22/78; Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-54-540, filed 6/2/78; Order 1249, § 388-54-540, filed 10/28/77; Order 1153, § 388-54-540, filed 9/22/76; Order 1091, § 388-54-540, filed 1/28/76; Order 1039, § 388-54-540, filed 8/7/75; Order 1007, § 388-54-540, filed 2/13/75; Order 966, § 388-54-540, filed 8/29/74; Order 889, § 388-54-540, filed 12/27/73; Order 803, § 388-54-540, filed 5/31/73; Order 687, § 388-54-540, filed 6/1/72; Order 660, § 388-54-540, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-490	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.	388-54-545	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.
388-54-495	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.	388-54-550	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.
388-54-500	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.	388-54-555	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.
388-54-505	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.	388-54-560	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.
388-54-507	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.	388-54-565	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.
388-54-509	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.	388-54-570	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.
388-54-510	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.	388-54-575	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.
388-54-515	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.	388-54-580	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.
388-54-520	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.	388-54-585	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.
388-54-525	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.	388-54-590	Cash refunds. [Order 1136, § 388-54-590, filed 7/29/76; Order 869, § 388-54-590, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
		388-54-595	Retroactive benefits. [Statutory Authority: RCW 74.04.510. 78-05-064 (Order 1291), § 388-54-595, filed

- 4/27/78; Order 1136, § 388-54-595, filed 7/29/76; Order 1063, § 388-54-595, filed 10/23/75; Order 924, § 388-54-595, filed 4/15/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-598 Offsetting unpaid claims. [Order 1136, § 388-54-598, filed 7/29/76.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-600 Purpose of program. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-600, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-601 Definitions. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2512), § 388-54-601, filed 7/14/87; 86-08-032 (Order 2356), § 388-54-601, filed 3/26/86; 85-20-030 (Order 2286), § 388-54-601, filed 9/24/85; 84-06-015 (Order 2078), § 388-54-601, filed 2/28/84.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-605 General food stamp provisions. [Statutory Authority: RCW 74.04.510. 85-11-033 (Order 2232), § 388-54-605, filed 5/15/85; 82-24-005 (Order 1905), § 388-54-605, filed 11/18/82; 80-09-076 (Order 1525), § 388-54-605, filed 7/18/80; 79-03-033 (Order 1374), § 388-54-605, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-610 Application and participation—Initiating the application. [Statutory Authority: RCW 74.04.510. 86-21-050 (Order 2432), § 388-54-610, filed 10/13/86; 80-14-060 (Order 1548), § 388-54-610, filed 10/1/80; 79-03-033 (Order 1374), § 388-54-610, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-615 Application and participation—Applications processed by the Social Security Administration district offices (SSADO). [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-615, filed 4/6/83; 81-22-082 (Order 1713), § 388-54-615, filed 11/4/81; 80-14-060 (Order 1548), § 388-54-615, filed 10/1/80.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-620 Application and participation—Interview. [Statutory Authority: RCW 74.08.510 [74.04.510]. 84-06-014 (Order 2077), § 388-54-620, filed 2/28/84. Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-620, filed 11/18/82; 80-14-060 (Order 1548), § 388-54-620, filed 10/1/80; 79-03-033 (Order 1374), § 388-54-620, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-625 Application and participation—Time limits. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-625, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-625, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-630 Application and participation—Verification. [Statutory Authority: RCW 74.04.510. 87-09-028 (Order 2482), § 388-54-630, filed 4/9/87; 85-20-030 (Order 2286), § 388-54-630, filed 9/24/85; 83-22-002 (Order 2041), § 388-54-630, filed 10/20/83; 83-08-071 (Order 1956), § 388-54-630, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-630, filed 11/18/82; 81-11-045 (Order 1653), § 388-54-630, filed 5/20/81; 80-10-043 (Order 1529), § 388-54-630, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-630, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-635 Application and participation—Authorized representative. [Statutory Authority: RCW 74.04.510. 87-15-054 (Order 2491), § 388-54-635, filed 7/14/87; 82-24-005 (Order 1905), § 388-54-635, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-635, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-640 Application and participation—Opportunity to participate. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-640, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-640, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-640, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-645 Application and participation—Expedited service. [Statutory Authority: RCW 74.04.510. 87-12-052 (Order 2497), § 388-54-645, filed 6/1/87; 83-08-071 (Order 1956), § 388-54-645, filed 4/6/83; 82-06-002 (Order 1765), § 388-54-645, filed 2/18/82; 81-23-044 (Order 1720), § 388-54-645, filed 11/18/81; 81-11-045 (Order 1653), § 388-54-645, filed 5/20/81; 80-10-043 (Order 1529), § 388-54-645, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-645, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-650 Application and participation—Participation of public assistance households. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-650, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-650, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-650, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-655 Application and participation—Destitute households. [Statutory Authority: RCW 74.04.510. 86-08-032 (Order 2356), § 388-54-655, filed 3/26/86; 83-08-071 (Order 1956), § 388-54-655, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-655, filed 11/18/81; 80-01-056 (Order 1466), § 388-54-655, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-655, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-660 Application and participation—Special circumstances for participation. [Statutory Authority: RCW 74.04.510. 87-15-054 (Order 2491), § 388-54-660, filed 7/14/87; 85-06-064 (Order 2214), § 388-54-660, filed 3/6/85; 83-10-078 (Order 1959), § 388-54-660, filed 5/4/83; 82-24-005 (Order 1905), § 388-54-660, filed 11/18/82; 82-11-092 (Order 1814), § 388-54-660, filed 5/19/82; 81-23-044 (Order 1720), § 388-54-660, filed 11/18/81; 80-10-043 (Order 1529), § 388-54-660, filed 8/6/80; 80-01-056 (Order 1466), § 388-54-660, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-660, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-662 Categorical eligibility. [Statutory Authority: RCW 74.04.510. 87-06-003 (Order 2470), § 388-54-662, filed 2/19/87.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-665 Household determination. [Statutory Authority: RCW 74.04.510. 87-15-054 (Order 2491), § 388-54-665, filed 7/14/87; 87-01-009 (Order 2448), § 388-54-665, filed 12/8/86; 85-20-030 (Order 2286), § 388-54-665, filed 9/24/85; 83-08-071 (Order 1956), § 388-54-665, filed 4/6/83; 82-11-092 (Order 1814), § 388-54-665, filed 5/19/82; 81-23-044 (Order 1720), § 388-54-665, filed 11/18/81; 80-15-080 (Order 1558), § 388-54-665, filed 10/20/80; 80-10-043 (Order 1529), § 388-54-665, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-665, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-670 Students. [Statutory Authority: RCW 74.04.510. 87-03-019 (Order 2462), § 388-54-670, filed 1/13/87; 86-18-060 (Order 2421), § 388-54-670, filed 9/2/86; 83-08-071 (Order 1956), § 388-54-670, filed 4/6/83; 83-03-015 (Order 1934), § 388-54-670, filed 1/12/83; 80-15-080 (Order 1558), § 388-54-670, filed 10/20/80; 79-07-057 (Order 1408), § 388-54-670, filed 6/25/79; 79-03-033 (Order 1374), § 388-54-670, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-675 Work registration and job search. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2512), § 388-54-675, filed 7/14/87; 85-09-013 (Order 2222), § 388-54-675, filed 4/8/85; 83-08-071 (Order 1956), § 388-54-675, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-675, filed 11/18/81; 81-11-045 (Order 1653), § 388-54-675, filed 5/20/81; 80-15-080 (Order 1558), § 388-54-675, filed 10/20/80; 79-03-033 (Order 1374), § 388-54-675, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-676 Workfare. [Statutory Authority: RCW 74.04.510. 84-06-029 (Order 2080), § 388-54-676, filed 2/29/84. Statutory Authority: 1983 1st ex.s. c 41. 83-21-082 (Order 2040), § 388-54-676, filed 10/19/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-677 Voluntary quit. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2512), § 388-54-677, filed 7/14/87; 86-08-084 (Order 2360), § 388-54-677, filed 4/2/86; 85-09-013 (Order 2222), § 388-54-677, filed 4/8/85; 80-15-

- 080 (Order 1558), § 388-54-677, filed 10/20/80; 79-07-056 (Order 1409), § 388-54-677, filed 6/25/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-678 Job search requirement. [Statutory Authority: RCW 74.04.510. 81-23-044 (Order 1720), § 388-54-678, filed 11/18/81; 81-11-045 (Order 1653), § 388-54-678, filed 5/20/81.] Repealed by 85-09-013 (Order 2222), filed 4/8/85. Statutory Authority: RCW 74.04.510.
- 388-54-679 Strikers. [Statutory Authority: RCW 74.04.510. 85-09-013 (Order 2222), § 388-54-679, filed 4/8/85.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-680 Citizenship and alien status. [Statutory Authority: RCW 74.04.510. 87-22-011 (Order 2548), § 388-54-680, filed 10/26/87; 83-10-078 (Order 1959), § 388-54-680, filed 5/4/83; 82-24-005 (Order 1905), § 388-54-680, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-680, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-685 Residency. [Statutory Authority: RCW 74.04.510. 82-11-092 (Order 1814), § 388-54-685, filed 5/19/82; 79-03-033 (Order 1374), § 388-54-685, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-687 Social Security number (SSN). [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-687, filed 4/6/83; 80-10-043 (Order 1529), § 388-54-687, filed 8/6/80.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-690 Resources—Allowable maximums. [Statutory Authority: RCW 74.04.510. 86-17-013 (Order 2408), § 388-54-690, filed 8/8/86; 82-24-005 (Order 1905), § 388-54-690, filed 11/18/82; 81-01-015 (Order 1574), § 388-54-690, filed 12/8/80; 79-03-033 (Order 1374), § 388-54-690, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-695 Resources—Exempt. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-695, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-695, filed 11/18/82; 82-11-092 (Order 1814), § 388-54-695, filed 5/19/82; 82-06-004 (Order 1767), § 388-54-695, filed 2/18/82; 81-01-015 (Order 1574), § 388-54-695, filed 12/8/80; 80-05-044 (Order 1498), § 388-54-695, filed 4/16/80; 80-01-056 (Order 1466), § 388-54-695, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-695, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-700 Food distribution program—General provisions and coverage. [Order 665, § 388-54-700, filed 3/23/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-705 Food distribution program—Participation. [Order 665, § 388-54-705, filed 3/23/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-710 Food distribution program—Issuance of commodities. [Order 665, § 388-54-710, filed 3/23/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-715 Resources—Nonexempt. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-715, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-715, filed 11/18/82; 80-01-056 (Order 1466), § 388-54-715, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-715, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-717 Resources—Vehicles. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-717, filed 11/18/82; 81-01-015 (Order 1574), § 388-54-717, filed 12/8/80; 79-03-033 (Order 1374), § 388-54-717, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-720 Resources—Transfer of property. [Statutory Authority: RCW 74.04.510. 86-17-013 (Order 2408), § 388-54-720, filed 8/8/86; 82-24-005 (Order 1905), § 388-54-720, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-720, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-725 Income—Definitions. [Statutory Authority: RCW 74.04.510. 86-17-013 (Order 2408), § 388-54-725, filed 8/8/86; 86-01-009 (Order 2315), § 388-54-725, filed 12/5/85; 85-11-035 (Order 2235), § 388-54-725, filed 5/15/85; 82-24-005 (Order 1905), § 388-54-725, filed 11/18/82; 81-08-021 (Order 1628), § 388-54-725, filed 3/25/81. Statutory Authority: RCW 74.08.090. 80-04-051 (Order 1496), § 388-54-725, filed 3/21/80. Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-725, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-728 Income eligibility. [Statutory Authority: RCW 74.04.510. 85-20-030 (Order 2286), § 388-54-728, filed 9/24/85; 84-06-015 (Order 2078), § 388-54-728, filed 2/28/84.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-730 Income—Eligibility standards. [Statutory Authority: RCW 74.04.510. 87-14-071 (Order 2511), § 388-54-730, filed 7/1/87; 86-20-019 (Order 2428), § 388-54-730, filed 9/22/86; 85-16-048 (Order 2264), § 388-54-730, filed 7/31/85; 84-17-070 (Order 2140), § 388-54-730, filed 8/15/84; 83-17-072 (Order 2010), § 388-54-730, filed 8/19/83; 83-08-071 (Order 1956), § 388-54-730, filed 4/6/83; 82-15-027 (Order 1846), § 388-54-730, filed 7/14/82; 81-23-044 (Order 1720), § 388-54-730, filed 11/18/81; 80-13-059 (Order 1543), § 388-54-730, filed 9/17/80; 79-09-033 (Order 1423), § 388-54-730, filed 8/15/79; 79-03-033 (Order 1374), § 388-54-730, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-735 Income—Exclusions. [Statutory Authority: RCW 74.04.510. 87-03-019 (Order 2462), § 388-54-735, filed 1/13/87; 86-17-013 (Order 2408), § 388-54-735, filed 8/8/86; 82-24-005 (Order 1905), § 388-54-735, filed 11/18/82; 82-11-092 (Order 1814), § 388-54-735, filed 5/19/82; 82-06-004 (Order 1767), § 388-54-735, filed 2/18/82; 81-08-021 (Order 1628), § 388-54-735, filed 3/25/81; 80-04-006 (Order 1492), § 388-54-735, filed 3/7/80; 80-01-056 (Order 1466), § 388-54-735, filed 12/19/79; 79-08-126 (Order 1421), § 388-54-735, filed 8/1/79; 79-03-033 (Order 1374), § 388-54-735, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-737 Income—Energy allowance. [Statutory Authority: RCW 74.04.510. 86-01-078 (Order 2318), § 388-54-737, filed 12/18/85; 84-04-067 (Order 2072), § 388-54-737, filed 2/1/84; 82-11-092 (Order 1814), § 388-54-737, filed 5/19/82.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-740 Income—Deductions. [Statutory Authority: RCW 74.04.050. 87-22-095 (Order 2556), § 388-54-740, filed 11/4/87. Statutory Authority: RCW 74.04.510. 87-17-044 (Order 2523), § 388-54-740, filed 8/17/87; 87-12-051 (Order 2496), § 388-54-740, filed 6/1/87; 87-03-054 (Order 2467), § 388-54-740, filed 1/21/87; 86-23-019 (Order 2440), § 388-54-740, filed 11/10/86; 86-17-013 (Order 2408), § 388-54-740, filed 8/8/86; 85-20-030 (Order 2286), § 388-54-740, filed 9/24/85; 85-05-013 (Order 2203), § 388-54-740, filed 2/13/85; 84-04-067 (Order 2072), § 388-54-740, filed 2/1/84; 83-19-034 (Order 2023), § 388-54-740, filed 9/14/83; 83-08-071 (Order 1956), § 388-54-740, filed 4/6/83; 83-03-015 (Order 1934), § 388-54-740, filed 1/12/83; 81-23-044 (Order 1720), § 388-54-740, filed 11/18/81; 81-08-019 (Order 1625), § 388-54-740, filed 3/25/81; 81-02-005 (Order 1584), § 388-54-740, filed 12/30/80; 80-04-006 (Order 1492), § 388-54-740, filed 3/7/80; 80-01-056 (Order 1466), § 388-54-740, filed 12/19/79; 79-09-033 (Order 1423), § 388-54-740, filed 8/15/79; 79-03-033 (Order 1374), § 388-54-740, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-745 Income—Budgeting. [Statutory Authority: RCW 74.04.510. 87-03-054 (Order 2467), § 388-54-745, filed 1/21/87; 85-20-030 (Order 2286), § 388-54-745, filed 9/24/85; 84-06-015 (Order 2078), § 388-54-745, filed 2/28/84; 79-03-033 (Order 1374), § 388-54-745, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-750 Income—Self-employment. [Statutory Authority: RCW 74.04.510. 86-11-026 (Order 2379), § 388-54-750, filed 5/14/86; 85-20-030 (Order 2286), § 388-54-750, filed 9/24/85; 83-08-071 (Order 1956), § 388-54-750, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-750, filed 11/18/82; 81-23-044 (Order 1720), § 388-54-750, filed 11/18/81; 80-01-056 (Order 1466), § 388-54-750, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-

- 750, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-755 Income—Boarders. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-755, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-760 Certification periods. [Statutory Authority: RCW 74.04.510. 85-20-030 (Order 2286), § 388-54-760, filed 9/24/85; 84-06-014 (Order 2077), § 388-54-760, filed 2/28/84; 83-08-071 (Order 1956), § 388-54-760, filed 4/6/83; 83-01-055 (Order 1922), § 388-54-760, filed 12/15/82; 81-23-044 (Order 1720), § 388-54-760, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-760, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-765 Certification periods—Notices to households. [Statutory Authority: RCW 74.04.510. 87-06-003 (Order 2470), § 388-54-765, filed 2/19/87; 84-06-014 (Order 2077), § 388-54-765, filed 2/28/84; 81-23-044 (Order 1720), § 388-54-765, filed 11/18/81; 79-07-057 (Order 1408), § 388-54-765, filed 6/25/79; 79-03-033 (Order 1374), § 388-54-765, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-768 Food stamp monthly reporting. [Statutory Authority: RCW 74.04.510. 86-18-058 (Order 2419), § 388-54-768, filed 9/2/86; 85-20-030 (Order 2286), § 388-54-768, filed 9/24/85; 84-06-014 (Order 2077), § 388-54-768, filed 2/28/84.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-770 Certification periods—Households responsibility to report. [Statutory Authority: RCW 74.04.510 [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 74.04.050. 87-22-095 (Order 2556), § 388-54-785, filed 11/4/87. Statutory Authority: RCW 74.04.510. 86-23-019 (Order 2440), § 388-54-785, filed 11/10/86; 85-05-013 (Order 2203), § 388-54-785, filed 2/13/85; 84-04-067 (Order 2072), § 388-54-785, filed 2/1/84; 83-08-071 (Order 1956), § 388-54-785, filed 4/6/83; 83-03-015 (Order 1934), § 388-54-785, filed 1/12/83; 81-23-044 (Order 1720), § 388-54-785, filed 11/18/81; 81-06-059 (Order 1620), § 388-54-785, filed 3/4/81; 80-13-059 (Order 1543), § 388-54-785, filed 9/17/80; 80-04-006 (Order 1492), § 388-54-785, filed 3/7/80; 79-09-033 (Order 1423), § 388-54-785, filed 8/15/79; 79-03-033 (Order 1374), § 388-54-785, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-790 Issuance—Use and redemption. [Statutory Authority: RCW 74.04.510. 82-06-002 (Order 1765), § 388-54-790, filed 2/18/82; 81-23-044 (Order 1720), § 388-54-790, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-790, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-795 Issuance—Identification cards. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-795, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-800 Issuance—Replacement allotments. [Statutory Authority: RCW 74.04.510. 85-06-061 (Order 2211), § 388-54-800, filed 3/6/85; 83-12-003 (Order 1962), § 388-54-800, filed 5/19/83; 82-06-002 (Order 1765), § 388-54-800, filed 2/18/82; 79-03-033 (Order 1374), § 388-54-800, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-805 Issuance—Restoration of lost benefits. [Statutory Authority: RCW 74.04.510. 87-06-003 (Order 2470), § 388-54-805, filed 2/19/87; 83-21-009 (Order 2030), § 388-54-805, filed 10/6/83; 81-23-044 (Order 1720), § 388-54-805, filed 11/18/81; 80-04-006 (Order 1492), § 388-54-805, filed 3/7/80; 79-03-033 (Order 1374), § 388-54-805, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-810 Issuance—Sixty day continuation of benefits. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-810, filed 3/1/79.] Repealed by 83-03-015 (Order 1934), filed 1/12/83. Statutory Authority: RCW 74.04.510.
- 388-54-815 Conference. [Statutory Authority: RCW 74.04.510. 83-21-011 (Order 2032), § 388-54-815, filed 10/6/83; 80-01-056 (Order 1466), § 388-54-815, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-815, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-817 Administrative hearings. [Statutory Authority: RCW 74.04.510. 85-06-062 (Order 2212), § 388-54-817, filed 3/6/85; 83-21-011 (Order 2032), § 388-54-817, filed 10/6/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-820 Fair hearings—Continuation of benefits pending. [Statutory Authority: RCW 74.04.510. 85-20-030 (Order 2286), § 388-54-820, filed 9/24/85; 83-21-011 (Order 2032), § 388-54-820, filed 10/6/83; 82-06-051 (Order 1773), § 388-54-820, filed 3/3/82; 79-07-057 (Order 1408), § 388-54-820, filed 6/25/79; 79-03-033 (Order 1374), § 388-54-820, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-821 Complaints. [Statutory Authority: RCW 74.04.510. 81-17-023 (Order 1688), § 388-54-821, filed 8/12/81.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-825 Fraud disqualification. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-825, filed 3/1/79.] Repealed by 79-10-084 (Order 1435), filed 9/21/79. Statutory Authority: RCW 74.04.510. Later promulgation, see WAC 388-54-826, 388-54-827, and 388-54-828.
- 388-54-826 Fraud disqualification—Administrative fraud hearing determined. [Statutory Authority: RCW 74.04.510. 81-23-044 (Order 1720), § 388-54-826, filed 11/18/81; 80-10-043 (Order 1529), § 388-54-826, filed 8/6/80; 79-10-084 (Order 1435), § 388-54-826, filed 9/21/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-82650 Intentional program violation disqualification penalties. [Statutory Authority: RCW 74.04.510. 83-21-011 (Order 2032), § 388-54-82650, filed 10/6/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-827 Fraud administrative hearing—Decision rendering process. [Statutory Authority: RCW 74.04.510. 79-10-084 (Order 1435), § 388-54-827, filed 9/21/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-828 Fraud disqualification—Court imposed. [Statutory Authority: RCW 74.04.510. 80-10-043 (Order 1529), § 388-54-828, filed 8/6/80; 79-10-084 (Order 1435), § 388-54-828, filed 9/21/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.

- 388-54-829 Administrative disqualification hearing waiver. [Statutory Authority: RCW 74.04.510. 83-21-011 (Order 2032), § 388-54-829, filed 10/6/83.] Repealed by 84-20-099 (Order 2156), filed 10/3/84. Statutory Authority: RCW 74.04.510.
- 388-54-830 Treatment of income and resources of disqualified members. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-830, filed 11/18/82; 81-23-044 (Order 1720), § 388-54-830, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-830, filed 3/1/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-83050 Treatment of income and resources of excluded members. [Statutory Authority: RCW 74.04.510. 83-21-011 (Order 2032), § 388-54-83050, filed 10/6/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.510.
- 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.
- 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.
- 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 4/1/81; 79-02-025 (Order 1367), § 388-55-010, filed 1/17/79, effective 3/1/79; 78-04-037 (Order 1283), § 388-55-010, filed 3/20/78; Order 1188, § 388-55-010, filed 2/18/77; Order 1173, § 388-55-010, filed 11/24/76; Order 1160, § 388-55-010, filed 10/6/76; Order 1079, § 388-55-010, filed 12/24/75; Order 1041, § 388-55-010, filed 8/7/75.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-55-020 Work and training eligibility conditions. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-020, filed 2/9/96, effective 3/11/96. Statutory Authority: RCW 43.20A.550. 89-03-008 (Order 2752), § 388-55-020, filed 1/6/89; 84-13-028 (Order 2111), § 388-55-020, filed 6/13/84; 83-13-069 (Order 1969), § 388-55-020,
- Chapter 388-56**
COMMUNITY WORK AND TRAINING
- 388-56-010, 388-56-020, 388-56-030, 388-56-050, 388-56-060, 388-56-070, 388-56-080, 388-56-090, 388-56-150, 388-56-160, 388-56-170, 388-56-180, 388-56-190, 388-56-220, 388-56-230, 388-56-240, 388-56-260, 388-56-270, 388-56-280, 388-56-290, 388-56-300, 388-56-310, 388-56-315, 388-56-320, 388-56-340, 388-56-360, 388-56-370, 388-56-380, 388-56-390. [Regulation 22.00 through 22.63, filed 6/30/67.] Repealed by Order 326, filed 11/27/68.
- 388-56-040 [Order 279, § 388-56-040, filed 2/14/68; Regulation 22.02, filed 6/30/67.] Repealed by Order 326, filed 11/27/68.
- 388-56-330 [Regulation 22.58, filed 6/30/67.] Repealed by Order 277, filed 1/29/68 and Order 282, filed 2/14/68.
- Chapter 388-57**
EMPLOYMENT AND TRAINING—WORK INCENTIVE
- 388-57-010 Utilization of employment security department. [Order 832, § 388-57-010, filed 7/26/73; Order 544, § 388-57-010, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-010, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-011 Washington employment opportunities program (OPPORTUNITIES). [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-011, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-015 Utilization of employment security department DES—Registration. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-015, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-015, filed 4/27/81. Statutory

- Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-015, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-015, filed 2/15/79; Order 1101, § 388-57-015, filed 2/25/76; Order 832, § 388-57-015, filed 7/26/73; Order 610, § 388-57-015, filed 9/22/71; Order 544, § 388-57-015, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-015, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-015, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-020 Unemployment compensation status—Verification. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-020, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-020, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-020, filed 10/23/79; Order 1189, § 388-57-020, filed 2/18/77; Order 1051, § 388-57-020, filed 9/10/75; Order 832, § 388-57-020, filed 7/26/73; Order 610, § 388-57-020, filed 9/22/71; Order 544, § 388-57-020, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-020, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-025 Acceptance of full or part-time employment—Effect of refusal on eligibility. [Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-025, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-025, filed 2/15/79. Order 1101, § 388-57-025, filed 2/25/76; Order 906, § 388-57-025, filed 2/14/74; Order 750, § 388-57-025, filed 12/7/72; Order 610, § 388-57-025, filed 9/22/71; Order 544, § 388-57-025, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-025, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-025, filed 2/14/69.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-57-028 Vocational training. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-028, filed 10/6/83. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-028, filed 10/23/79; Order 1199, § 388-57-028, filed 3/18/77; Order 1101, § 388-57-028, filed 2/25/76; Order 976, § 388-57-028, filed 10/28/74; Order 832, § 388-57-028, filed 7/26/73; Order 610, § 388-57-028, filed 9/22/71; Order 544, § 388-57-028, filed 3/31/71, effective 5/1/71; Order 355, § 388-57-028, filed 5/29/60.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-029 Person attending post-high school education or training. [Order 750, § 388-57-029, filed 12/7/72; Order 610, § 388-57-029, filed 9/22/71; Order 544, § 388-57-029, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-029, filed 5/14/70, effective 6/15/70.] Repealed by Order 858, filed 9/27/73.
- 388-57-030 Acceptance of training for employment—Effect of refusal on eligibility. [Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-030, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-030, filed 2/15/79; Order 1165, § 388-57-030, filed 10/27/76; Order 906, § 388-57-030, filed 2/14/74; Order 750, § 388-57-030, filed 12/7/72; Order 610, § 388-57-030, filed 9/22/71; Order 544, § 388-57-030, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-030, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-030, filed 2/14/69.] Repealed by 81-14-063 (Order 1670), filed 7/1/81. Statutory Authority: RCW 74.08.090.
- 388-57-032 Employment and training (E&T) program. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-032, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-032, filed 4/27/81; 80-02-023 (Order 1472), § 388-57-032, filed 1/9/80.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-035 Referral of employable applicant or recipient to division of vocational rehabilitation. [Order 544, § 388-57-035, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-035, filed 2/14/69.] Repealed by Order 610, filed 9/22/71.
- 388-57-036 Employment and training (E&T)—Definitions. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-036, filed 10/6/83; 82-01-041 (Order 1733), § 388-57-036, filed 12/16/81. Statutory Authority: RCW 74.08.090. 81-19-110 (Order 1700), § 388-57-036, filed 9/22/81; 81-10-010 (Order 1642), § 388-57-036, filed 4/27/81; 80-02-023 (Order 1472), § 388-57-036, filed 1/9/80.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-040 Work incentive program (WIN)—Authority. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-040, filed 3/14/88; Order 750, § 388-57-040, filed 12/7/72; Order 544, § 388-57-040, filed 3/31/71, effective 5/1/71; Order 397, § 388-57-040, filed 10/15/69; Order 340, § 388-57-040, filed 2/14/69.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-045 Work incentive program—Definitions. [Order 1165, § 388-57-045, filed 10/27/76; Order 1101, § 388-57-045, filed 2/25/76; Order 872, § 388-57-045, filed 11/16/73; Order 750, § 388-57-045, filed 12/7/72.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-050 Work incentive program—Objective. [Order 340, § 388-57-050, filed 2/14/69.] Repealed by Order 544, filed 3/31/71, effective 5/1/71.
- 388-57-055 Work incentive program—Referral of AFDC recipient to state employment service. [Order 544, § 388-57-055, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-055, filed 5/14/70, effective 6/15/70; Order 414, § 388-57-055, filed 12/23/69; Order 340, § 388-57-055, filed 2/14/69.] Repealed by Order 750, filed 12/7/72.
- 388-57-056 Refusal to cooperate in appraisal prior to certification. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-056, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-056, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-056, filed 10/23/79; Order 1118, § 388-57-056, filed 5/13/76.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-057 Work incentive program—Certification and supportive services. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-057, filed 3/14/88. Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-057, filed 10/6/83; 82-13-081 (Order 1830), § 388-57-057, filed 6/21/82. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-057, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-057, filed 10/23/79; Order 1165, § 388-57-057, filed 10/27/76; Order 1118, § 388-57-057, filed 5/13/76; Order 1101, § 388-57-057, filed 2/25/76; Order 872, § 388-57-057, filed 11/16/73; Order 832, § 388-57-057, filed 7/26/73; Order 750, § 388-57-057, filed 12/7/72.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-059 WIN program—Grievances. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-059, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-060 Work incentive program—Mandatory participation by certified AFDC recipient. [Order 750, § 388-57-060, filed 12/7/72; Order 544, § 388-57-060, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-060, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-060, filed 2/14/69.] Repealed by Order 832, filed 7/26/73.
- 388-57-061 Refusal of training or employment under WIN/E&T without good cause. [Statutory Authority: RCW 74.22.110. 84-22-018 (Order 2166), § 388-57-061, filed 10/31/84. Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-061, filed 10/6/83; 82-01-041 (Order 1733), § 388-57-061, filed 12/16/81. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-061, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-061, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-061, filed 2/15/79; Order 832, § 388-57-061, filed 7/26/73.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-062 Refusal of training or employment under WIN without good cause—Counseling period. [Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-

- 062, filed 2/15/79; Order 1165, § 388-57-062, filed 10/27/76; Order 832, § 388-57-062, filed 7/26/73.] Repealed by 82-01-041 (Order 1733), filed 12/16/81. Statutory Authority: RCW 74.23.120.
- 388-57-063 WIN program—Failure to participate. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-063, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-064 Refusal of training or employment or reduction of earnings under WIN without good cause—Deregistration sanction and reacceptance to WIN. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-064, filed 10/6/83. Statutory Authority: RCW 74.22.110 and 74.23.120. 83-01-057 (Order 1924), § 388-57-064, filed 12/15/82. Statutory Authority: RCW 74.22.110. 82-05-005 (Order 1762), § 388-57-064, filed 2/4/82. Statutory Authority: RCW 74.23.120. 82-01-041 (Order 1733), § 388-57-064, filed 12/16/81. Statutory Authority: RCW 74.22.110. 79-10-082 (Order 1433), § 388-57-064, filed 9/21/79; Order 1165, § 388-57-064, filed 10/27/76; Order 1118, § 388-57-064, filed 5/13/76; Order 832, § 388-57-064, filed 7/26/73.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-065 County office screening unit—Composition—Duties. [Order 414, § 388-57-065, filed 12/23/69; Order 340, § 388-57-065, filed 2/14/69.] Repealed by Order 452, filed 5/14/70, effective 6/15/70.
- 388-57-066 WIN program—Notice of intended deregistration. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-066, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-067 WIN program—Sanction. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-067, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-070 Community services office—State employment service joint case responsibility. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-070, filed 10/6/83; Order 1165, § 388-57-070, filed 10/27/76; Order 750, § 388-57-070, filed 12/7/72; Order 544, § 388-57-070, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-070, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-071 Work incentive program—Good cause. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-071, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-074 OPPORTUNITIES program—Exemption and hearings. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-074, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-075 Work incentive program—Child care plan—Standards—Payment. [Order 544, § 388-57-075, filed 3/31/71, effective 5/1/71; Order 414, § 388-57-075, filed 12/23/69; Order 340, § 388-57-075, filed 2/14/69.] Repealed by Order 750, filed 12/7/72.
- 388-57-079 Work incentive program—Supplemental payments for trainees—Special authorization for clothing. [Order 544, § 388-57-079, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-079, filed 5/14/70, effective 6/15/70.] Repealed by Order 750, filed 12/7/72.
- 388-57-080 Work incentive program—Special authorization for transportation. [Order 544, § 388-57-080, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-080, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-080, filed 2/14/69.] Repealed by Order 750, filed 12/7/72.
- 388-57-083 Work incentive program—Special authorization for supplementary medical care. [Order 544, § 388-57-083, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-083, filed 5/14/70, effective 6/15/70.] Repealed by Order 750, filed 12/7/72.
- 388-57-084 Work incentive program—Prereferral physical examination. [Order 544, § 388-57-084, filed 3/31/71, effective 5/1/71; Order 476, § 388-57-084, filed 9/8/70.] Repealed by Order 750, filed 12/7/72.
- 388-57-090 Refusal of training or employment under WIN/employment and training without good cause—Fair hear-
- ings. [Statutory Authority: RCW 74.04.050. 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 74.04.050.
- 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 74.04.050. 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 74.04.050. 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 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; Regulation 26.41, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-080 United States (U.S.) repatriates—Resources. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-080, filed 8/20/91, effective 9/20/91; Order 546, § 388-62-080, filed 3/31/71, effective 5/1/71; Regulation 26.42, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-095 United States (U.S.) repatriates—Assistance payments—Types of grants. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-095, filed 8/20/91, effective 9/20/91; Order 546, § 388-62-095, filed 3/31/71, effective 5/1/71; Regulation 26.51, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-100 Payments of assistance—Grants. [Regulation 26.52, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-105 Payments of assistance—Medical care. [Regulation 26.53, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-115 Repatriated United States citizens—Duration of assistance. [Order 546, § 388-62-115, filed 3/31/71, effective 5/1/71; Regulation 26.55, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-130 Repatriated United States citizens—Welfare services. [Order 546, § 388-62-130, filed 3/31/71, effective 5/1/71; Regulation 26.60, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-135 United States (U.S.) repatriates—Care and protection of children. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-135, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-135, filed 9/13/74; Order 546, § 388-62-135, filed 3/31/71, effective 5/1/71; Regulation 26.61, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-155 Repatriated United States citizens—Food stamps. [Order 546, § 388-62-155, filed 3/31/71, effective 5/1/71; Regulation 26.71, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-160 Repatriated United States citizens—Work incentive program. [Order 546, § 388-62-160, filed 3/31/71, effective 5/1/71; Regulation 26.72, filed 1/24/64.] 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 from blind person interested in attending college or university. [Manual VII, Regulation 2.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-120 Allotment for blind student attending college or university—Responsibility of college or university. [Manual VII, Regulation 2.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-125 Allotment for blind student attending college or university—Use of allotment from state board of education. [Manual VII, Regulation 2.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-150 Home teaching services for adult blind—Purpose. [Manual VII, Regulation 3.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-155 Home teaching services for adult blind—Teaching plan. [Manual VII, Regulation 3.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-160 Home teaching services for adult blind—Personal adjustment services. [Manual VII, Regulation 3.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-165 Home teaching services for adult blind—Relationship with staff, other agencies and community. [Manual VII, Regulation 3.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-170 Home teaching services for adult blind—Case record. [Manual VII, Regulation 3.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-175 Supervision and consultation. [Manual VII, Regulation 3.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-180 Termination of service. [Manual VII, Regulation 3.70, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-200 Prevention of blindness and restoration of vision—Legal basis—Objective. [Order 867, § 388-72-200, filed 10/26/73; Manual VII, Regulation 4.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-205 Prevention of blindness and restoration of vision—Physicians eligible to render services. [Order 867, § 388-72-205, filed 10/26/73; Manual VII, Regulation 4.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-207 Prevention of blindness and restoration of vision—Staff ophthalmologist. [Order 867, § 388-72-207, filed 10/26/73.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-210 Prevention of blindness and restoration of vision—Services provided. [Order 867, § 388-72-210, filed 10/26/73; Manual VII, Regulation 4.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-215 Prevention of blindness and restoration of vision—Services excluded. [Order 867, § 388-72-215, filed 10/26/73.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-220 Prevention of blindness and restoration of vision—Persons eligible. [Order 867, § 388-72-220, filed 10/26/73; Manual VII, Regulation 4.31, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-225 Prevention of blindness and restoration of vision—Resources. [Order 867, § 388-72-225, filed 10/26/73; Manual VII, Regulation 4.32, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-230 Prevention of blindness and restoration of vision—Requirements. [Order 867, § 388-72-230, filed 10/26/73; Manual VII, Regulation 4.33, filed 1/24/64, effective 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 388-73**
CHILD CARE AGENCIES—MINIMUM
LICENSING/CERTIFICATION REQUIREMENTS
- 388-73-010 Authority. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-012 Definitions. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-014 Persons and organizations subject to licensing. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-016 Exceptions to rules. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-018 Persons and organizations not subject to licensing. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-019 Effect of local ordinances. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-019, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-01950 Fire standards. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-020 Certification of juvenile detention facility and exempt agency. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-022 Application or reapplication for license or certification—Investigation. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-024 Licenses for homes supervised by licensed agency. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-026 Licensing of employees. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-028 Limitations on licenses and dual licensure. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-030 General qualifications of licensee, adoptive applicant, and persons on the premises. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-032 Age of licensee. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-032, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-034 Posting of license. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-036 Licensure—Denial, suspension, or revocation. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-038 Licensed capacity. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-040 Discrimination prohibited. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-040, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-042 Religious activities. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-044 Special requirements regarding American Indians. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-046 Discipline. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-046, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-048 Corporal punishment. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-050 Abuse, neglect, exploitation. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-052 Interstate placement of children. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-054 Client records and information—All agencies. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-056 Reporting of illness, death, injury, epidemic, child abuse, or unauthorized absence—All facilities. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-057 Reporting of circumstantial changes. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-058 Earnings, allowances, personal belongings. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-060 Work assignments. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-062 Transportation. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-064 Clothing. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-066 Personal hygiene. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-066, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-068 Personnel policies. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-069 Consumption of alcoholic beverages. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-070 Training. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-072 Education and vocational instruction. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-074 Social service staff. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-076 Social study—Treatment plans. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-077 Multidisciplinary care plan for severely and multiply-handicapped children. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-078 Clerical, accounting and administrative services. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-080 Support and maintenance staff. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-100 Site and telephone. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.		
388-73-101	Wheeled baby walkers. [Statutory Authority: RCW 74.15.030 and 74.08.090. 99-01-059, § 388-73-101, filed 12/11/98, effective 1/11/99.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-120	Lighting. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-102	Equipment, safety, and maintenance. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-122	Pest control. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-122, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-103	Water safety. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-124	Sewage and liquid wastes. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-124, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-104	Firearms. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-126	Water supply. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-106	Storage. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-128	Temperature. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-108	Bedrooms. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-130	Ventilation. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-110	Special care room. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-132	Health care plan. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-112	Kitchen facilities. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-134	First aid. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-114	Housekeeping sink. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-136	Medications controlled by licensee. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-116	Laundry. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-138	Self-administration of medications. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-118	Toilets, handwashing sinks, and bathing facilities. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-140	Health history, physical examinations, immunizations. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
		388-73-142	Infection control, communicable disease. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-143 HIV/AIDS education and training. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-144 Nutrition. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-146 Care of younger or severely and multiply-handicapped children. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-200 Child-placing agency. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-200, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-202 Required personnel. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-204 Office space. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-204, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-206 Out-of-country, out-of-state agencies. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-206, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-208 Medical care. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-210 Foster care licensees. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-212 Foster care placements. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-213 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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-214 Adoption procedures. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-216 Adoptive placements. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-300 Foster family homes. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-302 Orientation and training. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-304 Capacity. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-306 Foster parents—Employment. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-308 Absence from home. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-310 Fire safety. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-312 Family foster homes—Services to person under care. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-351 Staffed residential homes for children or expectant mothers. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-351, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-353 Agency affiliation. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-353, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-355 Function of staffed residential home for children or expectant mothers. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-355, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-357 Capacity. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-357, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.

388-73-361	Required positions. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-361, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.		
388-73-363	Nursing services. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-363, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.		
388-73-365	Required rooms, areas, and equipment. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-365, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.		
388-73-367	Staffed residential homes for children or expectant mothers—Services to person under care. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-367, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-395	Staff fire safety training. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-395, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-369	Fire safety—Staffed residential child care home for children or expectant mothers. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-369, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-371	Location of care. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-371, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-373	Occupancy separations. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-373, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-375	Exits. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-375, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-377	Windows. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-377, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-379	Sprinklers. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-379, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-381	Accessibility of exits. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-381, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-383	Single station smoke detectors. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-383, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-385	Fire extinguishers. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-385, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-387	Fire prevention. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-387, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-389	Sprinkler system maintenance. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-389, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	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.
388-73-391	Fire evacuation plan. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-391, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-422	Capacity—Family day care home. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-422, filed 5/4/89; 78-10-006 (Order 1336), § 388-73-422, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-393	Fire evacuation drill. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-393,	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.
	filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-424	Family day care—Program and equipment. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-424, filed 5/4/89; 86-24-059 (Order 2445), §

- 388-73-424, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-424, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-426 Family day care—Fire safety. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-426, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-428 Family day care—Health inspection. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-428, filed 5/4/89.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-430 Capacity—Limitations on ages and numbers—Mini-day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-430, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-432 Staffing—Mini-day care program. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-432, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-434 Qualifications of licensee—Mini-day care. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-434, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-436 Qualifications of child care staff—Mini-day care. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-436, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-438 Program and equipment—Mini-day care. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-438, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-440 Play areas—Mini-day care. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-440, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-440, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-450 Required personnel—Day care centers. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-450, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-450, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-452 Program—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-452, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-454 Toddlers and preschool children—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-454, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-458 Furnishings and equipment—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-458, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-460 Play areas—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-460, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-500 Day treatment center. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-500, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-502 Function of day treatment program. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-502, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-504 Personnel. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-506 Ratio of counselor and teaching staff to children. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-508 Program. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-508, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-510 Ill children. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-510, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-512 Play areas. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-600 Group care facilities. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-600, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-602 Function of group care facility. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-604 Daily activity program. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-606 Required positions. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. 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.
- 388-73-610 Required rooms, areas, and equipment—Group care facilities. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-700 Maternity services. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-700, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-702 Types of maternity services. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-704 Daily activities program. [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.] Repealed by 01-18-037, filed

- 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-706 Eligibility for service—Required 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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-708 Required personnel. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-710 Services provided. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-712 Health education. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-714 Family life education. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. 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.
- 388-73-718 Child care. [Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-718, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-720 Medical service. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-722 Required rooms, areas, equipment. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-800 Crisis residential centers. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-802 Limitations on number of facilities. [Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-802, filed 9/10/79.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-803 Crisis residential center—Admission. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-804 Hours of operation. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-805 Crisis residential center administrator requirements—Multidisciplinary teams. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-810 Group crisis residential centers. [Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-810, filed 9/10/79.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-815 Group crisis residential centers—Staffing. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-820 Family crisis residential centers. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-821 Behavior management—Secure crisis residential centers. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-822 Secure crisis residential centers—Staff training. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-823 Secure crisis residential centers—Program requirements. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-825 Secure crisis residential center—Physical facility. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-900 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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-901 Multidisciplinary care plan for severely and multiply-handicapped children. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-902 Services provided. [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.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-904 Therapy room. [Statutory Authority: RCW 74.15.030, 84-06-030 (Order 2081), § 388-73-904, filed 2/29/84.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.

Reviser's note: Later promulgation, see chapter 388-148 WAC.

Chapter 388-74

CHILD WELFARE SERVICES—COMPLAINTS

- 388-74-010 Child welfare services complaint resolution definitions. [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.] Repealed by 01-06-041, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.13.045.
- 388-74-030 Complaint procedure. [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.] Repealed by 01-06-041, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.13.045.

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

- 388-75-003 Definitions. [Order 936, § 388-75-003, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-006 Nonlicensed facilities unlawful. [Order 936, § 388-75-006, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-009 Action against agency. [Order 936, § 388-75-009, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-012 Exceptions to rules. [Order 936, § 388-75-012, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-015 Agencies to be licensed—Definitions—Categories. [Order 936, § 388-75-015, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-018 Exemptions—Facilities not subject to licensing. [Order 1010, § 388-75-018, filed 2/19/75; Order 985, § 388-75-018, filed 11/29/74; Order 936, § 388-75-018, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-021 Certification of exempt program or facility. [Order 936, § 388-75-021, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-024 Certification of drug treatment center. [Order 936, § 388-75-024, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-027 Application for license. [Order 936, § 388-75-027, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-030 Licenses for homes under supervision of licensed agency. [Order 936, § 388-75-030, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-031 Licensure of staff members. [Order 1146, § 388-75-031, filed 8/26/76.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-033 Fire marshal's approval. [Order 936, § 388-75-033, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-036 Health approval. [Order 936, § 388-75-036, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-039 Local ordinances—Effect of. [Order 936, § 388-75-039, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-042 Character references. [Order 936, § 388-75-042, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-045 Duration and provisions of license. [Order 936, § 388-75-045, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-048 Renewal of license. [Order 936, § 388-75-048, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-051 Provisional license. [Order 936, § 388-75-051, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-054 Denial, revocation, suspension of license. [Order 936, § 388-75-054, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-057 Administrative hearing. [Order 936, § 388-75-057, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-060 Operation following suspension or revocation of license. [Order 936, § 388-75-060, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-063 Periodic review of licensing requirements. [Order 936, § 388-75-063, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-066 Review by advisory committee. [Order 936, § 388-75-066, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-069 Periodic visits and consultation. [Order 936, § 388-75-069, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-072 Reporting of injury, death, epidemic, or child abuse. [Order 936, § 388-75-072, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-075 Records and reports. [Order 936, § 388-75-075, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-078 Discrimination prohibited. [Order 985, § 388-75-078, filed 11/29/74; Order 936, § 388-75-078, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-081 Agency conducted by religious organization. [Order 936, § 388-75-081, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-084 Transportation. [Order 936, § 388-75-084, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-087 Care and administration of medications. [Order 936, § 388-75-087, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-090 Personnel policies. [Order 936, § 388-75-090, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-093 Special requirements regarding American Indians. [Order 985, § 388-75-093, filed 11/29/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-103 Child placing agency. [Order 936, § 388-75-103, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-106 Child placing agency—Governing or advisory board. [Order 936, § 388-75-106, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-109 Child placing agency—Out-of-state agencies. [Order 936, § 388-75-109, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-112 Child placing agency—Personnel. [Order 936, § 388-75-112, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-115 Child placing agency—Office space. [Order 936, § 388-75-115, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-118 Child placing agency—Records. [Order 936, § 388-75-118, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-121 Child placing agency—Medical care. [Order 936, § 388-75-121, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-124 Child placing agency—Legal consultation. [Order 936, § 388-75-124, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-127 Child placing agency—Foster care placements. [Order 936, § 388-75-127, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-130 Child placing agency—Adoptive placements. [Order 936, § 388-75-130, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-153 Foster family home. [Order 936, § 388-75-153, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-156 Foster family home—Capacity—Limitations on ages and numbers. [Order 936, § 388-75-156, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-157 Foster family home—Limitation on licensing. [Order 1018, § 388-75-157, filed 4/23/75.] Repealed by 78-10-

	006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		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.	388-75-265	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.
388-75-162	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.	388-75-268	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.
388-75-165	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.	388-75-271	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.
388-75-168	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.	388-75-274	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.
388-75-171	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.	388-75-277	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.
388-75-174	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.	388-75-280	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.
388-75-177	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.	388-75-283	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.
388-75-203	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.	388-75-303	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.
388-75-206	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.	388-75-306	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.
388-75-209	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.	388-75-309	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.
388-75-212	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.	388-75-312	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.
388-75-215	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.	388-75-315	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.
388-75-218	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.	388-75-318	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.
388-75-221	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.	388-75-321	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.
388-75-224	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.	388-75-324	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.
388-75-227	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.	388-75-327	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.
388-75-230	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.	388-75-330	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.
388-75-253	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.	388-75-333	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.
388-75-256	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.	388-75-336	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.
388-75-259	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.	388-75-339	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.
388-75-262	Mini-day care center—Qualifications of licensee and staff. [Order 936, § 388-75-262, filed 5/23/74.]	388-75-342	Day care center—Children's records. [Order 936, § 388-75-342, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
		388-75-345	Day care center—Parent-center relationships. [Order 936, § 388-75-345, filed 5/23/74.] Repealed by 78-10-

- 006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-348 Day care center—Nutrition. [Order 936, § 388-75-348, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-351 Day care center—Tuberculosis tests for staff. [Order 936, § 388-75-351, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-354 Day care center—Medical policies. [Order 936, § 388-75-354, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-357 Day care center—First aid. [Order 936, § 388-75-357, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-360 Day care center—Health history—Physical exam. [Order 936, § 388-75-360, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-363 Day care center—Immunizations. [Order 936, § 388-75-363, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-366 Day care center—Ill children—Illness and accident report. [Order 936, § 388-75-366, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-369 Day care center—Site and communications—Outdoor play area. [Order 936, § 388-75-369, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-372 Day care center—Safety and maintenance. [Order 936, § 388-75-372, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-375 Day care center—Required rooms, area, equipment. [Order 936, § 388-75-375, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-378 Day care center—Sewage and liquid wastes. [Order 936, § 388-75-378, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-381 Day care center—Pest control. [Order 936, § 388-75-381, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-384 Day care center—Laundry. [Order 936, § 388-75-384, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-387 Day care center—Water supply and plumbing. [Order 936, § 388-75-387, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-390 Day care center—Floors, walls, ceilings, windows. [Order 936, § 388-75-390, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-393 Day care center—Ventilation—Room temperature—Lighting. [Order 936, § 388-75-393, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-396 Day care center—Fire safety. [Order 936, § 388-75-396, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-403 Day treatment center. [Order 936, § 388-75-403, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-406 Day treatment center—Function of day treatment program. [Order 936, § 388-75-406, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-409 Day treatment center—Governing or advisory board. [Order 936, § 388-75-409, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-412 Day treatment center—Personnel. [Order 936, § 388-75-412, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-415 Day treatment center—Ratio of counselor and teaching staff to children. [Order 936, § 388-75-415, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-418 Day treatment center—Personnel—General qualifications. [Order 936, § 388-75-418, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-421 Day treatment center—Tuberculosis tests for staff. [Order 936, § 388-75-421, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-424 Day treatment center—Program. [Order 936, § 388-75-424, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-428 Day treatment center—Social study—Case plan. [Order 936, § 388-75-428, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-430 Day treatment center—Discipline. [Order 936, § 388-75-430, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-433 Day treatment center—Education. [Order 936, § 388-75-433, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-436 Day treatment center—Health. [Order 936, § 388-75-436, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-439 Day treatment center—Nutrition. [Order 936, § 388-75-439, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-442 Day treatment center—Site and communications—Outdoor play area. [Order 936, § 388-75-442, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-445 Day treatment center—Safety and maintenance. [Order 936, § 388-75-445, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-448 Day treatment center—Required rooms, area, equipment. [Order 936, § 388-75-448, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-451 Day treatment center—Sewage and liquid wastes. [Order 936, § 388-75-451, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-454 Day treatment center—Pest control. [Order 936, § 388-75-454, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-457 Day treatment center—Laundry. [Order 936, § 388-75-457, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-460 Day treatment center—Water supply and plumbing. [Order 936, § 388-75-460, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-463 Day treatment center—Floors, walls, ceilings, windows. [Order 936, § 388-75-463, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-466 Day treatment center—Ventilation—Room temperature—Lighting. [Order 936, § 388-75-466, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-469 Day treatment center—Fire safety. [Order 936, § 388-75-469, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-503 Group home. [Order 936, § 388-75-503, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-506 Group home—Description. [Order 936, § 388-75-506, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-509 Group home—Function. [Order 936, § 388-75-509, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-512	Group home—Governing or advisory board. [Order 936, § 388-75-512, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-581	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.	388-75-584	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.
388-75-518	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.	388-75-603	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.
388-75-521	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.	388-75-606	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.
388-75-524	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.	388-75-609	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.
388-75-527	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.	388-75-612	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.
388-75-530	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.	388-75-615	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.
388-75-533	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.	388-75-618	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.
388-75-536	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.	388-75-621	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.
388-75-539	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.	388-75-624	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.
388-75-542	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.	388-75-627	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.
388-75-545	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.	388-75-630	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.
388-75-548	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.	388-75-633	Child care institution—Economic experiences. [Order 936, § 388-75-630, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-551	Group home—Safety and maintenance. [Order 936, § 388-75-551, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-636	Child care institution—Clothing. [Order 936, § 388-75-633, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-554	Group home—Sewage and liquid wastes. [Order 936, § 388-75-554, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-639	Child care institution—Community contacts. [Order 936, § 388-75-636, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-557	Group home—Pest control. [Order 936, § 388-75-557, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-642	Child care institution—Spiritual training. [Order 936, § 388-75-639, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-560	Group home—Water supply and plumbing. [Order 936, § 388-75-560, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-645	Child care institution—Food and food services. [Order 936, § 388-75-642, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-563	Group home—Floors, walls, and ceilings. [Order 936, § 388-75-563, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-648	Child care institution—Health service. [Order 936, § 388-75-645, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-566	Group home—Ventilation. [Order 936, § 388-75-566, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-651	Child care institution—Health records. [Order 936, § 388-75-648, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-569	Group home—Room temperature. [Order 936, § 388-75-569, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-654	Child care institution—Nursing service. [Order 936, § 388-75-651, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-572	Group home—Lighting. [Order 936, § 388-75-572, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-657	Child care institution—Site and communication. [Order 936, § 388-75-654, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-575	Group home—Food and food services. [Order 936, § 388-75-575, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		Child care institution—Safety and maintenance. [Order 936, § 388-75-657, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-578	Group home—Health program—Medical service for children. [Order 936, § 388-75-578, filed 5/23/74.]		

- 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 5/3/90, 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 1/4/82; 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 388-503-1310 (parts).
- 388-82-015 "H" category (federal aid). [Statutory Authority: RCW 74.08.090. 78-02-024 (Order 1265), § 388-82-015, filed 1/13/78; Order 1097, § 388-82-015, filed 2/13/76; Order 995, § 388-82-015, filed 12/31/74; Order 911, § 388-82-015, filed 3/1/74; Order 765, § 388-82-015, filed 1/10/73; Order 518, § 388-82-015, filed 2/24/71; Order 382, § 388-82-015, filed 8/27/69; Order 300, § 388-82-015, filed 9/6/68; Order 264 (part), § 388-82-015, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-020 Medical care services. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-82-020, filed 10/9/80; 79-06-034 (Order 1402), § 388-82-020, filed 5/16/79; 79-01-002 (Order 1359), § 388-82-020, filed 12/8/78; Order 1203, § 388-82-020, filed 4/1/77; Order 1196, § 388-82-020, filed 3/3/77; Order 995, § 388-82-020, filed 12/31/74; Order 911, § 388-82-020, filed 3/1/74; Order 765, § 388-82-020, filed 1/10/73; Order 677, § 388-82-020, filed 5/10/72; Order 547, § 388-82-020, filed 3/31/71, effective 5/1/71; Order 382, § 388-82-020, filed 8/27/69; Order 300, § 388-82-020, filed 9/6/68; Order 264 (part), § 388-82-020, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-025 Institutional status. [Order 1097, § 388-82-025, filed 2/13/76; Order 518, § 388-82-025, filed 2/24/71; Order 264 (part), § 388-82-025, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-030 State of Washington resident requiring care out-of-state. [Statutory Authority: RCW 74.08.090. 79-01-002 (Order 1359), § 388-82-030, filed 12/8/78; Order 1203, § 388-82-030, filed 4/1/77; Order 1166, § 388-82-030, filed 10/27/76; Order 1112, § 388-82-030, filed 4/15/76; Order 709, § 388-82-030, filed 9/14/72; Order 462, § 388-82-030, filed 6/23/70; Order 332, § 388-82-030, filed 2/3/69; Order 300, § 388-82-030, filed 9/6/68; Order 264 (part), § 388-82-030, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-035 Out-of-state resident requiring medical care in Washington state. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-82-035, filed 9/9/80; Order 1203, § 388-82-035, filed 4/1/77; Order 1158, § 388-82-035, filed 10/6/76; Order 995, § 388-82-035, filed 12/31/74; Order 879, § 388-82-035, filed 11/29/73; Order 404, § 388-82-035, filed 11/24/69; Order 382, § 388-82-035, filed 8/27/69; Order 300, § 388-82-035, filed 9/6/68; Order 264 (part), § 388-82-035, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-040 Medical care for Cuban refugees. [Order 995, § 388-82-040, filed 12/31/74; Order 834, § 388-82-040, filed 7/26/73; Order 300, § 388-82-040, filed 9/6/68.] Repealed by 78-02-024 (Order 1265), filed 1/13/78. Statutory Authority: RCW 74.08.090.
- 388-82-045 Medical care for United States citizen returned from foreign country. [Order 300, § 388-82-045, filed 9/6/68.] 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.
- Chapter 388-83**
MEDICAL CARE—ELIGIBILITY
- 388-83-005 Medical assistance eligibility. [Statutory Authority: RCW 74.08.090. 81-16-033 (Order 1685), § 388-83-005, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-005, filed 4/27/81; Order 1203, § 388-83-005, filed 4/1/77; Order 922, § 388-83-005, filed 4/15/74; Order 483, § 388-83-005, filed 10/13/70; Order 264 (part), § 388-83-005, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-504-0440 (parts).
- 388-83-006 Medical care services. [Statutory Authority: RCW 74.08.090. 93-17-038 (Order 3620), § 388-83-006, filed 8/11/93, effective 9/11/93. Statutory Authority: 1987 c 406. 87-19-091 (Order 2539), § 388-83-006, filed 9/17/87. Statutory Authority: RCW 74.08.090. 83-17-006 (Order 1996), § 388-83-006, filed 8/5/83; 81-16-033 (Order 1685), § 388-83-006, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-006, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-503-0350, 388-504-0440.
- 388-83-010 Alternative sources for medical care. [Statutory Authority: RCW 74.08.090. 92-18-036 (Order 3444), § 388-83-010, filed 8/27/92, effective 9/27/92; 84-15-060 (Order 2126), § 388-83-010, filed 7/18/84; 81-10-014 (Order 1646), § 388-83-010, filed 4/27/81; 80-13-020 (Order 1542), § 388-83-010, filed 9/9/80; Order 1061 § 388-83-010, filed 10/8/75; Order 780, § 388-83-010, filed 3/16/73; Order 405, § 388-83-010, filed 11/24/69; Order 264 (part), § 388-83-010, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0170 and 388-538-001.
- 388-83-012 Assignment of rights. [Statutory Authority: RCW 74.08.090. 93-22-030 (Order 3658), § 388-83-012, filed 10/27/93, effective 11/27/93; 92-11-061 (Order 3385), § 388-83-012, filed 5/19/92, effective 6/19/92; 89-12-080 (Order 2809), § 388-83-012, filed 6/7/89; 84-23-027 (Order 2168), § 388-83-012, filed 11/14/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0540.
- 388-83-013 Cooperation in securing medical support. [Statutory Authority: RCW 74.08.090. 92-18-036 (Order 3444), § 388-83-013, filed 8/27/92, effective 9/27/92; 92-03-087 (Order 3312), § 388-83-013, filed 1/15/92, effective 2/15/92; 91-10-101 (Order 3175), § 388-83-013, filed 5/1/91, effective 6/1/91; 90-04-012 (Order 2937), § 388-83-013, filed 1/29/90, effective 3/1/90; 89-12-080 (Order 2809), § 388-83-013, filed 6/7/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0560.
- 388-83-014 Good cause not to cooperate in securing medical care support. [Statutory Authority: RCW 74.08.090. 92-18-036 (Order 3444), § 388-83-014, filed 8/27/92, effective 9/27/92; 89-12-080 (Order 2809), § 388-83-014, filed 6/7/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0570.
- 388-83-015 Citizenship and alien status. [Statutory Authority: RCW 74.08.090. 93-16-042 (Order 3603), § 388-83-015, filed 7/28/93, effective 8/28/93. Statutory Authority: RCW 74.08.090 and Section 301 - Family Unity of 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. Statu-

- 388-83-045 Allocation of available income and nonexempt resources. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-83-045, filed 10/9/80; 80-02-061 (Order 1479), § 388-83-045, filed 1/18/80; 79-01-002 (Order 1359), § 388-83-045, filed 12/8/78; Order 1233, § 388-83-045, filed 8/31/77; Order 1196, § 388-83-045, filed 3/3/77; Order 1151, § 388-83-045, filed 9/8/76; Order 1061, § 388-83-045, filed 10/8/75; Order 994, § 388-83-045, filed 12/31/74; Order 922, § 388-83-045, filed 4/15/74; Order 911, § 388-83-045, filed 3/1/74; Order 879, § 388-83-045, filed 11/29/73; Order 835, § 388-83-045, filed 7/26/73; Order 787, § 388-83-045, filed 4/12/73; Order 678, § 388-83-045, filed 5/10/72; Order 628, § 388-83-045, filed 11/24/71; Order 579, § 388-83-045, filed 7/20/71; Order 548, § 388-83-045, filed 3/31/71, effective 5/1/71; Order 497, § 388-83-045, filed 11/25/70, effective 1/1/71; Order 419, § 388-83-045, filed 12/31/69; Order 405, § 388-83-045, filed 11/24/69; Order 301, § 388-83-045, filed 9/6/68; Order 264 (part), § 388-83-045, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-046 Relative financial responsibility for AFDC-related programs. [Statutory Authority: RCW 74.08.090 and Sneeve vs. Kizer, 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH. 93-19-037 (Order 3630), § 388-83-046, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090. 93-11-045 (Order 3546), § 388-83-046, filed 5/12/93, effective 6/12/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. 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 74.08.090. 84-12-033 (Order 2103), § 388-83-200, filed 5/30/84. Statutory Authority: RCW 74.08.090. 83-18-030 (Order 2020), § 388-83-200, filed 8/31/83; 83-08-024 (Order 1954), § 388-83-200, filed 3/30/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-515-1505.
- 388-83-210 Community alternatives program (CAP) and outward bound residential alternatives (OBRA) program. [Statutory Authority: RCW 74.08.090. 93-11-044 (Order 3547), § 388-83-210, filed 5/12/93, effective 6/12/93; 92-24-039 (Order 3481), § 388-83-210, filed 11/25/92, effective 12/26/92; 90-12-050 (Order 3008), § 388-83-210, filed 5/31/90, effective 7/1/90; 85-13-063 (Order 2243), § 388-83-210, filed 6/18/85; 84-04-066 (Order 2071), § 388-83-210, filed 2/1/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-515-1510.
- 388-83-220 Coordinated community AIDS service alternatives (CASA) program. [Statutory Authority: RCW 74.08.090. 93-11-044 (Order 3547), § 388-83-220, filed 5/12/93, effective 6/12/93; 92-24-039 (Order 3481), § 388-83-220, filed 11/25/92, effective 12/26/92; 90-17-118 (Order 3052), § 388-83-220, filed 8/21/90, effective 9/21/90.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-515-1530.

Chapter 388-84

MEDICAL CARE—APPLICATION

- 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.
- 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 12/1/87; 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.

Chapter 388-85

MEDICAL CARE—CERTIFICATION

- 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 388-86**
MEDICAL CARE—SERVICES PROVIDED
- 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, § 388-86-005, 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/EPSDT. [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.] Decodedified 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.
- 388-86-071 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.] Repealed by 01-05-040, filed 2/14/01, effective 3/17/01. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 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.
- 388-86-085 Transportation (other than ambulance). [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.] Repealed by 01-06-029, filed 3/2/01, effective 4/2/01. Statutory Authority: RCW 74.08.090, 74.09.500, 74.04.050, 74.04.055, and 74.04.057.
- 388-86-086 Ambulance services. [Statutory Authority: RCW 74.08.090, 88-06-083 (Order 2600), § 388-86-086, filed 3/2/88.] Repealed by 01-03-084, filed 1/16/01, effective 2/16/01. Statutory Authority: RCW 74.08.090, 74.09.500, 74.04.050, 74.04.055, and 74.04.057.
- 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 4/11/77.] Repealed by 99-16-071, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-86-100 Durable medical equipment, prosthetic devices, and disposable/nonreusable medical supplies. [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.] Repealed by 01-06-028, filed 3/2/01, effective 4/2/01. Statutory Authority: RCW 74.08.090, 74.09.530.
- 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: 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.

Chapter 388-87

MEDICAL CARE—PAYMENT

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.
- 388-87-027 Services requiring prior approval. [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.] Repealed by 01-06-032, filed 3/2/01, effective 4/2/01. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 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.
- 388-87-035 Payment—Transportation (other than ambulance). [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.] Repealed by 01-06-029, filed 3/2/01, effective 4/2/01. Statutory Authority: RCW 74.08.090, 74.09.500, 74.04.050, 74.04.055, and 74.04.057.
- 388-87-036 Payment—Ambulance services. [Statutory Authority: RCW 74.08.090. 88-06-083 (Order 2600), § 388-87-036, filed 3/2/88.] Repealed by 01-03-084, filed 1/16/01, effective 2/16/01. Statutory Authority: RCW 74.08.090, 74.09.500, 74.04.050, 74.04.055, and 74.04.057.
- 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.] Decodedified 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.
- 388-87-060 Payment—Extended care patient—Coinsurance. [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.] Repealed by 01-06-033, filed 3/2/01, effective 4/2/01. Statutory Authority: RCW 74.04.050, 74.08.090, and 74.09.055.
- 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 9/1/93.] 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.

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. 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; 84-20-101 (Order 2158), § 388-91-020, filed 11/24/76; Order 884, § 388-91-020, filed 12/17/73; Order 461, § 388-91-020, filed 6/17/70, effective 8/1/70; Order 316, § 388-91-020, filed 10/31/68.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-030 Drugs—Prescription claim. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-030, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-030, filed 12/18/85; 85-11-034 (Order 2233), § 388-91-030, filed 5/15/85; 79-06-034 (Order 1402), § 388-91-030, filed 5/16/79; Order 884, § 388-91-030, filed 12/17/73; Order 461, § 388-91-030, filed 6/17/70, effective 8/1/70; Order 316, § 388-91-030, filed

- 10/31/68.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-035 Drugs—Pharmacist's agreement. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-035, filed 11/19/91, effective 12/20/91; 85-11-034 (Order 2233), § 388-91-035, filed 5/15/85; 81-10-016 (Order 1648), § 388-91-035, filed 4/27/81; 80-13-020 (Order 1542), § 388-91-035, filed 9/9/80; 79-06-034 (Order 1402), § 388-91-035, filed 5/16/79; Order 1170, § 388-91-035, filed 11/24/76; Order 884, § 388-91-035, filed 12/17/73; Order 461, § 388-91-035, filed 6/17/70, effective 8/1/70.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-040 Drugs—Pricing standards. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-040, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-040, filed 12/18/85; 82-01-001 (Order 1725), § 388-91-040, filed 12/3/81; 79-06-034 (Order 1402), § 388-91-040, filed 5/16/79; Order 1154, § 388-91-040, filed 9/22/76; Order 970, § 388-91-040, filed 9/13/74; Order 884, § 388-91-040, filed 12/17/73; Order 461, § 388-91-040, filed 6/17/70, effective 8/1/70; Order 316, § 388-91-040, filed 10/31/68.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-050 Out-of-state prescriptions. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-050, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-050, filed 12/18/85; 81-16-032 (Order 1684), § 388-91-050, filed 7/29/81; Order 475, § 388-91-050, filed 9/8/70; Order 316, § 388-91-050, filed 10/31/68.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- Chapter 388-92**
MEDICAL CARE FOR PERSONS RECEIVING
BENEFITS UNDER TITLE XVI OF SOCIAL
SECURITY ACT—ELIGIBILITY—INCOME AND
RESOURCE STANDARDS FOR APPLICANTS IN
OWN HOME
- 388-92-005 Definitions. [Statutory Authority: RCW 74.08.090. 84-02-051 (Order 2059), § 388-92-005, filed 1/4/84; 82-10-062 (Order 1801), § 388-92-005, filed 5/5/82; 81-10-014 (Order 1646), § 388-92-005, filed 4/27/81; 79-06-034 (Order 1402), § 388-92-005, filed 5/16/79; Order 996, § 388-92-005, filed 12/31/74; Order 930, § 388-92-005, filed 4/25/74; Order 898, § 388-92-005, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-500-0005 (part).
- 388-92-010 Description of program. [Order 996, § 388-92-010, filed 12/31/74; Order 898, § 388-92-010, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-015 Eligibility determination—SSI. [Statutory Authority: RCW 74.08.090. 90-06-036 (Order 2948), § 388-92-015, filed 3/1/90, effective 4/1/90; 86-03-045 (Order 2326), § 388-92-015, filed 1/15/86; 85-07-049 (Order 2218), § 388-92-015, filed 3/20/85; 84-04-068 (Order 2073), § 388-92-015, filed 2/1/84; 83-02-026 (Order 1929), § 388-92-015, filed 12/29/82; 82-21-024 (Order 1891), § 388-92-015, filed 10/13/82; 81-10-014 (Order 1646), § 388-92-015, filed 4/27/81; 80-02-050 (Order 1476), § 388-92-015, filed 1/16/80; 78-02-024 (Order 1265), § 388-92-015, filed 1/13/78; Order 1196, § 388-92-015, filed 3/3/77; Order 967, § 388-92-015, filed 8/29/74; Order 898, § 388-92-015, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-501-0180 and 388-511-1105.
- 388-92-020 Application for medical care. [Statutory Authority: RCW 74.08.090. 80-02-050 (Order 1476), § 388-92-020, filed 1/16/80; Order 1111, § 388-92-020, filed 4/15/76; Order 898, § 388-92-020, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-025 Relative financial responsibility for SSI-related clients. [Statutory Authority: RCW 74.08.090. 93-11-045 (Order 3546), § 388-92-025, filed 5/12/93, effective 6/12/93; 92-14-051 (Order 3411), § 388-92-025, filed 6/25/92, effective 7/26/92; 89-24-036 (Order 2907), § 388-92-025, filed 12/1/89, effective 1/1/90; 84-17-012 (Order 2132), § 388-92-025, filed 8/3/84; 84-02-056 (Order 2064), § 388-92-025, filed 1/4/84; 82-10-062 (Order 1801), § 388-92-025, filed 5/5/82; 82-01-001 (Order 1725), § 388-92-025, filed 12/3/81; 81-16-032 (Order 1684), § 388-92-025, filed 7/29/81; 81-10-014 (Order 1646), § 388-92-025, filed 4/27/81; 80-13-020 (Order 1542), § 388-92-025, filed 9/9/80; 79-09-053 (Order 1427), § 388-92-025, filed 8/24/79; 79-06-034 (Order 1402), § 388-92-025, filed 5/16/79; 78-10-077 (Order 1346), § 388-92-025, filed 9/27/78; Order 1227, § 388-92-025, filed 8/8/77; Order 1158, § 388-92-025, filed 10/6/76; Order 1112, § 388-92-025, filed 4/15/76; Order 1067, § 388-92-025, filed 11/17/75; Order 1061, § 388-92-025, filed 10/8/75; Order 996, § 388-92-025, filed 12/31/74; Order 967, § 388-92-025, filed 8/29/74; Order 960, § 388-92-025, filed 8/13/74; Order 898, § 388-92-025, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-506-0620.
- 388-92-027 SSI-related income deeming. [Statutory Authority: RCW 74.08.090. 93-11-045 (Order 3546), § 388-92-027, filed 5/12/93, effective 6/12/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-506-0630.
- 388-92-030 Monthly standard. [Statutory Authority: RCW 74.08.090. 84-02-055 (Order 2063), § 388-92-030, filed 1/4/84; 83-12-059 (Order 1964), § 388-92-030, filed 6/1/83; 82-01-001 (Order 1725), § 388-92-030, filed 12/3/81; 81-16-032 (Order 1684), § 388-92-030, filed 7/29/81; 81-10-014 (Order 1646), § 388-92-030, filed 4/27/81; 80-12-012 (Order 1537), § 388-92-030, filed 8/25/80; 79-09-032 (Order 1424), § 388-92-030, filed 8/15/79; 78-10-059 (Order 1339), § 388-92-030, filed 9/22/78; Order 1246, § 388-92-030, filed 10/11/77; Order 1144, § 388-92-030, filed 8/26/76; Order 1040, § 388-92-030, filed 8/7/75; Order 996, § 388-92-030, filed 12/31/74; Order 952, § 388-92-030, filed 7/16/74; Order 930, § 388-92-030, filed 4/25/74; Order 898, § 388-92-030, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1115.
- 388-92-034 Availability of income. [Statutory Authority: RCW 74.08.090 and 42 CFR Ch. IV, 435.603. 92-11-060 (Order 3386), § 388-92-034, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 90-24-089 (Order 3108), § 388-92-034, filed 12/5/90, effective 1/5/91.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1130 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 12/11/93. Statutory Authority: RCW 74.08.090. 92-22-053 (Order 3476), § 388-92-041, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.08.090 and chapter 74.09 RCW. 87-10-022 (Order 2486), § 388-92-041, filed 5/1/87.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0595.
- 388-92-043 Transfer of resources without adequate consideration. [Statutory Authority: 1989 c 87. 89-18-032 (Order 2859), § 388-92-043, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090. 84-04-068 (Order 2073), § 388-92-043, filed 2/1/84; 82-23-002 (Order 1897), § 388-92-043, filed 11/4/82; 82-10-017 (Order 1776), § 388-92-043, filed 4/28/82.] Repealed by 93-23-032 (Order 3664), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090 and OBRA 1993.
- 388-92-045 Exempt resources. [Statutory Authority: RCW 74.08.090. 94-02-007 (Order 3687), § 388-92-045, filed 12/22/93, effective 1/22/94; 93-06-038 (Order 3518), § 388-92-045, filed 2/24/93, effective 3/27/93; 92-08-037, § 388-92-045, filed 3/24/92, effective 4/24/92; 91-09-017 (Order 3132), § 388-92-045, filed 4/9/91, effective 5/10/91; 89-24-036 (Order 2907), § 388-92-045, filed 12/1/89, effective 1/1/90; 88-06-087 (Order 2604), § 388-92-045, filed 3/2/88; 85-05-014 (Order 2204), § 388-92-045, filed 2/13/85; 84-17-069 (Order 2139), § 388-92-045, filed 8/15/84; 84-02-055 (Order 2063), § 388-92-045, filed 1/4/84; 83-10-077 (Order 1958), § 388-92-045, filed 5/4/83; 82-24-069 (Order 1916), § 388-92-045, filed 12/1/82; 82-10-062 (Order 1801), § 388-92-045, filed 5/5/82; 82-01-001 (Order 1725), § 388-92-045, filed 12/3/81; 81-10-014 (Order 1646), § 388-92-045, filed 4/27/81; 79-10-095 (Order 1439), § 388-92-045, filed 9/25/79; Order 1015, § 388-92-045, filed 3/27/75; Order 898, § 388-92-045, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1160.
- 388-92-050 Limitation of resources. [Statutory Authority: RCW 74.08.090. 85-03-072 (Order 2194), § 388-92-050, filed 1/17/85; 81-10-014 (Order 1646), § 388-92-050, filed 4/27/81; Order 898, § 388-92-050, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1110.
- 388-92-055 Allocation of income and resources. [Statutory Authority: RCW 74.08.090. 80-02-061 (Order 1479), § 388-92-055, filed 1/18/80; Order 1227, § 388-92-055, filed 8/8/77; Order 996, § 388-92-055, filed 12/31/74; Order 960, § 388-92-055, filed 8/31/74; Order 898, § 388-92-055, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-060 Authorization. [Statutory Authority: RCW 74.08.090. 78-10-077 (Order 1346), § 388-92-060, filed 9/27/78; Order 1111, § 388-92-060, filed 4/15/76; Order 898, § 388-92-060, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-065 Termination of SSI beneficiary. [Order 898, § 388-92-065, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-070 Person converted into Title XVI. [Statutory Authority: RCW 74.08.090. 78-02-024 (Order 1265), § 388-92-070, filed 1/13/78; Order 1196, § 388-92-070, filed 3/3/77; Order 996, § 388-92-070, filed 12/31/74; Order 960, § 388-92-070, filed 8/13/74; Order 898, § 388-92-070, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 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. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1235.
- 388-93-040 Computation of available income. [Statutory Authority: RCW 74.08.090. 78-02-024 (Order 1265), § 388-93-040, filed 1/13/78; Order 1067, § 388-93-040, filed 11/17/75; Order 996, § 388-93-040, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1240.
- 388-93-045 Monthly maintenance standard—Individual living in own home. [Order 996, § 388-93-045, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1245.
- 388-93-050 Monthly maintenance standard—Individual in institution. [Order 996, § 388-93-050, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1250.
- 388-93-055 Allocation of available income and nonexempt resources. [Order 1061, § 388-93-055, filed 10/8/75; Order 996, § 388-93-055, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1255.
- 388-93-060 Exempt resources. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-93-060, filed 5/4/83; Order 996, § 388-93-060, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1260.
- 388-93-065 Nonexempt resources. [Order 996, § 388-93-065, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1265.
- 388-93-070 Transfer of resources within two years prior to application. [Statutory Authority: RCW 74.08.090. 79-06-034 (Order 1402), § 388-93-070, filed 5/16/79; Order 996, § 388-93-070, filed 12/31/74.] Repealed by 89-18-032 (Order 2859), filed 8/29/89, effective 9/29/89. Statutory Authority: 1989 c 87.
- 388-93-075 Continuing certification. [Order 996, § 388-93-075, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1275.
- 388-93-080 Application following termination of eligibility. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-93-080, filed 5/4/83; Order 996, § 388-93-080, filed 12/31/74.] Repealed by 94-10-065 (Order

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).

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.

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388-95-080

388-95-210

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388-95-300

388-95-310

388-95-320

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 12/11/87.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 5/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1350.
- 388-95-340 Computation of available income and resources. [Statutory Authority: RCW 74.08.090 and Social Security Act Section 1924(c) and 42 USC 1396r-5 Sec. 1924(c). 93-19-136 (Order 3642), § 388-95-340, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090. 93-06-041 (Order 3517), § 388-95-340, filed 2/24/93, effective 3/27/93; 86-18-005 (Order 2411), § 388-95-340, filed 8/21/86; 84-17-012 (Order 2132), § 388-95-340, filed 8/3/84; 84-02-056 (Order 2064), § 388-95-340, filed 1/4/84; 83-12-059 (Order 1964), § 388-95-340, filed 6/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1330, 388-513-1340, 388-513-1345 and 388-513-1350 part.
- 388-95-360 Allocation of income and resources—Institutionalized client. [Statutory Authority: RCW 74.08.090. 94-02-006 (Order 3688), § 388-95-360, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28. 93-11-049 (Order 3548), § 388-95-360, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090. 93-06-041 (Order 3517), § 388-95-360, filed 2/24/93, effective 3/27/93; 92-08-082 and 92-10-046 (Order 3356A), § 388-95-360, filed 3/31/92 and 5/5/92, effective 5/5/92 and 6/5/92; 91-17-061 (Order 3232), § 388-95-360, filed 8/20/91, effective 9/20/91; 91-07-011 (Order 3150), § 388-95-360, filed 3/11/91, effective 4/11/91; 90-12-049 (Order 3007), § 388-95-360, filed 5/31/90, effective 7/1/90; 89-23-080 (Order 2898), § 388-95-360, filed 11/17/89, effective 12/18/89. Statutory Authority: 1989 [1st ex.s.] c 5352 [19]. 89-18-056 (Order 2864), § 388-95-360, filed 9/1/89, effective 10/2/89. Statutory Authority: RCW 74.08.090. 88-23-022 (Order 2721), § 388-95-360, filed 11/7/88; 83-17-093 (Order 2005), § 388-95-360, filed 8/23/83; 83-12-059 (Order 1964), § 388-95-360, filed 6/1/83. Formerly WAC 388-83-140.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1380.
- 388-95-380 Excluded resources. [Statutory Authority: RCW 74.08.090. 91-09-017 (Order 3132), § 388-95-380, filed 4/9/91, effective 5/10/91; 88-06-087 (Order 2604), § 388-95-380, filed 3/2/88; 85-05-014 (Order 2204), § 388-95-380, filed 2/13/85; 84-17-069 (Order 2139), § 388-95-380, filed 8/15/84; 84-02-055 (Order 2063), § 388-95-380, filed 1/4/84; 83-12-059 (Order 1964), § 388-95-380, filed 6/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1360.
- 388-95-390 Limitation of resources. [Statutory Authority: RCW 74.08.090. 85-03-072 (Order 2194), § 388-95-390, filed 1/17/85; 83-12-059 (Order 1964), § 388-95-390, filed 6/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1310.
- 388-95-395 Transfer of assets. [Statutory Authority: RCW 74.08.090 and OBRA 1993. 93-23-032 (Order 3664), § 388-95-395, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090. 91-15-085 (Order 3206), § 388-95-395, filed 7/23/91, effective 8/23/91; 89-12-037 (Order 2806), § 388-95-395, filed 6/1/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1365.
- 388-95-400 Medically needy—Eligibility determination—Institutional. [Statutory Authority: RCW 74.08.090. 92-20-015 (Order 3462), § 388-95-400, filed 9/24/92, effective 10/25/92; 90-06-037 (Order 2949), § 388-95-400, filed 3/1/90, effective 4/1/90; 88-17-062 (Order 2672), § 388-95-400, filed 8/17/88; 83-12-059 (Order 1964), § 388-95-400, filed 6/1/83. Formerly WAC 388-99-045.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1395.

Chapter 388-98

NURSING HOME LICENSURE PROGRAM ADMINISTRATION

- 388-98-001 Definitions. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-001, filed 12/15/89, effective 1/15/90. Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-001, filed 10/9/87. Statutory Authority: RCW 18.51.070. 83-24-030 (Order 2052), § 388-98-001, filed 12/1/83. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-001, filed 6/25/80.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-005.
- 388-98-003 Remedies. [Statutory Authority: 1989 c 372. 90-06-031 (Order 2943), § 388-98-003, filed 3/1/90, effective 4/1/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-630.
- 388-98-005 Receivership. [Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-005, filed 3/2/88.] Repealed by 90-01-052 (Order 2917), filed 12/15/89, effective 1/15/90. Statutory Authority: 1989 c 372 § 8.
- 388-98-010 List of qualified receivers. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-010, filed 12/15/89, effective 1/15/90. Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-010, filed 3/2/88.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-680 and 388-97-685.
- 388-98-015 Duties and powers of receiver. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-015, filed 12/15/89, effective 1/15/90. Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-015, filed 3/2/88.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-690.
- 388-98-020 Termination of receivership. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-020, filed 12/15/89, effective 1/15/90. Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-020, filed 3/2/88.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-675 and 388-97-695.
- 388-98-300 Temporary management. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-300, filed 12/15/89, effective 1/15/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-670.

- 388-98-320 Temporary managers—Application. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-320, filed 12/15/89, effective 1/15/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-680 and 388-97-685.
- 388-98-330 Duties and powers of temporary manager. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-330, filed 12/15/89, effective 1/15/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-690.
- 388-98-340 Termination of temporary management. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-340, filed 12/15/89, effective 1/15/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-695.
- 388-98-700 Stop placement—Informal review. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-700, filed 12/15/89, effective 1/15/90. Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-700, filed 10/9/87. Statutory Authority: RCW 18.51.070. 83-24-030 (Order 2052), § 388-98-700, filed 12/1/83.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-620 and 388-97-650.
- 388-98-750 Notice and hearing rights. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-750, filed 12/15/89, effective 1/15/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-625.
- 388-98-800 Applicability of civil fines. [Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-800, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-800, filed 6/25/80.] Repealed by 90-01-052 (Order 2917), filed 12/15/89, effective 1/15/90. Statutory Authority: 1989 c 372 § 8.
- 388-98-810 Civil penalty fund. [Statutory Authority: RCW 18.51.070. 90-12-048 (Order 2990), § 388-98-810, filed 5/31/90, effective 7/1/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-665.
- 388-98-830 Notification of response time. [Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-830, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-830, filed 6/25/80.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-605.
- 388-98-850 Imposition and payment of fines. [Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-850, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-850, filed 6/25/80.] Repealed by 90-01-052 (Order 2917), filed 12/15/89, effective 1/15/90. Statutory Authority: 1989 c 372 § 8.
- 388-98-870 Separate violations. [Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-870, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-870, filed 6/25/80.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-645.
- 388-98-890 Reporting. [Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-890, filed 6/25/80.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620.
- 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 388-503-0320 (parts).
- 388-99-015 Eligibility—General. [Statutory Authority: RCW 74.08.090. 81-16-032 (Order 1684), § 388-99-015, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0501.
- 388-99-020 Eligibility determination—Medically needy in own home. [Statutory Authority: RCW 74.08.090 and Sneed vs. Kizer, 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH. 93-19-037 (Order 3630), § 388-99-020, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090 and 1902(r) of the Social Security Act. 93-07-028 (Order 3522), § 388-99-020, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 74.08.090. 92-20-118 (Order 3467), § 388-99-020, filed 10/7/92, effective 11/7/92; 91-07-011 (Order 3150), § 388-99-020, filed 3/11/91, effective 4/11/91; 90-06-034 (Order 2946), § 388-99-020, filed 3/1/90, effective 4/1/90; 89-05-029 (Order 2758), § 388-99-020, filed 2/13/89; 88-23-081 (Order 2727), § 388-99-020, filed 11/18/88. Statutory Authority: 1987 1st ex.s. c 7. 88-05-056 (Order 2599), § 388-99-020, filed 2/17/88. Statutory Authority: RCW 74.08.090. 87-17-043 (Order 2522), § 388-99-020, filed 8/17/87; 87-06-006 (Order 2473), § 388-99-020, filed 2/19/87; 86-07-003 (Order 2346), § 388-99-020, filed 3/6/86; 85-16-047 (Order 2263), § 388-99-020, filed 7/31/85; 85-05-016 (Order 2206), § 388-99-020, filed 2/13/85; 84-17-013 (Order 2133), § 388-99-020, filed 8/3/84; 84-05-039 (Order 2075), § 388-99-020, filed 2/17/84; 83-17-094 (Order 2006), § 388-99-020, filed 8/23/83; 83-01-058 (Order 1925), § 388-99-020, filed 12/15/82; 82-17-072 (Order 1868), § 388-99-020, filed 8/18/82; 82-10-062 (Order 1801), § 388-99-020, filed 5/5/82; 82-01-001 (Order 1725), § 388-99-020, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-020, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-506-0610 part, 388-506-0630, 388-507-0710, 388-519-1910 and 388-519-1930 part.
- 388-99-030 Allocation of excess income—Spendedown. [Statutory Authority: RCW 74.08.090. 93-19-137 (Order 3640), § 388-99-030, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090 and Omnibus Budget Reconciliation Act 4118(h). 92-07-027 (Order 3335), § 388-99-030, filed 3/10/92, effective 4/10/92. Statutory Authority: RCW 74.08.090. 90-04-034 (Order 2929), § 388-99-030, filed 1/31/90, effective 3/3/90; 89-11-057 (Order 2798), § 388-99-030, filed 5/17/89; 88-24-025 (Order 2735), § 388-99-030, filed 12/2/88; 86-17-022 (Order 2409), § 388-99-030, filed 8/12/86; 85-05-016 (Order 2206), § 388-99-030, filed 2/13/85; 84-07-017 (Order 2083), § 388-99-030, filed 3/14/84; 82-01-001 (Order 1725), § 388-99-030, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-030, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-519-1930 (parts).
- 388-99-035 Resource standards. [Statutory Authority: RCW 74.08.090 and OBRA 1993. 93-23-032 (Order 3664), § 388-99-035, filed 11/10/93, effective 12/11/93. Statu-

Chapter 388-99

LIMITED CASUALTY PROGRAM—MEDICALLY NEEDY

- 388-99-005 Limited casualty program—Medically needy. [Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-99-005, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-005, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-501-0110 and 388-501-0320.
- 388-99-010 Persons eligible for medically needy assistance. [Statutory Authority: RCW 74.08.090 and CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-99-010, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090. 90-24-027 (Order 3105), § 388-99-010, filed

- tory 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.
- 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 388-503-0370.
- 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 388-100

LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT

Chapter 388-104 PERSONNEL

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), § 388-201-430, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-430, 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).
- 388-201-440 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 388-38-040 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.
- 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

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-

- 388-215-1070 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.
- 388-215-1080 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.
- 388-215-1100 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.
- 388-215-1110 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.
- 388-215-1115 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.

	<p>tive 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.</p>		
388-215-1560	<p>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.</p>	388-216-2000	<p>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.</p>
388-215-1570	<p>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.</p>	388-216-2050	<p>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.</p>
388-215-1600	<p>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.</p>	388-216-2075	<p>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.</p>
388-215-1610	<p>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.</p>	388-216-2100	<p>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.</p>
388-215-1620	<p>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.</p>	388-216-2150	<p>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.</p>
388-215-1630	<p>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.</p>	388-216-2200	<p>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.</p>
388-215-1650	<p>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.</p>	388-216-2250	<p>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.</p>
388-215-1660	<p>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.</p>	388-216-2300	<p>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.</p>
388-215-1670	<p>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.</p>	388-216-2350	<p>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.</p>
		388-216-2450	<p>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.</p>

- 388-216-2500 Resources—Exempt as a resource with no ceiling value. [Statutory Authority: RCW 74.08.090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309), 97-19-008, § 388-216-2500, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.005 (10)(b) and P.L. 104-193, Sec. 103 (a)(1) (1996), 97-06-075, § 388-216-2500, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2500, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-420, 388-28-435 and 388-28-439.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2550 Resources—Home. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2550, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2560 Resources—Temporary absence from home. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2560, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2570 Resources—Absence from home over ninety days. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2570, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2580 Resources—Medical absence from home. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2580, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2590 Resources—Absence from home due to natural disaster. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2590, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2600 Resources—Excess real property. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2600, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-425.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2650 Resources—Exempt within a ceiling value. [Statutory Authority: RCW 74.08.090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309), 97-19-008, § 388-216-2650, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2650, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2650, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-435 and 388-28-438.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2800 Resources—Value. [Statutory Authority: RCW 74.08.090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309), 97-19-008, § 388-216-2800, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2800, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2800, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-400, 388-28-438 and 388-28-450.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2850 Resources—Accumulation and depletion of allowable cash resource reserves. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2850, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-440 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2900 Resources—Newly acquired resources. [Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.005 (11)(b) and P.L. 104-193, Sec. 103 (a)(1) (1996), 97-06-078, § 388-216-2900, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-216-2900, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-435 and 388-28-482.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-3000 Individual development account. [Statutory Authority: RCW 74.08.090 and 1997 c 58 § 307, 97-20-124, § 388-216-3000, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Chapter 388-217 TRANSFER OF PROPERTY

- 388-217-3000 Transfer of property—Definitions. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3000, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3050 Transfer of property—Assessing property transfers. [Statutory Authority: RCW 74.04.050 and 74.98.335, 95-24-015 (Order 3924), § 388-217-3050, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3050, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3100 Transfer of property—Adequate consideration. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3100, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3150 Transfer of property—Establishing intent to qualify for public assistance. [Statutory Authority: RCW 74.12.350, 94-16-046 (Order 3763), § 388-217-3150, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3150, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3200 Transfer of property—Effect on need. [Statutory Authority: RCW 74.04.050 and 74.98.335, 95-24-015 (Order 3924), § 388-217-3200, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3200, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3250 Transfer of property—Period of ineligibility. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3250, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3300 Transfer of property—Adjustment in period of ineligibility. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3300, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3350 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.
- 388-218-1230 Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 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.		by 98-16-044, filed 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.	388-218-1730	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).
388-218-1650	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.	388-218-1735	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.
388-218-1660	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.	388-218-1740	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.
388-218-1670	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.	388-218-1800	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.
388-218-1680	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.	388-218-1810	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.
388-218-1690	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.	388-218-1820	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.
388-218-1695	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.	388-218-1830	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.
388-218-1700	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.	388-218-1900	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.
388-218-1710	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. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1910	Retrospective budgeting. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1910, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-483 (part.)] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1720	One hundred eighty-five percent of need test. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1720, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1720, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480 and 388-28-484.] Repealed	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 388-222**
DIVERSION ASSISTANCE
- 388-222-001 Definitions. [Statutory Authority: RCW 74.04.050 and 74.08.090. 97-20-124, § 388-222-001, filed 10/1/97, effective 11/1/97.] Repealed by 01-03-066, filed 1/12/01, effective 3/1/01. Statutory Authority: RCW 74.08.090, 74.04.050.
- 388-222-010 Diversion cash assistance (DCA). [Statutory Authority: RCW 74.04.050 and 74.08.090. 97-20-124, § 388-222-010, filed 10/1/97, effective 11/1/97.] Repealed by 01-03-066, filed 1/12/01, effective 3/1/01. Statutory Authority: RCW 74.08.090, 74.04.050.
- 388-222-020 Diversion cash assistance payments. [Statutory Authority: RCW 74.04.050 and 74.08.090. 97-20-124, § 388-222-020, filed 10/1/97, effective 11/1/97.] Repealed by 01-03-066, filed 1/12/01, effective 3/1/01. Statutory Authority: RCW 74.08.090, 74.04.050.
- 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 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

- 388-233-0080 tive 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.
- 388-233-0090 Need and payment standards. [Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0080, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-233-0100 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 (Order 3732), § 388-245-1410, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-120 and 388-33-355.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1500 Termination of grant. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1500, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-365 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1510 Effective date of ineligibility for terminated grants. [Statutory Authority: RCW 74.04.050, 74.08.090 and Public Law 104-193 (1996). 98-04-016, § 388-245-1510, filed 1/26/98, effective 2/26/98. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1510, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-135 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1520 Reinstatement of grant terminated in error. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1520, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-375 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1600 Effective date adjusted by fair hearing or court decision. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1600, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-165.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1610 Effective date of law or rule change. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1610, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-170.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1700 Written notice—Adverse actions for recipients. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1700, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-376 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1710 Dispensation of advance notice. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1710, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-385.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1715 Recipient to provide information or take action to maintain continued eligibility for financial assistance. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-245-1715, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1715, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-265 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1720 Recipient provides information or takes action during advance notice period. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-245-1720, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1720, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-265 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1730 Assistance during the advance notice period. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1730, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-382 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1740 Grant continuation pending fair hearing. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1740, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-377.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-2010 Monthly reporting—General. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-2010, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-2020 Monthly reporting—Definitions. [Statutory Authority: RCW 74.04.050 and 74.08.090. 96-07-025 (Order 3952), § 388-245-2020, filed 3/13/96, effective 5/1/96. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-2020, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-2030 Monthly reporting—Requirements. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-2030, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-2040 Monthly reporting—Time frames. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-2040, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-2050 Monthly reporting—Adverse actions. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-2050, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

Chapter 388-250 GRANT STANDARDS

- 388-250-1010 Definitions. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1010, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1050 Standards of assistance. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1050, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1100 Standards of assistance—Assistance units. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1100, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1150 Standards of assistance—Basic requirements. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1150, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 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.
- Reviser's note:** Later promulgation, see chapter 388-473 WAC.
- Chapter 388-265**
PAYMENT OF GRANTS
- 388-265-1010 Grant payment—General provisions. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1010, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-015, 388-33-020, 388-33-025, 388-33-050, 388-33-051 and 388-33-055.] 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.
- 388-265-1050 Grant authorization. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1050, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-080, 388-33-085 and 388-33-095.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1100 Grant payee. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1100, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-400 and 388-33-455.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1150 Protective payee—General information. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1150, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1150, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-440 and 388-33-455.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1155 Protective payee selection. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1155, filed 11/25/98, effective 12/26/98.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1200 Emergency and temporary protective payees (TANF/SFA). [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1200, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-420 (part).] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1250 Protective payee or vendor payment due to mismanagement of money. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1250, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-265-1250, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1250, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-420, 388-33-430, 388-33-440 and 388-33-455.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1275 Assigning TANF/SFA or GA pregnant or parenting minors to protective payee. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1275, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.08.090 and 74.04.057. 97-20-128, § 388-265-1275, filed 10/1/97, effective 11/1/97. Statutory Authority: Chapter 74.12 RCW and E2 SHB 2798. 94-20-040 (Order 3785), § 388-265-1275, filed 9/28/94, effective 10/29/94.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1300 Assigning TANF/SFA clients sanctioned for noncooperation or nonparticipation with WorkFirst activities to protective payees. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1300, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1300, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-450 (part).] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1350 Protective payment—AFDC clients sanctioned for failure or refusal to cooperate with the office of support enforcement. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1350, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-453 (part).] Repealed by 97-08-033 and 97-10-042, filed 3/27/97 and 4/30/97, effective 8/1/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, Section 103 (a)(1) (1996).
- 388-265-1375 Transfer from protective payees to guardianship. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1375, filed 11/25/98, effective 12/26/98.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1400 Vendor payee. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1400, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-440 and 388-33-460.] Repealed by 98-24-051, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.08.090.
- 388-265-1450 Protective payee responsibility and fees. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1450, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1450, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-455 (part).] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1500 Protective payee plans. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1500, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1500, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-442, 388-33-448 and 388-33-458.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1550 Client notification of protective payee or vendor payee. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1550, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-444, 388-33-446 and 388-33-457.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1600 Ending protective payee status and changing payees. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1600, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1600, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-446 and 388-33-457.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1650 Your fair hearing rights regarding protective payment. [Statutory Authority: RCW 74.08.090. 74.08.280. 00-19-078, § 388-265-1650, filed 9/19/00, effective 10/20/00. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1650, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-459.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1700 Confidential information—Protective payee or vendor payee. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1700, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-449.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1750 Protective payee fees. [Statutory Authority: RCW 74.08.090 and 74.08.280. 97-13-091, § 388-265-1750, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090, 1994 c 299 § 33, RCW 74.08.280 and 74.50.060(2). 95-11-119 (Order 3858), § 388-265-1750, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1750, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-455 (part).] Repealed by 00-19-078, filed

- 9/19/00, effective 10/20/00. Statutory Authority: RCW 74.08.090, 74.08.280.
- 388-265-1800 Warrant endorsement. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-1800, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-525.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1850 Warrant delivery. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-1850, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-535, 388-33-545 and 388-33-550.] 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.
- 388-265-1900 Warrant cancellation. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-1900, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-585.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1950 Loss, theft, or destruction of a client's warrant. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-1950, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-576.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-2000 Loss, theft, or destruction of a vendor warrant. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-2000, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-579.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-270
INCORRECT PAYMENTS**
- 388-270-1005 Incorrect payments—General. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1005, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1010 Overpayment amount. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1010, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1025 Overpayment—Support payments not treated as a grant overpayment. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1025, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1075 Overpayment—Liability. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1075, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1100 Verification of overpayment. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1100, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 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.
- 388-270-1125 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.
- 388-270-1150 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.
- 388-270-1200 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.
- 388-270-1250 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.
- 388-270-1300 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**
- 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.
- 388-275-0020 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.
- 388-275-0030 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.
- 388-275-0040 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.
- 388-275-0050 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.
- 388-275-0060 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.
- 388-275-0070 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.		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.
388-275-0080	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.	388-300-0900	Employment investment pathway. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-0900, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
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.	388-300-1000	Disability advocacy pathway. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1000, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
Chapter 388-300			
JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM			
(Formerly Chapter 388-47 WAC)			
		388-300-1100	Employability assessment. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1100, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
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.	388-300-1200	Employability plan. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1200, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
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.	388-300-1300	Component approval. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1300, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 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), § 388-300-0300, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-1400	Funding priority criteria. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1400, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-0400	Participation exemptions. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-0400, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-1500	Annual review for continued funding. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1500, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-0500	Required participation. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-0500, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-1600	Component costs and supportive service funding conditions. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1600, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-0600	Referral to pathways. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-0600, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-1700	Lack of program funds. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1700, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-0700	Re-employment pathway. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-0700, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-1800	Termination of payments for component costs, supportive services, and child care. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-1800, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legisla-
388-300-0800	Young person education pathway. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090. 95-19-075 (Order 3897), § 388-300-0800, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090,		

- tion 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), § 388-320-185, 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.
- 388-320-190 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 chap-

- ters 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.

Reviser's note: Later promulgation, see chapter 388-01 WAC.

Chapter 388-330 BACKGROUND INQUIRIES

- 388-330-010 Purpose and authority. [Statutory Authority: RCW 74.15.030, 96-10-043 (Order 3974), § 388-330-010, filed 4/26/96, effective 5/27/96; 93-15-040 (Order 3534), § 388-330-010, filed 7/13/93, effective 8/13/93; 89-07-096 (Order 2777), § 388-330-010, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
- 388-330-020 Scope. [Statutory Authority: RCW 74.15.030, 93-15-040 (Order 3534), § 388-330-020, filed 7/13/93, effective 8/13/93; 89-07-096 (Order 2777), § 388-330-020, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
- 388-330-030 Application of inquiry findings. [Statutory Authority: RCW 74.15.030, 93-15-040 (Order 3534), § 388-330-030, filed 7/13/93, effective 8/13/93. Statutory Authority: RCW 74.15.030, chapters 74.15 and 43.43 RCW. 92-08-038, § 388-330-030, filed 3/24/92, effective 4/24/92. Statutory Authority: RCW 74.15.030, 89-07-096 (Order 2777), § 388-330-030, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
- 388-330-035 Appeal of disqualification. [Statutory Authority: RCW 74.15.030, 97-13-002, § 388-330-035, filed 6/4/97, effective 7/5/97; 96-10-043 (Order 3974), § 388-330-035, filed 4/26/96, effective 5/27/96.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
- 388-330-040 Inquiry form to be submitted—Time requirements. [Statutory Authority: RCW 74.15.030, 89-07-096 (Order 2777), § 388-330-040, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
- 388-330-050 Release of information. [Statutory Authority: RCW 74.15.030, 93-15-040 (Order 3534), § 388-330-050, filed 7/13/93, effective 8/13/93; 89-07-096 (Order 2777), § 388-330-050, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
- 388-330-060 Sanctions for noncompliance. [Statutory Authority: RCW 74.15.030, 89-07-096 (Order 2777), § 388-330-060, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.

Reviser's note: Later promulgation, see chapter 388-06 WAC.

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 388-472-0005.
- 388-504-0460 Verification. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-504-0460, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-490-0005.
- 388-504-0470 Application disposition. [Statutory Authority: RCW 74.08.090. 95-22-040 (Order 3912, #100241), § 388-504-0470, filed 10/25/95, effective 11/25/95; 94-10-065 (Order 3732), § 388-504-0470, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-110, 388-84-110, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0035.
- 388-504-0480 Delayed and 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 388-478-0070.
- 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.1]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 5/3/94, effective 6/3/94. Formerly WAC 388-100-010 (part.) Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070 and 388-488-0005.
- 388-518-1830 LCP-MI income availability. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-518-1830, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-010 (part.) Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070 and 388-519-0110.
- 388-518-1840 LCP-MI spenddown. [Statutory Authority: RCW 74.08.090, 95-22-039 (Order 3913, #100246), § 388-518-1840, filed 10/25/95, effective 10/28/95; 94-10-065 (Order 3732), § 388-518-1840, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-015.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-519-0100, 388-478-0070 and 388-519-0110.
- 388-518-1850 LCP-MI standard. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-518-1850, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070 and 388-438-0100(7).
- Chapter 388-521**
MEDICAL EFFECTIVE DATES
- 388-521-2105 Effective eligibility date for Medicaid. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2105, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part.) Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0020 and 388-416-0015.
- 388-521-2106 Eligibility for children's health program. [Statutory Authority: RCW 74.08.090 and 74.09.415. 96-18-091, § 388-521-2106, filed 9/4/96, effective 10/5/96.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0025.
- 388-521-2110 Effective date for SSI medical. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2110, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part.) Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0010.
- 388-521-2120 Effective date for medical care services. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2120, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-120.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0010.
- 388-521-2130 Effective date for the medically needy program. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2130, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-115 and 388-99-050.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0020.
- 388-521-2140 Effective date for the medically indigent program. [Statutory Authority: RCW 74.08.090, 95-22-039 (Order 3913, #100246), § 388-521-2140, filed 10/25/95, effective 10/28/95; 94-10-065 (Order 3732), § 388-521-2140, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-115, 388-100-020 and 388-100-025.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0030.

- 388-521-2150 Effective date for the qualified Medicare beneficiary (QMB) program. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2150, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0035(1).
- 388-521-2155 Effective date for the qualified disabled working individual (QDWI) program. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2155, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0035(2).
- 388-521-2160 Effective date and certification period for the special low-income Medicare beneficiary (SLMB) program. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and H.R. 2015, Sec. 4732, The Balanced Budget Act of 1997, 98-11-073, § 388-521-2160, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2160, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0035(3).
- 388-521-2170 Effective date—Reapplication. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-521-2170, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Chapter 388-522

MEDICAL ELIGIBILITY CHANGES

- 388-522-2205 Redetermination of medical assistance. [Statutory Authority: RCW 74.08.090, 74.09.530, 42 CFR 435 and 42 U.S.C. 1302, 97-15-084, § 388-522-2205, filed 7/17/97, effective 7/24/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-522-2205, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-85-105 and 388-85-110.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0025 and 388-418-0030.
- 388-522-2210 Effect of grant termination. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-522-2210, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-105 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0025, 388-416-0010, 388-416-0025, 388-505-0220, 388-523-0100, 388-416-0015 and 388-462-0015.
- 388-522-2230 Eligibility reviews. [Statutory Authority: RCW 74.08.090 and Budget Note 17, 96-16-092, § 388-522-2230, filed 8/7/96, effective 8/29/96. Statutory Authority: RCW 74.08.090, 95-15-039 (Order 3870), § 388-522-2230, filed 7/12/95, effective 8/12/95; 94-10-065 (Order 3732), § 388-522-2230, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-105 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-434-0005, 388-416-0015, 388-519-0100(2) and 388-519-0110(1).

Chapter 388-524

MEDICAL TERMINATIONS

- 388-524-2405 SSI/state supplement termination. [Statutory Authority: RCW 74.08.090, 74.09.530, 42 CFR 435 and 42 U.S.C. 1302, 97-15-084, § 388-524-2405, filed 7/17/97, effective 7/24/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-524-2405, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-110 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. 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 Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0050.
- 388-525-2520 Notification of medical termination. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-525-2520, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-458-0010.
- 388-525-2570 Notification of medical changes. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-525-2570, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-105 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0030.

Chapter 388-528

RECEIPT OF RESOURCES WITHOUT GIVING ADEQUATE CONSIDERATION

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

Chapter 388-815

DRUG-FREE WORKPLACE PROGRAMS

- 388-815-005 Purpose. [99-20-023, recodified as § 388-815-005, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13, 96-16-015, § 440-26-005, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
- 388-815-010 Definitions. [99-20-023, recodified as § 388-815-010, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 49.82.130, 98-20-045, § 440-26-010, filed 9/30/98, effective 10/31/98. Statutory Authority: 1996 c 127 § 13, 96-16-015, § 440-26-010, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
- 388-815-020 Eligible employers. [99-20-023, recodified as § 388-815-020, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13, 96-16-015, § 440-26-020, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
- 388-815-030 Certification of employer to L&I. [99-20-023, recodified as § 388-815-030, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13, 96-16-015, § 440-26-030, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
- 388-815-100 Employer certification procedures. [99-20-023, recodified as § 388-815-100, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13, 96-16-015, § 440-26-100, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
- 388-815-110 Certification maintenance. [99-20-023, recodified as § 388-815-110, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13, 96-16-015, § 440-26-110, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
- 388-815-120 Program oversight. [99-20-023, recodified as § 388-815-120, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13, 96-16-015, § 440-26-120, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-

	026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.		71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-130	Denial of certification. [99-20-023, recodified as § 388-815-130, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-130, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-020	Definitions. [00-23-089, recodified as § 388-860-020, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-020, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-140	Decertification. [99-20-023, recodified as § 388-815-140, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-140, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-030	Application for admission—Voluntary minor. [00-23-089, recodified as § 388-860-030, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-030, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-160	Hearings, appeals. [99-20-023, recodified as § 388-815-160, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-160, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-040	Emergency detention. [00-23-089, recodified as § 388-860-040, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-040, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-200	Program requirements—Policy statement. [99-20-023, recodified as § 388-815-200, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-200, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-050	Investigation and involuntary detention. [00-23-089, recodified as § 388-860-050, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-050, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-205	Program requirements—Notifications. [99-20-023, recodified as § 388-815-205, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-205, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-060	Fourteen-day commitment petition. [00-23-089, recodified as § 388-860-060, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-060, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-210	Program requirements—Substance abuse testing. [99-20-023, recodified as § 388-815-210, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 49.82.130. 98-20-045, § 440-26-210, filed 9/30/98, effective 10/31/98. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-210, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-070	Fourteen-day commitment—Hearing. [00-23-089, recodified as § 388-860-070, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-070, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-215	Program requirements—How employers get certified through a clean card program. [99-20-023, recodified as § 388-815-215, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 49.82.130. 98-20-045, § 440-26-215, filed 9/30/98, effective 10/31/98.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-080	One hundred eighty-day petition, hearing, and commitment. [00-23-089, recodified as § 388-860-080, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-080, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-220	Program requirements—Employee assistance program. [99-20-023, recodified as § 388-815-220, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-220, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-090	Detention and commitment after eighteenth birthday. [00-23-089, recodified as § 388-860-090, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-090, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-230	Supervisor training. [99-20-023, recodified as § 388-815-230, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-230, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-100	Transfer from juvenile correctional institutions. [00-23-089, recodified as § 388-860-100, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-100, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-240	Employee education. [99-20-023, recodified as § 388-815-240, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-240, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-110	Conditional release or early discharge. [00-23-089, recodified as § 388-860-110, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-110, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-815-250	Confidentiality. [99-20-023, recodified as § 388-815-250, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-250, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-860-120	Release of voluntary/involuntary minors to the custody of parents. [00-23-089, recodified as § 388-860-120, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-120, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
	Chapter 388-860 JUVENILE INVOLUNTARY TREATMENT (Formerly chapter 275-54 WAC)		
388-860-010	Purpose. [00-23-089, recodified as § 388-860-010, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-010, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560,	388-860-130	Elopement of minors. [00-23-089, recodified as § 388-860-130, filed 11/20/00, effective 11/20/00. Statutory

- Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-130, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-140 Long-term placement—Designated placement committee. [00-23-089, recodified as § 388-860-140, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-140, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-150 Revocation of a less-restrictive alternative treatment or conditional release. [00-23-089, recodified as § 388-860-150, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-150, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-160 Requirements for certifying evaluation and treatment components for minors. [00-23-089, recodified as § 388-860-160, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.34.800. 91-16-060 (Order 3221), § 275-54-160, filed 8/1/91, effective 9/1/91. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-160, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-170 Certification standards for evaluation and treatment program for minors. [00-23-089, recodified as § 388-860-170, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 34.04.020. 87-19-070 (Order 2535), § 275-54-170, filed 9/16/87. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-170, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-180 Outpatient component. [00-23-089, recodified as § 388-860-180, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 34.04.020. 87-19-070 (Order 2535), § 275-54-180, filed 9/16/87. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-180, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-190 Emergency component. [00-23-089, recodified as § 388-860-190, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.34.800. 91-16-060 (Order 3221), § 275-54-190, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020. 87-19-070 (Order 2535), § 275-54-190, filed 9/16/87. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-190, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-200 Inpatient component. [00-23-089, recodified as § 388-860-200, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.34.800. 91-16-060 (Order 3221), § 275-54-200, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020. 87-19-070 (Order 2535), § 275-54-200, filed 9/16/87. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-200, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-210 Certification procedure—Waivers—Provisional certification—Renewal of certification. [00-23-089, recodified as § 388-860-210, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-210, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-220 Decertification. [00-23-089, recodified as § 388-860-220, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-220, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-230 Appeal procedure. [00-23-089, recodified as § 388-860-230, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-230, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-240 Involuntary evaluation and treatment costs—Seventy-two hour detentions/fourteen-day commitments. [00-23-089, recodified as § 388-860-240, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-240, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-250 Involuntary evaluation and treatment costs—One hundred eighty-day commitments. [00-23-089, recodified as § 388-860-250, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-250, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-260 Involuntary treatment program administrative costs—Seventy-two hour/fourteen-day commitment. [00-23-089, recodified as § 388-860-260, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-260, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-270 Involuntary treatment program transportation costs. [00-23-089, recodified as § 388-860-270, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-270, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-280 Involuntary treatment program—Legal costs. [00-23-089, recodified as § 388-860-280, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-280, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-290 Patient rights. [00-23-089, recodified as § 388-860-290, filed 11/20/00, effective 11/20/00. Statutory Authority: 1991 c 105. 91-21-025 (Order 3265), § 275-54-290, filed 10/8/91, effective 11/8/91. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-290, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-300 Confidentiality. [00-23-089, recodified as § 388-860-300, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-300, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-310 Confidentiality of court proceeding records. [00-23-089, recodified as § 388-860-310, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-310, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-315 Mental health service provider license and certification fees. [00-23-089, recodified as § 388-860-315, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 43.20B.110. 91-23-089 (Order 3291), § 440-44-090, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 43.20A.055. 85-20-031 (Order 2287), § 440-44-090, filed 9/24/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-316 Fee payment and refunds. [00-23-089, recodified as § 388-860-316, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), §

- 440-44-010, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-317 Denial, revocation, suspension, and reinstatement. [00-23-089, recodified as § 388-860-317, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- Reviser's note:** Later promulgation, see chapter 388-865 WAC.
- Chapter 388-861**
VOLUNTARY ADMISSION—INVOLUNTARY COMMITMENT,
TREATMENT AND/OR EVALUATION OF MENTALLY ILL
PERSONS
(Formerly chapter 275-55 WAC)
- 388-861-010 Purpose. [00-23-089, recodified as § 388-861-010, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-010, filed 3/11/82; Order 900, § 275-55-010, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-020 Definitions. [00-23-089, recodified as § 388-861-020, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-020, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-020, filed 3/11/82; Order 1122, § 275-55-020, filed 6/2/76; Order 955, § 275-55-020, filed 7/26/74; Order 900, § 275-55-020, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-030 Private agencies which may admit voluntary patients. [00-23-089, recodified as § 388-861-030, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-030, filed 3/11/82; Order 900, § 275-55-030, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-040 Voluntary admission to public or private agency—Voluntary adult. [00-23-089, recodified as § 388-861-040, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-040, filed 3/11/82; Order 955, § 275-55-040, filed 7/26/74; Order 900, § 275-55-040, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-081 Periodic review—Voluntary inpatient. [00-23-089, recodified as § 388-861-081, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-081, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-090 Limitation on length of stay—Readmission voluntary patients. [00-23-089, recodified as § 388-861-090, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-090, filed 3/11/82; Order 900, § 275-55-090, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-110 Discharge of voluntary patient—Release of clinical summary. [00-23-089, recodified as § 388-861-110, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-110, filed 3/11/82; Order 1122, § 275-55-110, filed 6/2/76; Order 955, § 275-55-110, filed 7/26/74; Order 900, § 275-55-110, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-115 Transfer of a patient between state-operated facilities for persons with mental illness. [00-23-089, recodified as § 388-861-115, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 74.05.560 [71.05.560], 91-22-044 (Order 3275), § 275-55-115, filed 10/31/91, effective 12/1/91. Statutory Authority: RCW 71.05.560, 88-23-021 (Order 2724), § 275-55-115, filed 11/7/88.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-131 Nonadmission of involuntarily detained person—Transportation. [00-23-089, recodified as § 388-861-131, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-131, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-141 Protection of patient's property—Involuntary patient. [00-23-089, recodified as § 388-861-141, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-141, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-151 Evaluation and examination—Involuntary patient. [00-23-089, recodified as § 388-861-151, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-151, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-161 Treatment prior to hearings—Involuntary patient. [00-23-089, recodified as § 388-861-161, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-161, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-161, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-171 Early release or discharge of involuntary patient—Release of clinical summary—Notification of court. [00-23-089, recodified as § 388-861-171, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-171, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-181 Conditional release—Involuntary patient. [00-23-089, recodified as § 388-861-181, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-181, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-191 Revocation of conditional release—Secretary's designee—Involuntary patient. [00-23-089, recodified as § 388-861-191, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-191, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-201 Discharge of indigent patient—Involuntary patient. [00-23-089, recodified as § 388-861-201, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-201, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-211 Advising patient of rights. [00-23-089, recodified as § 388-861-211, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-211, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

- 388-861-221 Restoration procedure for a former involuntarily committed person's right to firearm possession. [00-23-089, recodified as § 388-861-221, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 9.41.040(6), 94-06-025 (Order 3709), § 275-55-221, filed 2/23/94, effective 3/26/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-231 Conversion to voluntary status by involuntary patient—Rights. [00-23-089, recodified as § 388-861-231, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-231, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-241 Rights of patient. [00-23-089, recodified as § 388-861-241, filed 11/20/00, effective 11/20/00. Statutory Authority: 1991 c 105, 91-21-025 (Order 3265), § 275-55-241, filed 10/8/91, effective 11/8/91. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-241, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-261 Requirements for certifying evaluation and treatment components. [00-23-089, recodified as § 388-861-261, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 74.05.560, 91-16-061 (Order 3222), § 275-55-261, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-261, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-263 Certification standards for evaluation and treatment program. [00-23-089, recodified as § 388-861-263, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 34.04.020, 87-19-071 (Order 2536), § 275-55-263, filed 9/16/87. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-263, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-263, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-271 Outpatient component. [00-23-089, recodified as § 388-861-271, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 34.04.020, 87-19-071 (Order 2536), § 275-55-271, filed 9/16/87. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-271, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-271, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-281 Emergency component. [00-23-089, recodified as § 388-861-281, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 74.05.560, 91-16-061 (Order 3222), § 275-55-281, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020, 87-19-071 (Order 2536), § 275-55-281, filed 9/16/87. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-281, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-281, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-291 Short-term inpatient component. [00-23-089, recodified as § 388-861-291, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 74.05.560, 91-16-061 (Order 3222), § 275-55-291, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020, 87-19-071 (Order 2536), § 275-55-291, filed 9/16/87. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-291, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-291, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-293 Certification procedure—Waivers—Provisional certification—Renewal of certification. [00-23-089, recodified as § 388-861-293, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-293, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-293, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-295 Decertification. [00-23-089, recodified as § 388-861-295, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-295, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-297 Appeal procedure. [00-23-089, recodified as § 388-861-297, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-297, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-297, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-301 Alternatives to inpatient treatment. [00-23-089, recodified as § 388-861-301, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-301, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-301, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-341 Use of restraints and seclusion by agency not certified as an evaluation and treatment facility. [00-23-089, recodified as § 388-861-341, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-341, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-351 Research. [00-23-089, recodified as § 388-861-351, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-351, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-361 Involuntary evaluation and treatment costs—Responsibility of involuntary patient. [00-23-089, recodified as § 388-861-361, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-361, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-363 Involuntary evaluation and treatment costs—Collection by agency. [00-23-089, recodified as § 388-861-363, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-363, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-365 Involuntary evaluation and treatment costs—Responsibility of county. [00-23-089, recodified as § 388-861-365, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-365, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-367 Involuntary evaluation and treatment costs—Responsibility of department. [00-23-089, recodified as § 388-861-367, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-367, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-371 Exceptions to rules—Waivers. [00-23-089, recodified as § 388-861-371, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-371, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-371, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory

388-861-400	<p>Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p> <p>Mental health service provider license and certification fees. [00-23-089, recodified as § 388-861-400, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 43.20B.110, 91-23-089 (Order 3291), § 440-44-090, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 43.20A.055, 85-20-031 (Order 2287), § 440-44-090, filed 9/24/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>	388-862-070	<p>Regional support networks—Penalties for noncompliance. [00-23-089, recodified as § 388-862-070, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-070, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>
388-861-401	<p>Fee payment and refunds. [00-23-089, recodified as § 388-861-401, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201, 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>	388-862-080	<p>Regional support networks—Governance and community accountability. [00-23-089, recodified as § 388-862-080, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-080, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>
388-861-402	<p>Denial, revocation, suspension, and reinstatement. [00-23-089, recodified as § 388-861-402, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201, 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>	388-862-090	<p>Regional support networks—Financial management. [00-23-089, recodified as § 388-862-090, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-090, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>
<p>Reviser's note: Later promulgation, see chapter 388-865 WAC.</p>			
<p>Chapter 388-862 COMMUNITY MENTAL HEALTH PROGRAMS (Formerly chapter 275-57 WAC)</p>			
388-862-010	<p>Purpose and authority. [00-23-089, recodified as § 388-862-010, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-010, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>	388-862-110	<p>Regional support networks—Resource management. [00-23-089, recodified as § 388-862-110, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-110, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>
388-862-020	<p>Definitions. [00-23-089, recodified as § 388-862-020, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-020, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>	388-862-120	<p>Regional support networks—Management information. [00-23-089, recodified as § 388-862-120, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-120, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>
388-862-030	<p>Waiver of rules. [00-23-089, recodified as § 388-862-030, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-030, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>	388-862-130	<p>Regional support networks—Staff qualifications. [00-23-089, recodified as § 388-862-130, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-130, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>
388-862-040	<p>Department responsibilities and duties. [00-23-089, recodified as § 388-862-040, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-040, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>	388-862-140	<p>Regional support networks—Housing. [00-23-089, recodified as § 388-862-140, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-140, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>
388-862-050	<p>Regional support networks—General responsibilities and duties. [00-23-089, recodified as § 388-862-050, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-050, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>	388-862-150	<p>Regional support networks and prepaid health plans—Quality improvement. [00-23-089, recodified as § 388-862-150, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-150, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>
388-862-060	<p>Regional support networks—Recognition and certification. [00-23-089, recodified as § 388-862-060, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-060, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.</p>	388-862-160	<p>Regional support networks and prepaid health plans—Ombuds service. [00-23-089, recodified as § 388-862-160, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and</p>

- SSB 6547. 94-20-033 (Order 3783), § 275-57-160, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-170 Regional support networks and prepaid health plans—Consumer grievances. [00-23-089, recodified as § 388-862-170, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-170, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-180 Prepaid health plans—Purpose. [00-23-089, recodified as § 388-862-180, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-180, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-190 Prepaid health plans—Eligible consumers. [00-23-089, recodified as § 388-862-190, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-190, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-200 Prepaid health plans—Exemptions. [00-23-089, recodified as § 388-862-200, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-200, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-210 Prepaid health plans—Enrolled recipient's choice of primary care provider. [00-23-089, recodified as § 388-862-210, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-210, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-220 Prepaid health plans—Other services. [00-23-089, recodified as § 388-862-220, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-220, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-230 Prepaid health plans—Emergency services. [00-23-089, recodified as § 388-862-230, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-230, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-240 Prepaid health plans—Consumer request for a second opinion. [00-23-089, recodified as § 388-862-240, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-240, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-250 Prepaid health plans—Enrollment termination. [00-23-089, recodified as § 388-862-250, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-250, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-260 Prepaid health plans—Audit. [00-23-089, recodified as § 388-862-260, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-260, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-270 Licensing procedures for service providers—Application and approval. [00-23-089, recodified as § 388-862-270, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-270, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-275 Mental health service provider license and certification fees. [00-23-089, recodified as § 388-862-275, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 43.20B.110. 91-23-089 (Order 3291), § 440-44-090, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 43.20A.055. 85-20-031 (Order 2287), § 440-44-090, filed 9/24/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-276 Fee payment and refunds. [00-23-089, recodified as § 388-862-276, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-277 Denial, revocation, suspension, and reinstatement. [00-23-089, recodified as § 388-862-277, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-280 Licensing procedures for providers—Licensure status. [00-23-089, recodified as § 388-862-280, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-280, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-290 Licensed service providers—Written schedule of fees. [00-23-089, recodified as § 388-862-290, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-290, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-300 Licensed service providers—Quality assurance. [00-23-089, recodified as § 388-862-300, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-300, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-310 Licensed service providers—Staff qualifications. [00-23-089, recodified as § 388-862-310, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-310, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-320 Licensed service providers—Qualifications appropriate to the needs of the consumer population. [00-23-089, recodified as § 388-862-320, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-320, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

388-862-330	Personnel management—Affirmative action. [00-23-089, recodified as § 388-862-330, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-330, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-430	Community support services—Residential services. [00-23-089, recodified as § 388-862-430, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-430, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-340	Consumer rights. [00-23-089, recodified as § 388-862-340, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-340, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-440	Community support services—Employment services. [00-23-089, recodified as § 388-862-440, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-440, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-350	Consent to treatment and access to records. [00-23-089, recodified as § 388-862-350, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-350, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-450	Community support services—Psychiatric and medical services. [00-23-089, recodified as § 388-862-450, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-450, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-360	Services administration—Confidentiality of consumer information. [00-23-089, recodified as § 388-862-360, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-360, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-460	Community support services—In-home services. [00-23-089, recodified as § 388-862-460, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-460, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-370	Research—Requirements. [00-23-089, recodified as § 388-862-370, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-370, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-470	Community support services—Consumer or advocate run services. [00-23-089, recodified as § 388-862-470, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-470, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-380	Licensed service providers—Accessibility. [00-23-089, recodified as § 388-862-380, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-380, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
388-862-390	Crisis response services. [00-23-089, recodified as § 388-862-390, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-390, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
388-862-400	Brief intervention services. [00-23-089, recodified as § 388-862-400, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-400, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
388-862-410	Community support services—General requirements. [00-23-089, recodified as § 388-862-410, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-410, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
388-862-420	Community support services—Case management services. [00-23-089, recodified as § 388-862-420, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-420, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		

Reviser's note: Later promulgation, see chapter 388-865 WAC.

Chapter 388-01 WAC

DSHS ORGANIZATION/DISCLOSURE OF PUBLIC RECORDS

WAC

388-01-010	What are the purposes of this chapter?
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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.]

WAC 388-01-015 Does any provision in this title create a right or cause of action, or compel DSHS to establish a program or entitlement? No provision in Title 388 WAC creates or is intended to create any right or cause of action, or adds to or intends to add to any existing right or cause of action, nor may anything in Title 388 WAC be relied upon to compel the establishment of any program or special entitlement.

[Statutory Authority: RCW 42.17.250 and 43.17.060. 02-15-119, § 388-01-015, filed 7/18/02, effective 8/18/02.]

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) field service offices, and facilities.

(2003 Ed.)

[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.

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(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.

(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.]

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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 contains 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.]

(2003 Ed.)

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.]

[Title 388 WAC—p. 145]

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.]

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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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.

"Final order" means an order that is the final DSHS decision.

"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.

"Initial order" is a hearing decision made by an ALJ that may be reviewed by a review judge pursuant to WAC 388-02-0215(4).

"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.

"Program" means a DSHS organizational unit and the services that it provides, including services provided by DSHS staff and through contracts with providers. Organiza-

tional units include, but are not limited to, administrations and divisions.

"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" means the act of reviewing initial orders and making the final agency decision as provided by RCW 34.05.464.

"Review judge" means an attorney employed by the DSHS board of appeals (BOA) who is the reviewing officer in RCW 34.05.464 for cases listed in WAC 388-02-0215(4).

"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, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0010, filed 10/15/02, effective 11/15/02. 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
Presiding officer	ALJ or review judge
Reviewing officer	Review judge

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0015, filed 10/15/02, effective 11/15/02. 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
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
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
2722 Colby, Suite 610
Everett, WA 98201-3571

(425) 339-1921

1-800-583-8261

FAX: (425) 339-3907

Vancouver

Office of Administrative Hearings
800 Franklin Street, 1st Floor
Vancouver, WA 98660

(360) 690-7189

1-800-243-3451

FAX: (360) 696-6255

Spokane

Office of Administrative Hearings
221 N. Wall Street, Suite 540
Spokane, WA 99201-0826

(509) 456-3975

1-800-366-0955

FAX: (509) 456-3975

Yakima

Office of Administrative Hearings

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, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0025, filed 10/15/02, effective 11/15/02. 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
- (5) A parcel is delivered to a legal messenger service with charges prepaid.

[Title 388 WAC—p. 150]

[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 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;

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(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:

[Title 388 WAC—p. 151]

"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 communication 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.

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

(2) As needed, the 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;

(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) The ALJ administers oaths or affirmations and takes testimony.

(4) The ALJ enters an initial order in those cases where the parties may request review of an initial order by a review judge. Cases where the parties may request review of an initial order by a review judge are those relating to:

(a) Adult family home licenses under chapter 388-76 WAC;

(b) Boarding home licenses under chapter 388-78A WAC;

(c) Resident protection program findings under WAC 388-97-077;

(d) Nursing home licenses under WAC 388-97-550 through 388-97-695;

(e) Self-directed care under RCW 74.39A.050(9) and WAC 388-71-0150 and 388-71-0155;

(f) Termination of provider for placing clients in imminent jeopardy under RCW 74.39A.095(7) and WAC 388-71-0551;

(g) Termination of provider due to inadequate performance or inability to deliver quality care under RCW 74.39A.095(7) and WAC 388-71-0540 and 388-71-0551;

(h) Denial of contract to provider due to inability of provider to appropriately meet the care needs of clients under RCW 74.39A.095(8) and WAC 388-71-0546;

(i) Denial or termination of a contract to a provider due to a disqualifying crime or lack of character, competence, or suitability to maintain the health, safety, and well-being of clients under RCW 43.20A.710 and WAC 388-71-0540;

(j) Social service eligibility under WAC 388-71-0400 through 388-71-0480, 388-71-0202, and 388-71-0203;

(k) Domestic violence perpetrator treatment program certification under chapter 388-60 WAC;

(l) Licensing or certification of child foster care homes, programs, facilities, and agencies under chapter 74.15 RCW and chapters 388-148 and 388-160 WAC;

(m) Child protective services findings of abuse and neglect under RCW 26.44.125 and chapter 388-15 WAC;

(n) Adoption support under WAC 388-27-0120 through 388-27-0390, for which a hearing has been held under WAC 388-27-0365;

(o) Child day care licenses under chapter 74.15 RCW and chapters 388-150, 388-151, and 388-155 WAC;

(p) Background checks of protective payees under WAC 388-460-0025, for which a hearing has been held under WAC 388-460-0070;

(q) Background checks of child care providers and other persons under WAC 388-290-0143, for which a hearing has

been held under WAC 388-290-0260 as part of the working connections child care program;

(r) Background checks of persons acting in the place of a parent under WAC 388-454-0006, for which a hearing has been held under WAC 388-472-0005 (1)(j);

(s) Claims of good cause for not cooperating with the division of child support under WAC 388-422-0020;

(t) Parent address disclosure under WAC 388-14A-2114 through 388-14A-2140;

(u) Chemical dependency treatment provider certification under chapter 388-805 WAC;

(v) Community residential services and support certification, for which a hearing has been held under WAC 388-820-920;

(w) Denial or termination of eligibility for services under WAC 388-825-100, for which a hearing has been held under WAC 388-825-120(a);

(x) Development or modification of an individual service plan under WAC 388-825-050, for which a hearing has been held under WAC 388-825-120(b);

(y) Authorization, denial, reduction, or termination of services under WAC 388-825-100, for which a hearing has been held under WAC 388-825-120(c);

(z) Licensed community facilities under RCW 74.15.210 and WAC 388-730-0090;

(aa) Community mental health and involuntary treatment program licenses under WAC 388-865-0480;

(bb) Medical, dental, or transportation services, for which a hearing has been held under WAC 388-526-2610;

(cc) Medical provider overpayments, for which a hearing has been held under WAC 388-502-0230(5) or 388-502-0240(17).

(5) The ALJ makes the final decision and enters the final order in all cases except those cases set forth in subsection (4) of this section.

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

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0215, filed 10/15/02, effective 11/15/02. 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 affidavit 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.]

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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;

(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.

[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 (2003 Ed.)

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 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.]

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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.

(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.]

(2003 Ed.)

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.

[Title 388 WAC—p. 159]

[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.]

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.]

[Title 388 WAC—p. 160]

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.

(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.

(2003 Ed.)

(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.]

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.

(2003 Ed.)

(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. However, 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.

(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

[Title 388 WAC—p. 162]

(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.

[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 388-02-0524 In what cases does the ALJ enter the hearing decision as an initial order? The ALJ must

enter the hearing decision as an initial order in cases set forth in WAC 388-02-0215(4).

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0524, filed 10/15/02, effective 11/15/02.]

WAC 388-02-0525 When do initial orders become final? If no one requests review of the initial order or if a review request is dismissed, the initial order is final twenty-one calendar days after it is mailed.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0525, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0525, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0527 In what cases does the ALJ enter the hearing decision as a final order? In cases not covered by WAC 388-02-0215(4), the ALJ must enter the hearing decision as a final order.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0527, filed 10/15/02, effective 11/15/02.]

WAC 388-02-0530 What if a party disagrees with the ALJ's decision? (1) If a party disagrees with an ALJ's initial or final order because of a clerical error, the party may ask for a corrected decision from the ALJ as provided in WAC 388-02-0540 through 388-02-0555.

(2) If a party disagrees with an initial order for a case listed in WAC 388-02-0215(4) and wants it changed, the party must request review by BOA as provided in WAC 388-02-0560 through 388-02-0595.

If a party wants to stay the DSHS action until review of the initial order is completed, the party must request a stay from a review judge.

(3) Final orders may not be reviewed by BOA.

(4) If a party disagrees with an ALJ's final order, the party may request reconsideration as provided in WAC 388-02-0605 through 388-02-0635. You may also petition for judicial review of the final order as stated in WAC 388-02-0640 through 388-02-0650. You do not need to file a request for reconsideration of the final order before petitioning for judicial review. DSHS may not request judicial review.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0530, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0530, filed 9/1/00, effective 10/2/00.]

CLERICAL ERRORS IN ALJ DECISIONS

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

(2) The ALJ corrects clerical errors in hearing decisions by issuing a second decision referred to as a corrected decision or corrected order. Corrections may be made to initial orders and final orders.

(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, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0540, filed 10/15/02, effective 11/15/02. 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 ALJ decision? (1) A party may ask for a corrected ALJ decision by calling or writing the OAH office that held the hearing.

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

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0545, filed 10/15/02, effective 11/15/02. 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 ALJ decision? The parties must ask OAH for a corrected decision on or before the tenth calendar day after the order was mailed.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0550, filed 10/15/02, effective 11/15/02. 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 ALJ decision? (1) When a party requests a corrected initial or final order, the ALJ must either:

(a) Send all parties a corrected order; or

(b) Deny the request within three business days of receiving it.

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

(3) If the ALJ denies a request for a corrected initial order for a case listed in WAC 388-02-0215(4) and the party still wants the hearing decision changed, the party must request review from BOA.

(4) Requesting a corrected initial order for a case listed in WAC 388-02-0215(4) does not automatically extend the deadline to request review of the initial order by BOA. A party may ask for more time to request review when needed.

(5) If the ALJ denies a request for a corrected final order and you still want the hearing decision changed, you must request judicial review.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0555, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0555, filed 9/1/00, effective 10/2/00.]

REQUESTS FOR BOA REVIEW OF INITIAL ORDERS FOR CASES LISTED IN WAC 388-02-0215(4)

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

(2) A party must request review of an initial order for a case listed in WAC 388-02-0215(4) from the BOA.

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

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

(5) BOA may not review final orders.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0560, filed 10/15/02, effective 11/15/02. 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 an initial order for a case listed in WAC 388-02-0215(4).

(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, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0570, filed 10/15/02, effective 11/15/02. 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 initial order with which the party disagrees; and

(2) Evidence supporting the party's position.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0575, filed 10/15/02, effective 11/15/02. 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 of cases listed in WAC 388-02-0215(4)? (1) BOA must receive the written review request on or before the twenty-first calendar day after the initial order 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.

[Title 388 WAC—p. 164]

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0580, filed 10/15/02, effective 11/15/02. 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 request to review a case listed in WAC 388-02-0215(4)?

(1) A party must send a request to review a case listed in WAC 388-02-0215(4) 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, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0585, filed 10/15/02, effective 11/15/02. 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) Enters a final order that affirms, changes, dismisses or reverses the initial order; or

(c) Remands (returns) the case to OAH for further action.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0595, filed 10/15/02, effective 11/15/02. 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 may only review the cases listed in WAC 388-02-0215(4). 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;

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- (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;

(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 enter final orders for the cases listed in WAC 388-02-0215(4).

(4) Review judges may remand cases listed in WAC 388-02-0215(4) to the ALJ for further action.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0600, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0600, filed 9/1/00, effective 10/2/00.]

REQUESTS FOR RECONSIDERATION OF FINAL ORDERS ENTERED BY OAH AND BOA

WAC 388-02-0605 What if a party does not agree with a final order entered by OAH or BOA? (1) If a party does not agree with the final order and wants it reconsidered, the party must:

(a) Ask the ALJ to reconsider the decision, if the final order was entered by an ALJ; or

(b) Ask the review judge to reconsider the decision, if the final order was entered by a review judge.

(2) The final order or the reconsideration decision is the final agency decision. If you disagree with that decision, you must petition for judicial review to change it.

(3) You may ask the court to stay or stop the DSHS action after filing the petition for judicial review.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0605, filed 10/15/02, effective 11/15/02. 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:

(a) Asking an ALJ to reconsider a final order entered by the ALJ because the party believes the ALJ made a mistake; and

(b) Asking a review judge to reconsider a final order entered by a review judge because the party believes the review judge made a mistake.

(2) If a party asks for reconsideration of the final order, the reconsideration process must be completed before you request judicial review. However, you do not need to request

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reconsideration of a final order before you request judicial review.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0610, filed 10/15/02, effective 11/15/02. 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 final order reconsidered.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0615, filed 10/15/02, effective 11/15/02. 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) If OAH entered the final order, OAH must receive a written reconsideration request on or before the tenth calendar day after the final order was mailed.

(2) If BOA entered the final order, BOA must receive a written reconsideration request on or before the tenth calendar day after the final order was mailed.

(3) If a reconsideration request is received after the deadline, the final order will not be reconsidered and the deadline to ask for superior court review continues to run.

(4) OAH or BOA may extend its deadline if a party:

- (a) Asks for more time before the deadline expires; and
- (b) Gives a good reason for the extension.

(5) If a party does not request reconsideration or ask for an extension within the deadline, the final order may not be reconsidered and it becomes the final agency decision.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0620, filed 10/15/02, effective 11/15/02. 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 OAH, if OAH entered the final order, or to BOA, if BOA entered the final order.

(2) After receiving a reconsideration request, OAH or BOA sends a copy to the other parties and representatives giving them time to respond.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0625, filed 10/15/02, effective 11/15/02. 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 OAH, if OAH entered the final order, or to BOA, if BOA entered the final order, by or before the seventh business day after the date OAH or 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, OAH or BOA may extend its deadline if the party gives a good reason within the deadline in subsection (2) of this section.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0630, filed 10/15/02, effective 11/15/02. 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 OAH or BOA receives a reconsideration request, an ALJ or review judge has twenty calendar days to send a reconsideration decision unless OAH or BOA sends notice allowing more time.

(2) After OAH or BOA receives a reconsideration request, the ALJ or review judge must either:

- (a) Write a reconsideration decision; or
- (b) Send all parties an order denying the request.

(3) If the ALJ or 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, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0635, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0635, filed 9/1/00, effective 10/2/00.]

REQUESTS FOR JUDICIAL REVIEW OF FINAL ORDERS

WAC 388-02-0640 What is judicial review? (1) Judicial review is the process of appealing a final order to a court.

(2) You may appeal a final order by filing a written petition for judicial review that meets the requirements of RCW 34.05.546. DSHS may not request judicial review.

(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, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0640, filed 10/15/02, effective 11/15/02. 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 OAH or BOA mails its final order.

(2) Generally, you may file a petition for judicial review only after you have completed the administrative hearing process. However, you do not need to file a request for reconsideration of a final order before requesting judicial review.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0645, filed 10/15/02, effective 11/15/02. 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 final order 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, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0650, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0650, filed 9/1/00, effective 10/2/00.]

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.]

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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.

"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:

(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.

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(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:

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(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.

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(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.

(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 doc-

uments 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 data base 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

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(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 certified 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.

(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.

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(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
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.

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(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.

[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.

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(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

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(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.

(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 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.

[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 388-05 WAC

CONTRACTOR BILLING REQUIREMENTS—GENERAL

WAC

- 388-05-0001 What is the purpose of this chapter?
- 388-05-0005 What contracts does this chapter apply to?
- 388-05-0010 How soon does a contractor have to submit claims for payment to the department after the services are rendered?

WAC 388-05-0001 What is the purpose of this chapter? The purpose of this chapter is to establish general procedures for contractors to follow when submitting claims for payment to the department of social and health services. Additional requirements may also apply.

[Statutory Authority: RCW 43.17.060. 01-12-071, § 388-05-0001, filed 6/4/01, effective 7/5/01.]

WAC 388-05-0005 What contracts does this chapter apply to? This chapter applies to all contracts for personal or client services as defined in chapter 39.29 RCW and to all interlocal agreements governed by chapter 39.34 RCW. This chapter does not supersede WAC 388-502-0150 titled Time limits for providers to bill medical assistance administration (MAA).

[Statutory Authority: RCW 43.17.060. 01-12-071, § 388-05-0005, filed 6/4/01, effective 7/5/01.]

WAC 388-05-0010 How soon does a contractor have to submit claims for payment to the department after the services are rendered? Each contractor who is rendering authorized services to the department or its clients shall submit claims for payment, as agreed upon between the department and the contractor, no later than twelve months after the date of service. If the claims for payment are not presented within the twelve-month period there shall not be a charge against the state. The twelve-month period may be shortened by contract or regulation. The twelve-month period may be extended by contract or regulation, but only if required by

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applicable state or federal law or regulation. The department may grant exceptions to the twelve-month period for initial claims when billing delays are caused by either of the following:

- (a) The department's certification or authorization of services for a client for a retroactive period; or
- (b) The provider proves to the department's satisfaction that there are other extenuating circumstances.

This provision shall apply to all claims for payment submitted on or after the effective date.

[Statutory Authority: RCW 43.17.060. 01-12-071, § 388-05-0010, filed 6/4/01, effective 7/5/01.]

Chapter 388-06 WAC

BACKGROUND CHECKS

WAC

PURPOSE

- 388-06-0010 What is the purpose of this chapter?

DEFINITIONS

- 388-06-0020 What definitions apply to WAC 388-06-0100 through 388-06-0260 of this chapter?
- 388-06-0100 Why are background checks done?
- 388-06-0110 Who must have background checks?
- 388-06-0120 Who is not affected by this chapter?
- 388-06-0130 Does the background check process apply to new and renewal licenses, certification, contracts, and authorizations to have unsupervised access to children or individuals with a developmental disability?
- 388-06-0140 What happens if I don't comply with the background check requirement?
- 388-06-0150 What does the background check cover?
- 388-06-0160 Who pays for the background check?
- 388-06-0170 Will a criminal conviction permanently prohibit me from being licensed, contracted, or authorized to have unsupervised access to children or to individuals with developmental disability?
- 388-06-0180 Are there other criminal convictions that will prohibit me from working with children or individuals with a developmental disability?
- 388-06-0190 If I have a conviction, may I ever have unsupervised access to children or individuals with a developmental disability?
- 388-06-0200 Will I be disqualified if there are pending criminal charges on my background check?
- 388-06-0210 Will you license, contract, or authorize me to have unsupervised access to children or individuals with a developmental disability if my conviction has been expunged, or vacated from my record or I have been pardoned for a crime?
- 388-06-0220 How will I know if I have not been disqualified by the background check?
- 388-06-0230 How will I know if I have been disqualified by the background check?
- 388-06-0240 What may I do if I disagree with the department's decision to deny me a license, certification, contract, or authorization based on the results of the background check?
- 388-06-0250 Is the background check information released to my employer or prospective employer?
- 388-06-0260 May I receive a copy of my criminal background check results?

ONE HUNDRED AND TWENTY-DAY PROVISIONAL HIRE—PENDING FBI BACKGROUND CHECK RESULTS

- 388-06-0500 What is the purpose of the one hundred twenty-day provisional hire?
- 388-06-0510 What definitions apply to one hundred twenty-day provisional hires?
- 388-06-0520 Who is responsible for approving the one hundred twenty-day provisional hire?
- 388-06-0525 When are individuals eligible for the one hundred twenty-day provisional hire?
- 388-06-0530 When does the one hundred twenty-day provisional hire begin?

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- 388-06-0535 Who approves one hundred twenty-day provisional hire extensions?
- 388-06-0540 Are there instances when the one hundred twenty-day provisional hire is not available?

PURPOSE

WAC 388-06-0010 What is the purpose of this chapter? (1) The purpose of this chapter is to establish rules for background checks conducted by children's administration (CA), and the division of developmental disabilities (DDD) at the department of social and health services (DSHS). The department does background checks on individuals who are licensed, certified, contracted, or authorized to care for or have unsupervised access to children and to individuals with a developmental disability. Background checks are conducted to find and evaluate any history of criminal convictions and child abuse or neglect.

(2) This chapter also defines when the one hundred twenty-day provisional hire is allowed by DSHS. WAC 388-06-0500 through 388-06-0540 apply to all DSHS administrations.

[Statutory Authority: RCW 74.15.030, 01-18-025, § 388-06-0010, filed 8/27/01, effective 10/1/01.]

DEFINITIONS

WAC 388-06-0020 What definitions apply to WAC 388-06-0100 through 388-06-0260 of this chapter? The following definitions apply to WAC 388-06-0100 through 388-06-0260 of this chapter:

"Authorized" or **"authorization"** means not disqualified by the department to have unsupervised access to children and individuals with a developmental disability. This includes persons who are certified, contracted, allowed to receive payments from department funded programs, or volunteer.

"CA" means children's administration, department of social and health services. Children's administration is the cluster of programs within DSHS responsible for the provision of licensing of foster homes, group facilities/programs and child-placing agencies, child protective services, child welfare services, and other services to children and their families.

"CAMIS" means case and management information system. This data system is used by children's administration.

"Certification" means:

(1) Department approval of a person, home, or facility that does not legally need to be licensed, but wishes to have evidence that they met the minimum licensing requirements.

(2) Department licensing of a of a child-placing agency to certify and supervise foster home and group care programs.

"Children" or **"youth"** means individuals who are under parental or department care including:

(1) Individuals under eighteen years old; or

(2) Foster children up to twenty-one years of age and enrolled in high school or a vocational school program; or

(3) Developmentally disabled individuals up to twenty-one years of age for whom there are no issues of child abuse and neglect; or

(4) JRA youth up to twenty-one years of age and who are under the jurisdiction of JRA or a youthful offender under the jurisdiction of the department of corrections who is placed in a JRA facility.

(5) These two terms are used interchangeably in this chapter.

"DCFS" means division of children and family services and is a division within children's administration that provides child welfare, child protective services, and support services to children in need of protection and their families.

"DDD" means the division of developmental disabilities, department of social and health services (DSHS).

"DLR" means the division of licensed resources that is a division within children's administration, the department of social and health services.

"Department" means the department of social and health services (DSHS).

"I" and **"you"** refers to anyone who has unsupervised access to children or to persons with developmental disabilities in a home, facility, or program. This includes, but is not limited to, persons seeking employment, a volunteer opportunity, an internship, a contract, certification, or a license for a home or facility.

"JRA" means the juvenile rehabilitation administration, department of social and health services.

"Licensor" means an employee of DLR or of a child placing agency licensed or certified under chapter 74.15 RCW to approve and monitor licenses for homes or facilities that offer care to children. Licenses require that the homes and facilities meet the department's health and safety standards.

"Individuals with developmental disability" means individuals who meet eligibility requirements in Title 71A RCW, WAC 388-825-030, for services. A developmental disability is any of the following: Mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition described in WAC 388-825-030; originates before the age of eighteen years; is expected to continue indefinitely; and results in a substantial handicap.

"Spousal abuse" includes any crime of domestic violence as defined in RCW 10.99.020 when committed against a spouse, former spouse, person with whom the perpetrator has a child regardless of whether the parents have been married or lived together at any time, or an adult with whom the perpetrator is presently residing or has resided in the past.

"Unsupervised" means not in the presence of:

(1) The licensee, another employee or volunteer from the same business or organization as the applicant who has not been disqualified by the background check.

(2) Any relative or guardian of the child or developmentally disabled individual or vulnerable adult to whom the applicant has access during the course of his or her employment or involvement with the business or organization (RCW 43.43.080(9)).

"Unsupervised access" means that an individual will or may be left alone with a child or vulnerable adult (individual with developmental disability) at any time for any length of time.

"We" refers to the department, including licensors and social workers.

"WSP" refers to the Washington State Patrol.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0020, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0100 Why are background checks done? The department does background checks to help safeguard the health, safety and well being of children and of individuals with a developmental disability in licensed homes and facilities and in day treatment programs. By doing background checks, the department reduces the risk of harm to children and individuals with a developmental disability from caregivers that have been convicted of certain crimes. The department's regulations require the evaluation of your background to determine your character, suitability and competence before you are issued a license, contract, certificate, or authorized to have unsupervised access to children or to individuals with a developmental disability.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0100, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0110 Who must have background checks? The department requires background checks on individuals who will have unsupervised access to children or to individuals with a developmental disability in homes, facilities, or operations licensed, relicensed, or contracted by the department to provide care as required under chapter 74.15 RCW. The department requires background checks on the following people:

- (1) A person licensed, certified, or contracted by us to care for children (chapter 74.15 RCW and RCW 43.43.832);
- (2) A prospective or current employee for a licensed care provider or a person or entity contracting with us;
- (3) A volunteer or intern with regular or unsupervised access to children who is in a home or facility that offers licensed care to children;
- (4) A person who is at least sixteen years old, is residing in a foster home, relatives home, or child care home and is not a foster child;
- (5) A relative other than a parent who may be caring for a child or an individual with a developmental disability;
- (6) A person who regularly has unsupervised access to a child or an individual with a developmental disability;
- (7) A provider who has unsupervised access to a child or individual with a developmental disability in the home of the child or individual with a developmental disability; and
- (8) Prospective adoptive parents as defined in RCW 26.33.020.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0110, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0120 Who is not affected by this chapter? This chapter does not apply to schools, hospitals, or other facilities where the primary focus is not custodial.

(2003 Ed.)

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0120, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0130 Does the background check process apply to new and renewal licenses, certification, contracts, and authorizations to have unsupervised access to children or individuals with a developmental disability? These regulations apply to all applications for new and renewal licenses, contracts, certifications, and authorizations to have unsupervised access to children and individuals with a developmental disability that are processed by the department after the effective date of this chapter.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0130, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0140 What happens if I don't comply with the background check requirement? The department will deny, suspend or revoke your license, contract, certification, or authorization to care for children or for individuals with a developmental disability, if you or someone on the premises of your home or facility having unsupervised access does not comply with the department's requirement for a background check.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0140, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0150 What does the background check cover? (1) The department must review the following records:

- (a) Criminal convictions and pending charges.
 - (b) For children's administration, child protective service case file information (CAMIS) for founded reports of child abuse or neglect; and
 - (c) For children's administration, administrative hearing decisions related to any DLR license that has been revoked, suspended or denied.
- (2) The department may also review any civil judgment, determination or disciplinary board final decisions of child abuse or neglect.
- (3) The department may review law enforcement records of convictions and pending charges in other states or locations if:
- (a) You have lived in another state; and
 - (b) Reports from credible community sources indicate a need to investigate another state's records.
- (4) If you have lived in Washington state less than three years immediately prior to your application to have unsupervised access to children or to individuals with a developmental disability, the department requires that you be fingerprinted for a background check with the Washington state patrol (WSP) and the Federal Bureau of Investigation (FBI), as mandated by chapter 74.15 RCW.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0150, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0160 Who pays for the background check? (1) Children's administration (CA) pays for the general administrative costs for background checks for foster home applicants, relative, and CA adoptive home applicants.

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(2) Children's administration pays for fingerprinting expenses for those foster home applicants and relatives who require fingerprinting.

(3) Children's administration does not pay for fingerprinting for employees, contractors, or volunteers associated with any other type of home or facility.

(4) The division of developmental disabilities pays for background checks for individuals seeking authorization to provide services to their clients.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0160, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0170 Will a criminal conviction permanently prohibit me from being licensed, contracted, or authorized to have unsupervised access to children or to individuals with developmental disability? (1) There are convictions for certain crimes that will permanently prohibit you from being licensed, contracted, or authorized to have unsupervised access to children or to individuals with developmental disability. Those felony convictions are as follows:

(a) Child abuse and/or neglect;

(b) Spousal abuse;

(c) A crime against a child (including child pornography);

(d) A crime involving violence (including rape, sexual assault, or homicide but not including other physical assault); or

(e) Any federal or out-of-state conviction for an offense that under the laws of this state would disqualify you from having unsupervised access to children or individuals with developmental disabilities in any home or facility.

(2) If you are convicted of one of the crimes listed in WAC 388-06-0170 (1)(a) through (e) you will not be able to:

(a) Receive a license to provide care to children;

(b) Be approved for adoption of a child;

(c) Be a contractor;

(d) Be employed by a licensed agency or contractor, if you will have unsupervised access to children or to individuals with a developmental disability;

(e) Volunteer or participate as an intern in a home or facility that offers care to children or to individuals with a developmental disability; or

(f) Provide any type of care to children or to individuals with a developmental disability, if the care is funded by the state.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0170, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0180 Are there other criminal convictions that will prohibit me from working with children or individuals with a developmental disability? The department must disqualify you from licensing, contracting, certification, or from having unsupervised access to children or to individuals with a developmental disability if it has been less than five years from a conviction for the following crimes:

(1) Any physical assault not included in WAC 388-06-0170;

(2) Any sex offense not included in WAC 388-06-0170;

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(3) Any felony conviction not included in WAC 388-06-0170; or

(4) Felony violation of the following drug-related crimes:

(a) The Imitation Controlled Substances Act (for substances that are falsely represented as controlled substances (see chapter 69.52 RCW));

(b) The Legend Drug Act (prescription drugs, see chapter 69.41 RCW);

(c) The Precursor Drug Act (substances used in making controlled substances, see chapter 69.43 RCW);

(d) The Uniform Controlled Substances Act (illegal drugs or substances, see chapter 69.50 RCW); or

(e) Unlawfully manufacturing, delivering or possessing a controlled substance with intent to deliver, or unlawfully using a building for drug purposes.

(5) Any federal or out-of-state conviction for an offense that under the laws of this state would disqualify you from having unsupervised access to children or individuals with developmental disabilities in your home or facility no less than five years from a conviction listed in this section.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0180, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0190 If I have a conviction, may I ever have unsupervised access to children or individuals with a developmental disability? (1) In two situations, DSHS may find a person with convictions able to have unsupervised access to children or individuals with a developmental disability:

(a) If the conviction for any crime listed in WAC 388-06-0180 occurred more than five years ago; or

(b) If the conviction was for a crime other than those listed in WAC 388-06-0170 or 388-06-0180.

(2) In both of these situations, DSHS must review your background to determine your character, suitability, and competence to have unsupervised access to children or individuals with a developmental disability. In this review, DSHS must consider the following factors:

(a) The amount of time that has passed since you were convicted;

(b) The seriousness of the crime that led to the conviction;

(c) The number and types of other convictions in your background;

(d) The amount of time that has passed since you were convicted;

(e) Your age at the time of conviction;

(f) Documentation indicating you have successfully completed all court-ordered programs and restitution;

(g) Your behavior since the conviction; and

(h) The vulnerability of those that would be under your care.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0190, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0200 Will I be disqualified if there are pending criminal charges on my background check? (1) The department will not license, contract, certify, or autho-

alize a person to have unsupervised access to children or individuals with a developmental disability who have a criminal charge pending.

(2) You may reapply for a license, contract, certification, or approval to have unsupervised access to children or to individuals with a developmental disability by providing proof to the department that the charge against you has been dropped or that you were acquitted.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0200, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0210 Will you license, contract, or authorize me to have unsupervised access to children or individuals with a developmental disability if my conviction has been expunged, or vacated from my record or I have been pardoned for a crime? If you receive a pardon or a court of law acts to expunge or vacate a conviction on your record, the crime will not be considered a conviction for the purposes of licensing, contracting, certification, or authorization for unsupervised access to children or to individuals with a developmental disability.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0210, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0220 How will I know if I have not been disqualified by the background check? (1) If you have not been disqualified by the background check and are applying for a license or certification to care for children, the department will not directly notify you. Instead, the department continues the process for approving your application.

(2) If you have requested a contract or approval for unsupervised access to children or to individuals with a developmental disability, the department will notify you, and your prospective employer or your supervisor.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0220, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0230 How will I know if I have been disqualified by the background check? (1) The department will notify you, and the care provider, the employer, or the licenser if you have been disqualified by the background check. The notice will be in writing and will include any laws and rules that require disqualification.

(2) If the department sends you a notice of disqualification, you will not receive a license, contract, certification, or be authorized to have unsupervised access to children or to individuals with a developmental disability.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0230, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0240 What may I do if I disagree with the department's decision to deny me a license, certification, contract, or authorization based on the results of the background check? (1) If you are seeking a license, or employment with a licensed home or facility you may request an administrative hearing to disagree with the department's decision process to deny authorization for unsupervised access to children or to individuals with a developmental dis-

ability (chapter 34.05 RCW). You cannot contest the conviction in the administrative hearing.

(2) Prospective volunteers, interns, contractors, or those seeking certification do not have the right to appeal the department's decision to deny authorization for unsupervised access to children and to individuals with a developmental disability.

(3) The employer or prospective employer cannot contest the department's decision on your behalf.

(4) The administrative hearing will take place before an administrative law judge employed by the office of administrative hearings (chapter 34.05 RCW).

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0240, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0250 Is the background check information released to my employer or prospective employer?

(1) The department will share with employers or approved care providers only that:

- (a) You are disqualified; or
- (b) You have not been disqualified by the background check.

(2) The department will follow laws related to the release of criminal history records (chapters 10.97 and 43.43 RCW) and public disclosure (chapter 42.17 RCW) when releasing any information.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0250, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0260 May I receive a copy of my criminal background check results? (1) The department will provide you a copy of your criminal background check results if you:

- (a) Make the request in writing to the department; and
 - (b) Offer proof of identity, such as picture identification.
- (2) A copy of your WSP criminal background check results may also be obtained from the Washington state patrol (chapter 10.97 RCW).

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0260, filed 8/27/01, effective 10/1/01.]

ONE HUNDRED AND TWENTY-DAY PROVISIONAL HIRE—PENDING FBI BACKGROUND CHECK RESULTS

WAC 388-06-0500 What is the purpose of the one hundred twenty-day provisional hire? The one hundred twenty-day provisional hire allows an employee to have unsupervised access to children, juveniles and vulnerable adults on a provisional basis pending the results of their Federal Bureau of Investigation (FBI) background check.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. 01-15-019, § 388-06-0500, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0510 What definitions apply to one hundred twenty-day provisional hires? "Agency" means any agency of the state or any private agency providing services to children, juveniles, and vulnerable adults.

"Background check central unit (BCCU)" means the DSHS program responsible for conducting background checks for DSHS administrations.

"Disqualified" means the results of an individual's background check disqualifies them from a position which will or may provide unsupervised access to children, juveniles, and vulnerable adults.

"Entity" means, but is not limited to, a licensed facility, a corporation, a partnership, a sole proprietorship, or a contracted or certified service provider.

"Hire" means engagement by an agency, entity or a hiring individual to perform specific agreed duties as a paid employee, a contract employee, a volunteer, or a student intern.

"Hiring individual" means a DSHS client who is eligible to hire an individual to provide in-home service with state funding.

"Individual" means an employee, a contract employee, a volunteer, or a student intern.

"Qualified" means an individual can be hired into a position that includes unsupervised access to children, juveniles, and vulnerable adults because the results of their background check are not disqualifying.

"Unsupervised access" means that:

(1) An individual will or may have the opportunity to be alone with a child, juvenile, or a vulnerable adult; and

(2) Neither a qualified employee, contract employee, volunteer, or student intern of the agency, or entity nor a relative or guardian of the child, juvenile or vulnerable adult is present.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. 01-15-019, § 388-06-0510, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0520 Who is responsible for approving the one hundred twenty-day provisional hire? The agency, entity or hiring individual is responsible for approving individuals for the one hundred twenty-day provisional hire.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. 01-15-019, § 388-06-0520, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0525 When are individuals eligible for the one hundred twenty-day provisional hire? Individuals are eligible for the one hundred twenty-day provisional hire immediately. The signed background check application and two FBI fingerprint cards must be sent to the BCCU within forty-eight hours by the agency, entity or hiring individual.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. 01-15-019, § 388-06-0525, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0530 When does the one hundred twenty-day provisional hire begin? The one hundred twenty-day provisional hire may begin from either:

- (1) The date of hire of an individual; or
- (2) After completion of a state background check on an individual.

The agency, entity, or hiring individual makes this decision.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. 01-15-019, § 388-06-0530, filed 7/10/01, effective 8/10/01.]

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WAC 388-06-0535 Who approves one hundred twenty-day provisional hire extensions? The agency, entity or hiring individual approves one hundred twenty-day provisional hire extensions. An extension is approved when the agency, entity or hiring individual does not receive the FBI result within one hundred twenty days from:

- (1) The date of hire; or
- (2) Completion of the state background check.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. 01-15-019, § 388-06-0535, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0540 Are there instances when the one hundred twenty-day provisional hire is not available? The one hundred twenty-day provisional hire is not available to an agency, entity, or hiring individual requesting:

- (1) An initial license;
- (2) An initial contract; or
- (3) Approval as a family child day care home provider, foster parent or adoptive parent (see 42 U.S.C. Sec 671 (a)(20)).

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. 01-15-019, § 388-06-0540, filed 7/10/01, effective 8/10/01.]

Chapter 388-14A WAC

DIVISION OF CHILD SUPPORT RULES

WAC

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- PART A - GENERAL INFORMATION ABOUT THE DIVISION OF CHILD SUPPORT**
- WAC 388-14A-1000 The DSHS division of child support is the Title IV-D child support enforcement agency for the state of Washington.** (1) The division of child support (DCS) is the part of the department of social and health services that provides child support enforcement services for the state of Washington under Title IV-D of the federal Social Security Act. DCS acts as the Washington state support registry (WSSR) under chapter 26.23 RCW.

(2) If your support order requires you to make payments to DCS or to WSSR, send payments to: WSSR, P.O. Box 45868, Olympia WA 98504-5868.

(3) If you want to call DCS, you can call 1-800-442-KIDS, or call the local DCS field office.

(4) If you want to write to DCS, you can write to P.O. Box 9162, Olympia WA 98507-9162 or to the local DCS field office.

(5) DCS is responsible for the statewide administration of wage withholding under Title IV-D.

(6) DCS is the agency referred to in federal law as "the Title IV-D agency," and performs all duties assigned to the Title IV-D agency.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-010 and 388-14-210.]

WAC 388-14A-1005 What is Washington's state plan under Title IV-D? (1) The division of child support (DCS), on behalf of the department of social and health services of the state of Washington, has established the following provisions as the state plan (the "plan") for its child support enforcement program. This plan is authorized by Title IV-D of the Social Security Act and chapters 74.20 and 74.20A RCW. This plan covers the entire state of Washington.

(2) DCS is the organization within the state of Washington that administers the plan.

(3) DCS enters into contracts for child support enforcement and related services with:

- (a) Other state agencies;
- (b) Indian tribes, county prosecutors and court clerks in the state of Washington;
- (c) Other states or foreign countries for action under the Uniform Interstate Family Support Act (UIFSA) and other laws to enforce or collect child support, locate noncustodial parents, or establish paternity. These contracts may include procedures for:
 - (i) Making referrals;
 - (ii) Assigning debts;
 - (iii) Reporting actions and activities; and
 - (iv) Coordinating activities under and ensuring compliance with UIFSA.

- (d) Private parties;
- (e) The secretary of the Department of Health and Human Services to refer and certify cases:
 - (i) To the federal parent locator service (FPLS);
 - (ii) To the secretary of the treasury for action to collect support debts; and
 - (iii) For action in the United States district courts to enforce support debts.

(4) DCS manages the Title IV-D plan for the state of Washington and:

- (a) Oversees all activities under the plan to ensure that the program meets the standards for an efficient and effective program;
- (b) Evaluates the quality and scope of services provided under the plan;
- (c) Ensures that federal and state requirements for records management, accounting and fiscal control are met;

(d) Provides all services under the plan in appropriate cases, including action to locate parents, to establish paternity, and to establish, enforce and collect child support; and

(e) Assures that referrals and other communications with the Title IV-A agency (which operates the public assistance programs) and the Title IV-E agency (which operates the foster care program) meet the requirements of the Title IV-D and Title IV-A state plans.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1005, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1010 What are the other names that the division of child support has used? (1) The division of child support (DCS) has been known by many names including:

- (a) The office of support enforcement (OSE);
 - (b) The support enforcement division (SED);
 - (c) The state's Title IV-D agency; and
 - (d) The Washington State Support Registry (WSSR).
- (2) Some statutes and forms use one of these other names, but they all mean the division of child support.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1010, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1015 What laws regulate the actions of the division of child support? (1) The following are the primary state and federal laws which apply to the division of child support (DCS):

- (a) Title IV-D of the Social Security Act sets out the federal requirements for a state's support enforcement program.
- (b) Title 45 of the Code of Federal Regulations contains the federal regulations regarding support enforcement programs.

(c) Chapter 26.23 RCW establishes the Washington state support enforcement program.

(2) Most state statutes governing DCS are found in Title 26 RCW and chapters 74.20 and 74.20A RCW.

(3) The Washington Administrative Code (WAC) contains the state regulations regarding the Washington state support enforcement program.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1015, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement? For purposes of this chapter, the following definitions apply:

"**Absence of a court order**" means that there is no court order setting a support obligation for the noncustodial parent (NCP), or specifically relieving the NCP of a support obligation, for a particular child.

"**Absent parent**" is a term used for a noncustodial parent.

"**Accrued debt**" means past-due child support which has not been paid.

"**Administrative order**" means a determination, finding, decree or order for support issued under RCW 74.20A.-055, 74.20A.056, or 74.20A.059 or by another state's agency under an administrative process, establishing the existence of a support obligation (including medical support) and ordering

the payment of a set or determinable amount of money for current support and/or a support debt. Administrative orders include:

- (1) An order entered under chapter 34.05 RCW;
- (2) An agreed settlement or consent order entered under WAC 388-14A-3600; and
- (3) A support establishment notice which has become final by operation of law.

"Agency" means the Title IV-D provider of a state. In Washington, this is DCS.

"Agreed settlement" is an administrative order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. An agreed settlement does not require the approval of an administrative law judge.

"Aid" or "public assistance" means cash assistance under the temporary assistance for needy families (TANF) program, the aid for families with dependent children (AFDC) program, federally-funded or state-funded foster care, and includes day care benefits and medical benefits provided to families as an alternative or supplement to TANF.

"Applicant/custodian" means a person who applies for nonassistance support enforcement services on behalf of a child or children residing in their household.

"Applicant/recipient," "applicant," and "recipient" means a person who receives public assistance on behalf of a child or children residing in their household.

"Arrears" means the debt amount owed for a period of time before the current month.

"Assistance" means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

"Birth costs" means medical expenses incurred by the custodial parent or the state for the birth of a child.

"Conference board" means a method used by the division of child support for resolving complaints regarding DCS cases and for granting exceptional or extraordinary relief from debt.

"Consent order" means a support order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. A consent order requires the approval of an administrative law judge.

"Court order" means a judgment, decree or order of a Washington state superior court, another state's court of comparable jurisdiction, or a tribal court.

"Current support" or "current and future support" means the amount of child support which is owed for each month.

"Custodial parent" means the person, whether a parent or not, with whom a dependent child resides the majority of the time period for which the division of child support seeks to establish or enforce a support obligation.

"Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date that the TANF or AFDC 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 end, whichever occurs later.

"Delinquency" means failure to pay current child support when due.

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

"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 age eighteen;
- (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 turns nineteen.

"Disposable earnings" means the amount of earnings remaining after the deduction of amounts required by law to be withheld.

"Earnings" means compensation paid or payable for personal service. Earnings include:

- (1) Wages or salary;

- (2) Commissions and bonuses;

- (3) Periodic payments under pension plans, retirement programs, and insurance policies of any type;

- (4) Disability payments under Title 51 RCW;

- (5) Unemployment compensation under RCW 50.40.020, 50.40.050 and Title 74 RCW;

- (6) Gains from capital, labor, or a combination of the two; and

- (7) The fair value of nonmonetary compensation received in exchange for personal services.

"Employee" means a person to whom an employer is paying, owes, or anticipates paying earnings in exchange for services performed for the employer.

"Employer" means any person or organization having an employment relationship with any person. This 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; and

- (6) The trustee or 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. Such a contract may be written or oral, express or implied.

"Family" means the person or persons on whose behalf support is sought, which may include a custodial parent and one or more children, or a child or children in foster care placement. The family is sometimes called the assistance unit.

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

"Foreign order" means a court or administrative order entered by a tribunal other than one in the state of Washington.

"Foster care case" means a case referred to the Title IV-D agency by the Title IV-E agency, which is the state division of child and family services (DCFS).

"Fraud," for the purposes of vacating an agreed settlement or consent order, means:

- (1) The representation of the existence or the nonexistence of a fact;
- (2) The representation's materiality;
- (3) The representation's falsity;
- (4) The speaker's knowledge that the representation is false;
- (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 on it; and
 - (c) Subsequent damage.

"Full support enforcement services" means the entire range of services available in a Title IV-D case.

"Good cause" for the purposes of late hearing requests and petitions to vacate orders on default means a substantial reason or legal justification for delay, including but not limited to the grounds listed in civil rule 60. The time periods used in civil rule 60 apply to good cause determinations in this chapter.

"Head of household" means the parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

"Health care costs":

- (1) For the purpose of establishing support obligations under RCW 74.20A.055 and 74.20A.056, means medical, dental and optometrical expenses; and,
- (2) For the purpose of enforcement action under chapters 26.23, 74.20 and 74.20A RCW, including the notice of support debt and the notice of support owed, means medical, dental and optometrical costs stated as a fixed dollar amount by a support order.

"Hearing" means an adjudicative proceeding authorized by this chapter, or chapters 26.23, 74.20 and 74.20A RCW, conducted under chapter 388-02 WAC and chapter 34.05 RCW.

"I/Me" means the person asking the question which appears as the title of a rule.

"Income" includes:

- (1) All gains in real or personal property;
- (2) Net proceeds from the sale or exchange of real or personal property;
- (3) Earnings;
- (4) Interest and dividends;
- (5) Proceeds of insurance policies;
- (6) Other periodic entitlement to money from any source; and
- (7) Any other property subject to withholding for support under the laws of this state.

"Income withholding action" includes all withholding actions which DCS is authorized to take, and includes but is not limited to the following actions:

- (1) Asserting liens under RCW 74.20A.060;
- (2) Serving and enforcing liens under chapter 74.20A RCW;
- (3) Issuing orders to withhold and deliver under chapter 74.20A RCW;
- (4) Issuing notices of payroll deduction under chapter 26.23 RCW; and
- (5) Obtaining wage assignment orders under RCW 26.18.080.

"Locate" can mean efforts to obtain service of a support establishment notice in the manner prescribed by WAC 388-14A-3105.

"Medical support" means either or both:

- (1) Health care costs stated as a fixed dollar amount in a support order; and
- (2) Health insurance coverage for a dependent child.

"Noncustodial parent" means the natural parent, adoptive parent, responsible stepparent or person who signed and filed an affidavit acknowledging paternity, from whom the state seeks support for a dependent child. Also called the NCP. A parent is considered to be an NCP when for the majority of the time during the period for which support is sought, the dependent child resided somewhere other than with that parent.

"Other ordinary expense" means an expense incurred by a parent which:

- (1) Directly benefits the dependent child; and
- (2) Relates to the parent's residential time or visitation with the child.

"Past support" means support arrears.

"Paternity testing" means blood testing or genetic tests of blood, tissue or bodily fluids. This is also called genetic testing.

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

"Permanently assigned arrearages" means those arrears which the state may collect and retain up to the amount of unreimbursed assistance.

"Physical custodian" means custodial parent (CP).

"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 is made.

"Reasonable efforts to locate" means any of the following actions performed by the division of child support:

- (1) Mailing a support establishment notice to the noncustodial parent in the manner described in WAC 388-14A-3105;
- (2) Referral to a sheriff or other server of process, or to a locate service or department employee for locate activities;
- (3) Tracing activity such as:
 - (a) Checking local telephone directories and attempts by telephone or mail to contact the custodial parent, relatives of

the noncustodial parent, past or present employers, or the post office;

(b) Contacting state agencies, unions, financial institutions or fraternal organizations;

(c) Searching periodically for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record-keeping agencies or entities; or

(d) Maintaining a case in the division of child support's automated locate program, which is a continuous search process.

(4) Referral to the state or federal parent locator service;

(5) Referral to the attorney general, prosecuting attorney, the IV-D agency of another state, or the Department of the Treasury for specific legal or collection action;

(6) Attempting to confirm the existence of and to obtain a copy of a paternity acknowledgment; or

(7) Conducting other actions reasonably calculated to produce information regarding the NCP's whereabouts.

"Required support obligation for the current month" means the amount set by a superior court order, tribal court order, or administrative order for support which is due in the month in question.

"Resident" means a person physically present in the state of Washington who intends to make their home in this state. A temporary absence from the state does not destroy residency once it is established.

"Residential care" means foster care, either state or federally funded.

"Residential parent" means the custodial parent (CP), or the person with whom the child resides that majority of the time.

"Responsible parent" is a term sometimes used for a noncustodial parent.

"Responsible stepparent" means a stepparent who has established an in loco parentis relationship with the dependent child.

"Retained support" means a debt owed to the division of child support by anyone other than a noncustodial parent.

"Satisfaction of judgment" means payment in full of a court-ordered support obligation, or a determination that such an obligation is no longer enforceable.

"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, 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 of another state's court of comparable jurisdiction.

"Support debt" means support which was due under a support order but has not been paid. This includes:

(1) Delinquent support;

(2) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance including health care costs, birth costs, child care costs, and special child rearing expenses of a dependent child or other person;

(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 attorney's fees and other litigation costs awarded in an action under Title IV-D to establish or enforce a support obligation.

"Support enforcement services" means all actions the Title IV-D agency is required to perform under Title IV-D of the Social Security Act and state law.

"Support establishment notice" means a notice and finding of financial responsibility under WAC 388-14A-3115, a notice and finding of parental responsibility under WAC 388-14A-3120, or a notice and finding of medical responsibility under WAC 388-14A-3125.

"Support money" means money paid to satisfy a support obligation, whether it is called child support, spousal support, alimony, maintenance, medical support, or birth costs.

"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, birth costs, and child care or special child rearing expenses.

"Temporarily assigned arrearages" means those arrears which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997.

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

"Title IV-A agency" means the part of the department of social and health services which carries out the state's responsibilities under the temporary assistance for needy families (TANF) program (and the aid for dependent children (AFDC) program when it existed).

"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 division of child support, which is the agency responsible for carrying out the Title IV-D plan in the state of Washington. Also refers to the Washington state support registry (WSSR).

"Title IV-D case" is a case in which the division of child support provides services which qualifies for funding under the Title IV-D plan.

"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 U.S.C.

"Title IV-E case" means a foster care case

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

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

"We" means the division of child support, part of the department of social and health services of the state of Washington.

"WSSR" is the Washington state support registry.

"You" means the reader of the rules, a member of the public, or a recipient of support enforcement services.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-055, 74.20A.056. 01-03-089, § 388-14A-1020, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-011 and 388-14-020.]

WAC 388-14A-1025 What are the responsibilities of the division of child support? (1) The division of child support (DCS) provides support enforcement services when:

(a) The department of social and health services pays public assistance or provides foster care services;

(b) A former recipient of public assistance is eligible for services, as provided in WAC 388-14A-2000 (2)(c);

(c) A custodial parent (CP) or noncustodial parent (NCP) requests nonassistance support enforcement services under RCW 74.20.040 and WAC 388-14A-2000;

(d) A support order or wage assignment order under chapter 26.18 RCW directs the NCP to make support payments through the Washington state support registry (WSSR);

(e) A support order under which there is a current support obligation for dependent children is submitted to the WSSR;

(f) A former custodial parent (CP) requests services to collect a support debt accrued under a court or administrative support order while the child(ren) resided with the CP;

(g) A child support enforcement agency in another state or foreign country requests support enforcement services; or

(h) A child support agency of an Indian tribe requests support enforcement services.

(2) DCS takes action under chapters 26.23 and 74.20A RCW to establish, enforce and collect child support obligations.

(a) DCS refers cases to the county prosecuting attorney or attorney general's office when judicial action is required.

(b) If DCS has referred a case to the county prosecuting attorney or attorney general's office and the CP has been granted good cause level A, DCS does not share funding under Title IV-D for any actions taken by the prosecutor or attorney general's office once DCS advises them of the good cause finding.

(3) DCS does not take action on cases where the community services office (CSO) has granted the CP good cause not to cooperate under WAC 388-422-0020, when the CSO grants "level A good cause." If the CSO grants "level B good cause," DCS proceeds to establish and/or enforce support obligations but does not require the CP to cooperate with DCS. WAC 388-14A-2065 and 388-14A-2070 describe the way DCS handles cases with good cause issues.

(4) DCS establishes, maintains, retains and disposes of case records in accordance with the department's records management and retention policies and procedures adopted under chapter 40.14 RCW.

(5) DCS establishes, maintains, and monitors support payment records.

(6) DCS receives, accounts for and distributes child support payments required under court or administrative orders for support.

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(7) DCS files a satisfaction of judgment when we determine that a support obligation is either paid in full or no longer legally enforceable. WAC 388-14A-2099 describes the procedures for filing a satisfaction of judgment. WAC 388-14A-2099(4) describes how DCS determines a support obligation is satisfied or no longer legally enforceable.

[Statutory Authority: RCW 74.08.090, 74.20A.310. 01-24-080, § 388-14A-1025, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 45 CFR 303.106. 01-03-089, § 388-14A-1025, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205.]

WAC 388-14A-1030 What kinds of services can the division of child support provide? The services provided by the division of child support include, but are not limited to the following:

(1) Receiving payments and distributing the payments (see WAC 388-14A-5000);

(2) Establishing or modifying administrative child support orders (see WAC 388-14A-3100);

(3) Enforcing and modifying court orders for child support or maintenance (see WAC 388-14A-3305 and 388-14A-3310);

(4) Referral to the prosecuting attorney for establishment of paternity;

(5) Providing locate services as provided in WAC 388-14A-1035;

(6) Referral for welfare to work services in conjunction with other parts of DSHS, the employment security department (ESD) and private contractors;

(7) Cooperation with the IV-D agencies of other states and Indian tribes (see WAC 388-14A-1060); and

(8) Providing any other services allowed by the state plan and applicable state and federal law.

[Statutory Authority: RCW 74.08.090, 45 CFR 303.106. 01-03-089, § 388-14A-1030, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205.]

WAC 388-14A-1035 What kinds of locate services does the division of child support provide? The division of child support (DCS) maintains a service to locate noncustodial parents, using:

(1) All sources of information and available records in Washington or other states; and

(2) The federal parent locator service (FPLS) maintained by the federal Department of Health and Human Services.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1035, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-350.]

WAC 388-14A-1036 Who can request DCS locate services? DCS provides locate services for:

(1) Persons receiving public assistance for the benefit of dependent children;

(2) Any agency or attorney of another state seeking to collect support obligations under an agreement entered into with DCS;

(3) A court which has the authority to issue an order against a noncustodial parent (NCP) for the support and maintenance of a child;

(4) The custodial parent (CP), legal guardian, attorney or agent of a child who does not receive public assistance, and has not applied for full support enforcement services;

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- (5) The IV-D agency of another state;
- (6) The child support agency of an Indian tribe; and
- (7) Those persons authorized by 45 C.F.R. 303.15 to use the FPLS in connection with parental kidnaping or child custody cases.

[Statutory Authority: RCW 74.08.090. 01-03-089, § WAC 388-14A-1036, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1040 What must a request for locate services contain? A request or referral asking the division of child support (DCS) to provide locate services must contain the following information:

- (1) The name of the noncustodial parent (NCP);
- (2) The NCP's social security number, if known;
- (3) Whether NCP is now or has been a member of the armed services;
- (4) Whether NCP is now receiving or has received any federal benefits;
- (5) A request for a referral to the federal parent locator service (FPLS);
- (6) A statement that the request is being made to locate a person only for one of the following purposes:
 - (a) Establishing paternity,
 - (b) Securing support, or
 - (c) In connection with parental kidnaping or child custody cases.
- (7) A statement acknowledging that any information obtained from the FPLS must be kept confidential.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1040, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1045 What happens when I request locate services from the division of child support? (1) The division of child support (DCS) makes diligent and reasonable efforts to locate the noncustodial parent (NCP), including referral to the federal parent locator service (FPLS).

- (2) A request for locate services is not an application for full support enforcement services.
- (3) If DCS is successful in locating the NCP, the case does not automatically convert to a full support enforcement services case, but you may apply for full services.
- (4) If DCS is unsuccessful in locating the NCP using local and state resources, DCS closes the case as provided in 388-14A-2080(12).

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1045, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1050 The division of child support cooperates with other states and Indian tribes for support enforcement purposes. The division of child support (DCS) cooperates with the IV-D agencies of other states and of Indian tribes, according to rules and policies set by the Secretary of the Department of Health and Human Services and/or the federal Office of Child Support Enforcement (OCSE). Areas of cooperation include:

- (1) Establishing paternity;
- (2) Locating a noncustodial parent (NCP) who resides in Washington;

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- (3) Enforcing the support obligation of an NCP who resides in Washington but whose support order was entered by another state; and

- (4) Any other functions required under a Title IV-D plan.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1050, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-360.]

WAC 388-14A-1055 Can the division of child support collect support owed or assigned to another state? (1) The division of child support (DCS) may, at the request of another state, collect child support which has been assigned to that state under 42 U.S.C. 602 (a)(26)(A).

- (2) DCS uses the remedies in chapters 26.23, 74.20 and 74.20A RCW to collect support on behalf of another state or IV-D agency.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1055, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-365.]

WAC 388-14A-1060 The division of child support cooperates with courts and law enforcement. (1) The division of child support (DCS) is authorized to enter into cooperative arrangements and written agreements including financial arrangements with the appropriate courts and law enforcement officials (including Indian tribes) to assist DCS in administering the state plan for support enforcement.

- (2) These cooperative arrangements include the investigation and prosecution of fraud related to paternity and child support.

(3) DCS shares the federal funds it receives under 42 U.S.C. 655 according to the cooperative and financial agreements.

- (4) Any support payments that are made by a noncustodial parent (NCP) after DCS refers a case to a court or law enforcement official must be submitted to the Washington state support registry.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1060, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-370.]

PART B - BASIC RULES FOR CHILD SUPPORT CASES

WAC 388-14A-2000 Who can receive child support enforcement services from the division of child support?

- (1) The division of child support (DCS) provides payment processing and records maintenance services (called "payment services only") 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 DCS or through the Washington state support registry (WSSR);

(b) The custodial parent (CP) of a dependent child or a noncustodial parent (NCP) requests payment services only, provided that:

(i) An NCP's request for payment services only may not cause a reduction of service from the level of service provided under section (2) of this section; and

(ii) The support obligation is set by a Washington state superior court order, tribal court order, administrative order

or wage assignment order, directing payment to DCS or to WSSR.

(2) DCS provides full support enforcement services under Title IV-D of the social security act to custodial parents or noncustodial parents who are not receiving a public assistance grant when:

(a) The custodial parent or former physical custodian of a child requests support enforcement services;

(b) A NCP submits a support order for inclusion in or a support payment to the WSSR, together with an application for support enforcement services;

(c) A public assistance recipient stops receiving a cash grant under the temporary assistance for needy families program;

(d) The department provides Medicaid-only benefits to a CP on behalf of a dependent child, unless the recipient of the 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 father of a dependent child.

(3) DCS provides payment processing, records maintenance, paternity establishment, medical support establishment, and medical support enforcement services when a recipient of Medicaid-only benefits declines support enforcement services in writing.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-310, 45 CFR 303.106. 01-03-089, § 388-14A-2000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205, 388-14-300, and 388-14-310.]

WAC 388-14A-2005 When does an application for public assistance automatically become an application for support enforcement services? (1) When a custodial parent (CP) or physical custodian (also called the CP) applies for or receives cash assistance on behalf of a minor child, the family authorizes the division of child support (DCS) to provide support enforcement services to the family.

(2) These services continue until the support enforcement case is closed under WAC 388-14A-2080.

(3) The CP's public assistance application is an assignment of support rights.

(4) WAC 388-14A-2036 describes the assignment of support rights.

(5) If the community services office grants the CP good cause not to cooperate under WAC 388-422-0020, DCS does not provide services. See WAC 388-14A-2065.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-310, 45 CFR 303.106. 01-03-089, § 388-14A-2005, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205.]

WAC 388-14A-2010 Can I apply for support enforcement services if I do not receive public assistance?

(1) If you are not receiving public assistance, you can apply for support enforcement services. Your case is called a non-assistance case. A nonassistance case receives the same level of services as a case that was opened because of the payment of public assistance.

(2) Generally, the person applying for nonassistance support enforcement services is the custodial parent or former custodial parent of a child. However, the noncustodial parent

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may apply for services as well, as provided in WAC 388-14A-2000 (2)(b) and (e).

(3) A person wishing to apply for nonassistance support enforcement services must submit a written application for support enforcement services except as provided in WAC 388-14A-2000 (2)(c); and

(a) Have or have had physical custody of the child for whom support is sought, or for whom a support debt has accrued, or be the person with whom the child resided the majority of the time for which support is sought; or

(b) Be the noncustodial parent.

(4) The applicant must:

(a) Give consent for the division of child support (DCS) to take an assignment of earnings from the noncustodial parent (NCP) if the parents are still married;

(b) Agree to send to DCS any support payments received directly from the NCP within eight days of receipt;

(c) Agree to direct a payor or forwarding agent to make payments to the Washington state support registry (WSSR);

(d) Agree not to hire an attorney or collection agency, or apply to any other state's IV-D agency to collect the same support obligation or support debt, without notifying DCS;

(e) Complete, sign, date and submit to DCS the application form and any other required documents;

(f) Supply copies of divorce and dissolution decrees, support orders and modification orders, and any related documents affecting a support obligation;

(g) Provide a statement of the amount of support debt owed by the NCP; and

(h) Include or attach a list, by date, of the support payments received from the NCP during the time period for which the CP seeks support.

(5) If someone other than the CP has legal custody of the child under a court order, the CP must affirm that:

(a) The CP has not wrongfully deprived the legal custodian of custody; and

(b) The person with legal custody has not been excused from making support payments by a court or administrative tribunal.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2010, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-310.]

WAC 388-14A-2015 Does DCS accept an application from someone who is not a resident of Washington state?

(1) If you are not a resident of the state of Washington but you are applying for services, you must swear or affirm that there is not an open IV-D case in another state.

(2) The division of child support (DCS) may decline the application for nonassistance support enforcement services if:

(a) DCS already has an open case for you which was opened at the request of another state; or

(b) Neither the custodial parent nor the noncustodial parent reside, work, or own any assets in the state of Washington.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2015, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-310.]

WAC 388-14A-2020 Can the division of child support deny my application for support enforcement ser-

vices? (1) The division of child support (DCS) may deny an application which is incomplete, contains unclear or inconsistent statements, is not supported by necessary documents, or requests services DCS cannot or does not provide.

(2) DCS may deny an application from a nonresident as provided in WAC 388-14A-2015(2).

(3) When DCS denies an application, DCS sends the applicant a written notice of denial by regular mail. The notice advises the applicant:

(a) Of the reasons for the denial; and

(b) That the applicant may request an administrative hearing to contest the denial.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2020, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2025 What services does the division of child support provide for a nonassistance support enforcement case? (1) The division of child support (DCS) provides full support enforcement services for every IV-D case.

(2) Some cases do not receive full support enforcement services. Nonassistance cases where DCS provides payment processing services are called payment services only (PSO) cases.

(3) In a PSO case, DCS provides only records maintenance and payment processing services if the payee under a support order does not submit an application for support enforcement services and the:

(a) Order directs support payments to DCS or to the Washington state support registry (WSSR); and

(b) The clerk of the court submitted the order under RCW 26.23.050.

(4) DCS continues to provide services without an application after a:

(a) Public assistance recipient stops receiving cash assistance; or

(b) Recipient of Medicaid-only benefits becomes ineligible for Medicaid-only benefits, unless the recipient declines support enforcement services or requests additional services.

(5) If you receive services as a former recipient of assistance, as described in subsection (4), you must cooperate with DCS in the same way as when you received a grant.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2025, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2030 Do I assign my rights to support when I apply for child support enforcement services? (1) A custodial parent applying for or receiving cash assistance on behalf of a minor child assigns the family's rights to support as provided in WAC 388-14A-2035, below.

(2) A person applying for nonassistance support enforcement services does not assign support rights, but agrees to cooperate with the division of child support as provided in WAC 388-14A-2010(3).

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-270, 74.20A.310, 01-03-089, § 388-14A-2030, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-200.]

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WAC 388-14A-2035 Do I assign my rights to support when I receive public assistance? (1) When you receive public assistance you assign your rights to support 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.

(2) 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 (3), any support owing to the family member or to any other person for whom the family member has applied for or is receiving assistance.

(3) 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.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-270, 74.20A.310, 01-03-089, § 388-14A-2035, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-200.]

WAC 388-14A-2036 What does assigning my rights to support mean? (1) 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 WAC 388-14A-2035(3), any support owing to the family member or to any other person for whom the family member has applied for or is receiving assistance.

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

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

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

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

(i) You permanently assign to the state all rights to support which accrue while your family receives assistance; and

(ii) You temporarily assign to the state all rights to support which accrued before the application date, until October 1, 2000, or when your family terminates from assistance, whichever date is later. After this date, if any remaining arrears are collected by federal income tax refund offset, the state retains such amounts, up to the amount of unreimbursed assistance.

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

(i) You permanently assign to the state all rights to support which accrue while the family receives assistance; and

(ii) You temporarily assign to the state all rights to support which accrued before the application date, until the date your family terminates from assistance. After this date, if any remaining arrears are collected by federal income tax refund offset, the state retains such amounts, up to the amount of unreimbursed assistance.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-270, 74.20A.310, 01-03-089, § 388-14A-2036, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-200.]

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WAC 388-14A-2037 What are permanently assigned arrears? Permanently assigned arrears accrue only under the following conditions:

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

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

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2037, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2038 What are temporarily assigned arrears? Temporarily assigned arrears are:

(1) Not permanently assigned to the state;

(2) Collected and retained by the state up to the amount of unreimbursed assistance, if these arrears are collected by federal income tax refund offset at any time; and

(3) Collected and kept by the state, 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.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2038, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2040 Do I have to cooperate with the division of child support in establishing or enforcing child support? (1) You must cooperate with the division of child support (DCS) when you receive public assistance unless the department determines there is good cause not to cooperate under WAC 388-422-0020. For purposes of this section and WAC 388-14A-2075, cooperating with DCS includes cooperating with 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 (CP) of a child who receives assistance must cooperate whether or not the parent receives assistance.

(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 CP's care; and

(c) Establish or collect support payments or resources such as property due the CP or the child(ren).

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

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.310. 01-03-089, § 388-14A-2040, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-201.]

(2003 Ed.)

WAC 388-14A-2041 What happens if I don't cooperate with DCS? (1) There may be penalties, called sanctions, for not cooperating with the division of child support (DCS). These sanctions and the noncooperation process are described in WAC 388-14A-2075. You may be sanctioned if:

(a) You do not go to scheduled interviews and answer questions;

(b) There is credible evidence showing that you could have given the information but did not;

(c) You have been giving inconsistent or false information without a good reason; or

(d) You refuse to sign or honor a repayment agreement under WAC 388-14A-2040(3).

(2) You must be given the opportunity to swear you do not have the information.

(3) You cannot be sanctioned because you provided information on a possible parent who was then excluded by genetic testing. In this event you must continue to cooperate in naming other possible parents and taking part in any resulting genetic testing.

(4) You may not be able to help DCS if you do not know, do not possess, or cannot reasonably obtain the requested information. To avoid a sanction, you must, under penalty of perjury, swear or attest to your lack of information in an interview held by DCS or its representative.

(5) If you fear that cooperation may cause harm to you or your children, you may claim good cause not to cooperate.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.310. 01-03-089, § 388-14A-2041, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-202.]

WAC 388-14A-2045 What can I do if I am afraid that cooperating with the division of child support will be harmful to me or to my children? (1) If a custodial parent (CP) receiving public assistance fears that the establishment or enforcement of support may result in harm to the CP or the children, the CP may be excused from the cooperation requirements. You can claim good cause not to cooperate under WAC 388-422-0020. Go to the community services office (CSO) to claim good cause.

(2) If a CP who is not receiving public assistance fears that the establishment or enforcement of support may result in harm to the CP or the children, the CP should tell the division of child support (DCS) that family violence is an issue in the case, so that DCS may take appropriate action.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2045, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2050 Who decides if I have good cause not to cooperate? (1) The community services office (CSO) decides whether you have good cause not to cooperate with the division of child support (DCS).

(2) When you make a claim of good cause not to cooperate, DCS does not take any action on the case while the CSO is reviewing your good cause claim.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2050, filed 1/17/01, effective 2/17/01.]

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WAC 388-14A-2060 Are there different kinds of good cause for not cooperating with DCS? (1) For custodial parents receiving public assistance, there are two kinds of good cause granted by the community services office (CSO):

(a) When the CSO determines that support establishment or enforcement cannot proceed at all because of a risk of danger to the custodial parent (CP) or children, this is called good cause level A.

(b) When the CSO determines that support establishment or enforcement can proceed without input from the CP, but that good cause exists for the CP not to cooperate with DCS, this is called good cause level B.

(2) See WAC 388-422-0020 for how the CSO grants good cause.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2060, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2065 Does the division of child support provide support enforcement services if the CSO decides I have "good cause level A"? If the community services office (CSO) grants you good cause level A:

(1) The division of child support (DCS) closes the case and does not take any action to establish or enforce support for the children covered by the good cause finding.

(2) If the noncustodial parent (NCP) applies for paternity establishment or support enforcement services, DCS denies the NCP's application for services.

(3) If the community services office grants good cause level A after the case has been referred to the county prosecuting attorney or attorney general's office, DCS advises the prosecutor or attorney general's office of the good cause finding.

(4) When DCS advises the prosecutor or attorney general's office that good cause level A applies in a case, DCS requests that the prosecutor or attorney general's office dismiss any action that has been filed and cease all activities to establish or enforce a child support obligation for the children covered by the good cause finding.

[Statutory Authority: RCW 74.08.090, 74.20A.310, 01-24-080, § 388-14A-2065, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2065, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2070 Does the division of child support provide support enforcement services if the CSO determines I have "good cause level B"? If the community services office (CSO) grants you good cause level B, the division of child support provides support enforcement services without requiring the custodial parent (CP) to provide information or cooperate with DCS in any way.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2070, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2075 What happens if the division of child support determines that I am not cooperating? (1) When the division of child support (DCS) or its representatives believe you are not cooperating as defined in WAC 388-14A-2040, DCS sends a notice to you and to the community

service office (CSO) stating the noncooperation and explaining the following:

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

(b) What actions you must take to resume cooperation;

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

(d) That you may contact the CSO immediately if you disagree with the notice, need help in order to cooperate, or believe the actions required are unreasonable; and

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

(2) The CSO sends a notice of planned action to you as provided by WAC 388-245-1700 or any subsequent amendment.

(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, you will be considered to be cooperating when you appear for a rescheduled interview and either provide information or attest to the lack of information. DCS or its representative must reschedule the interview within seven business days from the date you contact them to reschedule an interview.

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

(6) There is no hearing right for a notice of noncooperation, but you can request a hearing on the sanction imposed by the CSO.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.310, 01-03-089, § 388-14A-2075, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-202.]

WAC 388-14A-2080 Once DCS opens a support enforcement case, 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 custodial parent (CP) 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 NCP of physical custody of the child as provided in WAC 388-14A-3370(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 CP;

(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 C.F.R. 303.11 or any other federal statute or regulation.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 CFR 303.11, 45 CFR 303.100. 01-03-089, § 388-14A-2080, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-420.]

WAC 388-14A-2085 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).

(2003 Ed.)

(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 custodial parent (CP), 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 CP 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 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 CFR 303.11, 45 CFR 303.100. 01-03-089, § 388-14A-2085, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-421.]

WAC 388-14A-2090 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 388-14A-2080 (11) or (12).

(b) DCS does not provide sixty days' prior notice when closing a case under WAC 388-14A-2080(4).

(2) DCS mails a notice by regular mail to the last known address of the custodial parent (CP) and the noncustodial parent.

(3) In an interstate case, DCS mails the notice to the CP 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 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 CFR 303.11, 45 CFR 303.100. 01-03-089, § 388-14A-2090, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-422.]

WAC 388-14A-2095 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 custodial parent 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 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 CFR 303.11, 45 CFR 303.100. 01-03-089, § 388-14A-2095, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-423.]

WAC 388-14A-2097 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 388-14A-2000(1).

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-310, 45 CFR 303.11, 45 CFR 303.100. 01-03-089, § 388-14A-2097, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-424.]

WAC 388-14A-2099 When does DCS file a satisfaction of judgment with the superior court? (1) When the division of child support (DCS) determines that a support obligation, established by order of a superior court of this state, has been satisfied or is no longer legally enforceable, DCS sends 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 noncustodial parent (NCP).

(2) DCS includes the following provisions in the notice:

(a) A statement of the facts DCS relied on in making the determination; and

(b) A statement that the payee has twenty days from the date of the notice, to:

(i) Object and request a conference board under WAC 388-14A-6400; or

(ii) Initiate an action to obtain a judgment from the court that entered the order.

(3) If the conference board or the court determines the support obligation or a support debt still exists, DCS withdraws the notice and makes reasonable efforts to enforce and collect the remaining support debt. If the conference board or court determines that a debt does not exist, DCS files a satisfaction of judgment with the clerk of superior court in which the order was entered.

(4) DCS determines that a support obligation is satisfied or is no longer legally enforceable when the obligation to pay current and future support terminates under the order, and:

(a) The NCP has made all payments owed under the support order;

(b) The support debt is no longer enforceable due to the operation of the statute of limitations;

(c) DCS determines the NCP has a valid defense to payment of the debt under Washington law; or

(d) Under RCW 74.20A.220, DCS determines the debt is uncollectible, grants a total or partial charge-off, or accepts an offer to compromise a disputed debt.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2099, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2105 Basic confidentiality rules for the division of child support. (1) Under RCW 26.23.120, all information and records, concerning persons who owe a support obligation or for whom the division of child support (DCS) provides support enforcement services, are private and confidential.

(2) DCS discloses information and records only to a person or entity listed in this section or in RCW 26.23.120, and only for a specific purpose allowed by state or federal law.

(3) DCS may disclose information to:

(a) The person who is the subject of the information or records, unless the information or records are exempt under RCW 42.17.310;

(b) Local, state, and federal government agencies for support enforcement and related purposes;

(c) A party to a judicial proceeding or a hearing under chapter 34.05 RCW, if the superior court judge or administra-

tive law judge (ALJ) enters an order to disclose. The judge or presiding officer must base the order on a written finding that the need for the information outweighs any reason for maintaining privacy and confidentiality;

(d) A party under contract with DCS, including a federally recognized Indian tribe, if disclosure is for support enforcement and related purposes;

(e) A person or entity, including a federally recognized Indian tribe, when disclosure is necessary to the administration of the child support program or the performance of DCS functions and duties under state and federal law;

(f) A person, representative, or entity if the person who is the subject of the information and records consents, in writing, to disclosure;

(g) The office of administrative hearings or the office of appeals for administration of the hearing process under chapter 34.05 RCW. The ALJ or review judge must:

(i) Not include the address of either party in an administrative order, or disclose a party's address to the other party;

(ii) State in support orders that the address is known by the Washington state support registry; and

(iii) Inform the parties they may obtain the address by submitting a request for disclosure to DCS under WAC 388-14A-2110(2).

(4) DCS may publish information about a noncustodial parent (NCP) for locate and enforcement purposes.

(5) WAC 388-14A-2114(1) sets out the rules for disclosure of address, employment or other information regarding the custodial parent (CP) or the children.

(6) WAC 388-14A-2114(2) sets out the rules for disclosure of address, employment or other information regarding the NCP.

(7) DCS may disclose the Social Security Number of a dependent child to the noncustodial parent (NCP) to enable the NCP to claim the dependency exemption as authorized by the Internal Revenue Service.

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

(9) Except as provided elsewhere in chapter 388-14A WAC, chapter 388-01 WAC governs the process of requesting and disclosing information and records.

(10) DCS must take timely action on requests for disclosure. DCS must respond in writing within five working days of receipt of the request.

(11) If a child is receiving foster care services, the parent(s) must contact their local community services office for disclosure of the child's address information.

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

(13) Nothing in these rules:

(a) Prevents DCS 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 DCS to disclose information and records obtained from a confidential source.

(14) DCS cannot provide copies of the confidential information form contained in court orders. You must go to court to get access to the confidential information form. DCS may disclose information contained within the confidential information form if disclosure is authorized under RCW 26.23.120, chapter 388-01 WAC, or chapter 388-14A WAC.

(15) DCS may provide a Support Order Summary to the parties to an administrative support order under WAC 388-14A-2116.

[Statutory Authority: RCW 26.23.120, 74.08.090. 02-07-091, § 388-14A-2105, filed 3/19/02, effective 4/19/02; 01-03-089, § 388-14A-2105, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030.]

WAC 388-14A-2107 Are there special rules for requests for whereabouts information? (1) Address information is sometimes referred to as whereabouts information, meaning information giving someone's home, work, school or daycare location.

(2) 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.

(3) The last known address of the 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.

(4) The last known address of a party to an order for child support may be given to another party to the order. The party receiving the information may only use the information to establish a parenting plan for the children covered by the support order.

(5) Disclosure of whereabouts information is subject to the provisions of WAC 388-14A-2114.

(6) Requests from law enforcement agencies are subject to the provisions of RCW 74.04.062.

[Statutory Authority: RCW 26.23.120, 74.08.090. 02-07-091, § 388-14A-2107, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2110 How do I make a request for disclosure of DCS public records? (1) You can make a request for disclosure of most DCS records either orally or in writing. If you are requesting whereabouts information, see subsection (2).

(2) You must submit a request for disclosure of a parent or child's address in writing or in person, with satisfactory evidence of identity, at any office of the division of child support (DCS).

(a) If the request is made by your attorney, DCS may waive the provisions regarding submission in person with satisfactory evidence of identity.

(b) If you are unable to appear at a DCS office in person, DCS may waive the provision requiring submission in person if you submit a notarized request for disclosure. DCS can provide a form which contains all the required elements for an address disclosure request.

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(c) The person seeking disclosure must attach the following to a request for disclosure of an address:

(i) A copy of the superior court order on which the request is based. DCS waives this provision if DCS has a true copy of the order on file;

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

(iii) A statement explaining the purpose of the request and how the requestor intends to use the information.

[Statutory Authority: RCW 26.23.120, 74.08.090. 02-07-091, § 388-14A-2110, filed 3/19/02, effective 4/19/02; 01-03-089, § 388-14A-2110, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-035.]

WAC 388-14A-2112 When I make a public disclosure request, do I get the information or records immediately? (1) The division of child support (DCS) must respond to a public disclosure request within five days, under RCW 26.23.120 and WAC 388-01-090.

(2) "Respond" can mean:

(a) Providing the requested documents;

(b) Acknowledging receipt of the request and giving an estimate of how long it will take to provide copies;

(c) Requesting copy and postage fees;

(d) Requesting that you clarify your request if we are not sure what you are asking for;

(e) Notifying you of any other necessary procedural steps, such as notice to the other party or to a third party; or

(f) Denying your request according to WAC 388-01-090(3).

(3) When someone requests address or other whereabouts information, DCS first gives notice as provided in WAC 388-14A-2114, 388-14A-2120, and 388-14A-2115.

[Statutory Authority: RCW 26.23.120, 74.08.090. 02-07-091, § 388-14A-2112, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2114 Does DCS give notice to anyone before releasing information pursuant to a public disclosure request? (1) Prior to disclosing the address of the custodial parent (CP) or a child, DCS mails a notice to the last known address of the CP, except as provided under WAC 388-14A-2115. The notice advises the CP that:

(a) A request for disclosure has been made;

(b) DCS intends to disclose the address after thirty days from the date of the notice, unless:

(i) DCS receives a copy of an order which:

(A) Enjoins disclosure of the address;

(B) Restricts the noncustodial parent's right to contact or visit the CP or a child by imposing conditions to protect the CP 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 the CP or child would be unreasonably put at risk by disclosure of address or other identifying information; or

(ii) The CP requests an administrative hearing which ultimately results in a decision that release of the address is reasonably anticipated to result in harm to the CP or a dependent child.

(c) In any hearing under this section, either party may participate in the proceeding by telephone, from any prear-

ranged location. The administrative law judge (ALJ) must not disclose the location and phone number.

(2) DCS does not provide notice to the noncustodial parent (NCP) before disclosing NCP's address information to the CP unless NCP has requested prior notice under WAC 388-14A-2120.

(3) Before releasing confidential information concerning someone who is not a party to the case, DCS gives notice to that person according to WAC 388-01-140.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2114, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2115 Can the custodial parent waive notice of a request for address? (1) Any party to a support order may authorize the division of child support (DCS) to release his or her address to the other party with no prior notice.

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

- (a) In writing;
- (b) Notarized; and

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

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2115, filed 3/19/02, effective 4/19/02; 01-03-089, § 388-14A-2115, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030, 388-14-035, and 388-14-045.]

WAC 388-14A-2116 How do I request a support order summary from DCS? (1) If you are a party to an administrative support order, you may request a support order summary from the division of child support (DCS). The support order summary includes the following information:

(a) The noncustodial parent's residential address, employer's address, social security number; date of birth, and driver's license number; and

(b) The custodial parent's social security number.

(2) DCS provides the most current information DCS has available in the support order summary.

(3) DCS must provide notice to the noncustodial parent (NCP) prior to releasing his or her residential and employer address information if the NCP has requested that he or she be provided notice before DCS releases the address information, as provided in WAC 388-14A-2120.

(4) Nonaddress information contained in the Support Order Summary may be released without notice to the other party to the support order.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2116, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2120 Can the noncustodial parent request notice before DCS releases address information to the custodial parent? (1) The notice and hearing process in WAC 388-14A-2114 and 388-14A-2140 do not apply to requests for address information of the noncustodial parent (NCP).

(2) The NCP may request notice before whereabouts info is released to the custodial parent by notifying the division of child support (DCS), either orally or in writing.

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(3) Once an NCP has submitted a request for notice, DCS follows the notice and hearing provisions in WAC 388-14A-2114 and 388-14A-2140 when it receives a request for address information.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2120, filed 3/19/02, effective 4/19/02; 01-03-089, § 388-14A-2120, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-050.]

WAC 388-14A-2125 Can DCS ever release address information without notice? (1) The division of child support (DCS) does not follow the notice and hearing process of WAC 388-14A-2114 and 388-14A-2140 if:

(a) Disclosure is denied under WAC 388-14A-2135;

(b) The CP has provided a written release as provided in WAC 388-14A-2115;

(c) The NCP has not filed a written request as provided in WAC 388-14A-2120; or

(d) A court order requires DCS to release the address information.

(2) DCS is not required to mail a notice prior to disclosure if the requesting party presents a facially valid warrant or a judicial finding that:

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

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

(i) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of a child whose address is requested to the requesting party; and

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

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

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

(v) The address requesting party is making reasonable efforts to regain physical custody of the child.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2125, filed 3/19/02, effective 4/19/02; 01-03-089, § 388-14A-2125, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-040.]

WAC 388-14A-2130 What if I object to the release of my address? When a party objects to a notice mailed under WAC 388-14A-2114, the division of child support may:

(1) Deny disclosure if the objection provides information based on which DCS would have denied disclosure under WAC 388-14A-2135; or

(2) Request that the office of administrative hearings (OAH) set the case for an administrative hearing under WAC 388-14A-2140.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2130, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2135 When might DCS deny a request for address information without going through the notice and hearing process? (1) The division of child support (DCS) denies a request for address information with-

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out going through the notice process under WAC 388-14A-2114 if:

(a) The department has determined, under WAC 388-422-0021, that the custodial parent (CP) 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) DCS has information which gives DCS 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 DCS denies a request for disclosure under subsection (1) of this section, DCS notifies the nonrequesting party that disclosure of the address was requested and was denied.

[Statutory Authority: RCW 26.23.120, 74.08.090. 02-07-091, § 388-14A-2135, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2140 What happens at a hearing on objection to disclosure of address information? In any administrative hearing requested under WAC 388-14A-2114 (1)(b)(ii):

(1) The parent requesting address disclosure and the other party to the order or action are independent parties in the hearing.

(2) The office of administrative hearings (OAH) sets the hearing as a phone hearing;

(3) Each party must provide OAH with a telephone number where the party can be reached for the hearing, at some time before the scheduled hearing.

(4) The administrative law judge (ALJ) must not disclose the location or phone number from which either party is appearing.

(5) The ALJ may, upon good cause shown, convert the hearing to an in-person hearing for the party requesting disclosure.

(6) The initial burden of proof is on the party requesting address disclosure, to show that the address request is for a purpose for which chapter 388-14A WAC specifically permits disclosure.

(7) If the party requesting address disclosure:

(a) Fails to meet this burden, the ALJ enters an order denying the address request;

(b) 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:

(i) May show reasonable fear of harm by any form of evidence admissible under chapter 34.05 RCW; and

(ii) Is not required to provide supporting evidence required by WAC 388-422-0020, to establish a reasonable fear of harm.

(8) If either party fails to appear, the ALJ enters an order on default:

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(a) If the party objecting to disclosure fails to appear, the order requires DCS 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;

(b) If the address requesting party fails to appear, the default order denies the request for address information.

(9) OAH arranges the attendance of the parties by telephone or other procedure showing due regard for the safety of the parties and the children.

(10) DCS issues a final response to the disclosure request within five working days of the exhaustion of administrative remedies, including any late appeal periods.

(11) If the custodial parent (CP) 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 are independent parties in the address disclosure hearing.

[Statutory Authority: RCW 26.23.120, 74.08.090. 02-07-091, § 388-14A-2140, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2150 How much does it cost to get copies of DCS records? (1) WAC 388-01-030 authorizes the division of child support (DCS) to charge copying and postage costs for responses to public disclosure.

(2) DCS charges fifteen cents per page for copies.

(3) DCS may waive copy fees in appropriate circumstances.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2150, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030.]

WAC 388-14A-2155 Can I appeal a denial of public disclosure by the division of child support? (1) If the division of child support (DCS) denies a request for public disclosure, you may file an appeal with DCS Public Disclosure Appeals, P.O. Box 9162, Olympia WA 98507-9162.

(2) If DCS denies your appeal, you may pursue the other options listed in WAC 388-01-080.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2155, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030.]

WAC 388-14A-2160 If my information is confidential, can DCS report me to a credit bureau? (1) When a consumer reporting agency, as defined by 45 C.F.R. 303.105(a), requests information regarding the amount of overdue support owed by a noncustodial parent (NCP), the division of child support (DCS) provides this information if the amount of the support debt exceeds one thousand dollars.

(2) Before releasing information to the consumer reporting agency, DCS sends a written notice concerning the proposed release of the information to the NCP's last known address.

(3) The notice gives the NCP ten days from the date of the notice to request a conference board to contest the accuracy of the information. If the NCP requests a conference board, DCS does not release the information until a conference board decision has been issued.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2160, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-410.]

[Title 388 WAC—p. 197]

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 parents 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.

(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 NFFR 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. Formerly WAC 388-11-210.]

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

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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. Formerly WAC 388-11-285.]

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 paternity. (1) A notice and finding of parental responsibility (NFFR) is an administrative notice served by the division of

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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 day care 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. Formerly WAC 388-11-290.]

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) 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:

(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. Formerly WAC 388-11-215 and 388-11-295.]

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 first class mail to all parties at their address last known to DCS, notifying each party of the date, time and place of the hearing. DCS, the non-custodial 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, 02-06-098, § 388-14A-3130, filed 3/4/02, effective 4/4/02; 00-15-016 and 00-20-022, § 388-14A-3130, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-135 and 388-11-400.]

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 388-14A-6150.

(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, 01-24-081, § 388-14A-3131, filed 12/3/01, effective 1/3/02; 00-15-016 and 00-20-022, § 388-14A-3131, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

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 388-14A-6150.

(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, 01-24-081, § 388-14A-3132, filed 12/3/01, effective 1/3/02; 00-15-016 and 00-20-022, § 388-14A-3132, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

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. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices. (1) For orders established before August 30, 1997, if the noncus-

todial 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. Formerly WAC 388-11-400 and 388-11-425.]

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 of 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. Formerly WAC 388-11-400 and 388-11-425.]

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. Formerly WAC 388-11-205.]

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).

(2003 Ed.)

[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. Formerly WAC 388-11-205.]

PART C - HOW THE DIVISION OF CHILD SUPPORT DECIDES HOW MUCH CHILD SUPPORT SOMEONE SHOULD PAY

WAC 388-14A-3275 The division of child support may amend an administrative notice at any time before a final administrative order is entered. (1) The division of child support (DCS) may orally amend a notice issued under this chapter at the hearing to conform to the evidence. When DCS amends a notice at the hearing:

(a) The administrative law judge (ALJ) may grant a continuance when necessary to give the parties additional time to present evidence and argument as to the amendment; and

(b) DCS must put the terms of the amendment in writing and provide a copy, in person or by regular mail to the last known address of the parties, and to the ALJ within a reasonable time after amending the notice.

(2) The amended notice does not generate a new hearing right.

(3) When DCS has obtained reliable information that the income basis of the notice is inaccurate, DCS amends a notice issued under WAC 388-14A-3115, 388-14A-3120, or 388-14A-3125 prior to seeking a default order for failure to appear. An amendment under this subsection must be made according to the terms of subsection (1) above.

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

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

(b) After the ALJ has closed the hearing record.

(5) If DCS has amended the notice under this section and either the noncustodial parent or the custodial parent fail to appear at a rescheduled hearing date, the ALJ must enter a default order on the terms of the amended notice.

[Statutory Authority: RCW 74.08.090, 74.20A.055, 01-03-089, § 388-14A-3275, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-300.]

WAC 388-14A-3300 How does the division of child support require me to make my support payments to the Washington state support registry when my support order says to pay someone else? (1) If a support order requires the noncustodial parent (NCP) to pay support to anywhere other than the Washington state support registry (WSSR), the division of child support (DCS) may serve a notice on the NCP telling the NCP to make all future payments to the WSSR.

(2) DCS may serve a notice of support debt on a noncustodial parent (NCP) as provided in RCW 74.20A.040. See WAC 388-14A-3305.

(3) DCS may serve a notice of support owed on an NCP as provided in RCW 26.23.110. See WAC 388-14A-3310.

(4) When DCS serves a notice of support debt or a notice of support owed, DCS sends a notice to the payee under the order. See WAC 388-14A-3315.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-3300, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-3304 The division of child support serves a notice of support debt when it is enforcing a foreign court order or administrative order for support. (1) The division of child support (DCS) may serve a notice of support debt on a noncustodial parent (NCP) under RCW 74.20A.040 to provide notice that DCS is enforcing a foreign court order or foreign administrative order for support.

(2) DCS serves 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, DCS includes the information required by RCW 74.20A.040, 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) After service of a notice of support debt, the NCP must make all support payments to the Washington state support registry. DCS does not credit payments made to any other party after service of a notice of support debt except as provided in WAC 388-14A-3375.

(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 NCP:

(a) Files a request with DCS for a conference board under WAC 388-14A-6400. The effective date of a conference board request is the date DCS receives the request; or

(b) Obtains a stay from the superior court.

(6) A notice of support debt served in another state becomes final according to WAC 388-14A-7200.

(7) Enforcement of the following are not stayed by a request for a conference board or hearing under this section or WAC 388-14A-6400:

(a) Current and future support stated in the order; and

(b) Any portion of the support debt that the NCP and custodial parent (CP) fail to claim is not owed.

(8) Following service of the notice of support debt on the NCP, DCS mails to the last known address of the CP and/or the payee under the order:

(a) A copy of the notice of support debt; and

(b) A notice to payee under WAC 388-14A-3315 regarding the payee's rights to contest the notice of support debt. The CP who is not the payee under the order has the same rights to contest the notice of support debt.

(9) If the NCP requests a conference board under subsection (5)(a) of this section, DCS mails a copy of the notice of conference board to the CP informing the CP of the CP's right to:

(a) Participate in the conference board; or

(b) Request a hearing under WAC 388-14A-3320 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 CP 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 DCS receives the request.

(10) If the CP requests a hearing under subsection (9) of this section, DCS must:

(a) Stay enforcement of the notice of support debt except as required under subsection (6) of this section; and

(b) Notify the NCP of the hearing.

(11) If a CP requests a late hearing under subsection (8) of this section, the CP must show good cause for filing the late request.

(12) The NCP is limited to a conference board to contest the notice and may not request a hearing on a notice of support debt. However, if the CP requests a hearing, the NCP may participate in the hearing.

(13) A notice of support debt must fully and fairly inform the NCP of the rights and responsibilities in this section.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-310.01-03-089, § 388-14A-3304, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-435.]

WAC 388-14A-3310 The division of child support serves a notice of support owed to establish a fixed dollar amount under an existing child support order. (1) The division of child support (DCS) may serve a notice of support owed on a noncustodial parent (NCP) under RCW 26.23.110 to establish a fixed dollar amount of monthly support and accrued support debt:

(a) If a support obligation under a court order is not a fixed dollar amount; or

(b) To implement an adjustment or escalation provision of the court order.

(2) The notice of support owed includes day care costs and medical support if the court order provides for such costs.

(3) DCS serves a notice of support owed on an NCP like a summons in a civil action or by certified mail, return receipt requested.

(4) Following service on the NCP, DCS mails a notice to payee under WAC 388-14A-3315.

(5) In a notice of support owed, DCS includes the information required by 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.

(6) The NCP must make all support payments after service of a notice of support owed to the Washington state support registry. DCS does not credit payments made to any other party after service of a notice of support owed except as provided in WAC 388-14A-3375.

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

(a) Contacts DCS, and signs an agreed settlement;

(i) Files a request with DCS for a hearing under subsection (9) of this section; or

(ii) Obtains a stay from the superior court.

(b) A notice of support owed served in another state becomes final according to WAC 388-14A-7200.

(8) DCS 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 claims is incorrect.

(9) A hearing on a notice of support owed is only for interpreting the court order for support and any modifying orders and not for changing or deferring 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.

(10) If the NCP requested the hearing, he or she has the burden of proving any defenses to liability that apply under WAC 388-14A-3370 or that the amounts stated in the notice of support owed are incorrect.

(11) A notice of support owed or an initial or review decision issued under subsection (9) of this section must 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.

(12) If an NCP requests a late hearing, the NCP 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.

(13) A notice of support owed fully and fairly informs the NCP of the rights and responsibilities in this section.

(14) For the purposes of this section, WAC 388-14A-3315 and 388-14A-3320, the term "payee" includes "physical custodian" or "custodial parent."

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-310.01-03-089, § 388-14A-3310, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-415.]

WAC 388-14A-3315 When DCS serves a notice of support debt or notice of support owed, we notify the custodial parent and/or the payee under the order. (1) The division of child support (DCS) sends a notice to a payee under a court order or foreign administrative order for support when DCS receives proof of service on the noncustodial parent (NCP) of:

(a) A notice of support owed under WAC 388-14A-3305; or

(b) A notice of support debt under WAC 388-14A-3310.

(2) DCS sends the notice to payee by first class mail to the last known address of the payee and encloses a copy of the notice served on the NCP.

(3) In a notice to payee, DCS informs the payee of the right to file a request with DCS for a hearing on a notice of support owed under WAC 388-14A-3105 or a notice of support debt under WAC 388-14A-3310 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 DCS receives the request.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-310.01-03-089, § 388-14A-3315, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-440.]

WAC 388-14A-3320 What happens at a hearing on a notice of support debt or notice of support owed? (1) A hearing on a notice of support debt or a notice of support owed is for the limited purpose of determining the support debt through the date of the hearing under the order.

(2) The office of administrative hearings (OAH) sends a notice of hearing on a notice of support debt to the noncustodial parent (NCP), to the division of child support (DCS), and to the payee. The NCP and the payee each may participate in the hearing as an independent party.

(3) If only one party appears and wishes to proceed with the hearing, the administrative law judge (ALJ) holds a hearing and issues an initial decision based on the evidence presented or continues the hearing.

(a) An initial decision issued under this subsection includes an order of default against the nonappearing party and limits the appeal rights of the nonappearing party to the record made at the hearing.

(b) If neither the NCP nor the payee appears or wishes to proceed with the hearing, the ALJ issues an order of default against both parties.

(4) If the payee requests a late hearing 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 74.08.090.01-03-089, § 388-14A-3320, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-3350 Are there any limits on how much back support the division of child support can seek to establish? (1) When no public assistance is being paid to the custodial parent (CP) and the children, the division of child support (DCS) starts the claim for support as of the date DCS receives the application for nonassistance services.

(2) When another state or an Indian tribe is paying public assistance to the CP and children, DCS starts the claim for support as of the date specified by the other state or tribe.

(3) For the notice and finding of parental responsibility, WAC 388-14A-3120(9) limits the back support obligation.

(4) When the state of Washington is paying public assistance to the CP and/or the children, the following rules apply:

(a) For support obligations owed for months on or after September 1, 1979, DCS must exercise reasonable efforts to locate the noncustodial parent (NCP);

(b) DCS serves 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;

(c) If DCS does not serve the notice within sixty days, DCS loses the right to reimbursement of public assistance payments made after the sixtieth day and before the notice is served;

(d) DCS does not lose the right to reimbursement of public assistance payments for any period of time:

(i) During which DCS exercised reasonable efforts to locate the NCP; or

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

(5) The limitation in subsection (4) does not apply to:

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

(b) 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).

(6) DCS considers a prorated share of each monthly public assistance payment as paid on each day of the month.

[Statutory Authority: RCW 74.08.090, 74.20A.055, 01-03-089, § 388-14A-3350, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-045.]

WAC 388-14A-3370 What legal defenses are available to a noncustodial parent when DCS seeks to enforce a support obligation? (1) A noncustodial parent (NCP) who objects to a notice and finding of financial, parental, or medical responsibility has the burden of establishing defenses to liability. Defenses include, but are not limited to:

(a) Proof of payment;

(b) The existence of a superior court or administrative order that sets the NCP's support obligation or specifically relieves the NCP of a support obligation for the child(ren) named in the notice;

(c) The party is not a responsible parent as defined by RCW 74.20A.020(7);

(d) The amount requested in the notice is inconsistent with the Washington state child support schedule, chapter 26.19 RCW;

(e) Equitable estoppel, subject to WAC 388-14A-6500; or

(f) Any other matter constituting an avoidance or affirmative defense.

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

(3) An NCP may be excused from providing support for a dependent child receiving public assistance under chapter 74.12 RCW if the NCP is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The NCP may be excused only for any period during which the NCP was wrongfully deprived of custody. The NCP must 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 NCP;

(b) The custody order has not been modified, superseded, or dismissed;

(c) The child was taken or enticed from the NCP's physical custody and the NCP has not subsequently assented to deprivation. Proof of enticement requires more than a showing that the child is allowed to live without certain restrictions the NCP would impose; and

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

[Statutory Authority: RCW 74.08.090, 74.20A.055, 74.20A.056, 01-03-089, § 388-14A-3370, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-065.]

WAC 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative support order? (1) After the noncustodial parent (NCP) has been advised of the requirement 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 NCP may obtain credit against the 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 division of child support (DCS) allows credit against a NCP's support debt for family needs provided directly to a custodial parent (CP), a child, or provided through a vendor or third party only when the:

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

(b) NCP proves the items provided were intended to satisfy the NCP'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, an NCP may obtain credit against the parent's current support obligation only when the NCP proves that the payments were made and:

(a) DCS determines there:

(i) Is no prejudice to:

(A) The CP, 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.

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

(5) DCS does 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.

(6) DCS does not allow credit for shelter payments made after service of the notice.

(7) DCS applies credits for dependent benefits allowed under RCW 26.19.190 as required by WAC 388-14A-4200.

[Statutory Authority: RCW 74.08.090, 74.20A.055, 01-03-089, § 388-14A-3375, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-015 and 388-14-210.]

WAC 388-14A-3400 Are there limitations on how much of my income is available for child support? (1) There are two kinds of limitations based on your income when we set your child support obligation:

(a) The monthly support amount cannot exceed forty-five percent of your monthly net income, unless there are special circumstances as provided in chapter 26.19 RCW; and

(b) The monthly support amount cannot reduce your net monthly income below the one person need standard (WAC 388-478-0015), unless there are special circumstances as provided in chapter 26.19 RCW.

(2) RCW 74.20A.090 limits the amount that can be withheld from your wages for child support to fifty percent of your net monthly earnings.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-3400, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-205.]

WAC 388-14A-3500 A person must show good cause for filing a late request for hearing. (1) A person with a right to a hearing under this chapter may file a 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 division of child support (DCS) receives the request.

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

(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 must 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.

(b) If the administrative law judge (ALJ) finds good cause for filing a late hearing request, the ALJ:

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

(ii) Considers whether to order a stay of collection activities until such time as an initial decision or a temporary order under WAC 388-14A-3850(ff) is issued. Upon request, the ALJ must, based on the evidence presented at hearing, issue an order under WAC 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 division of child support (DCS) does not refund any excess amounts collected before the finding of good cause. The ALJ may issue a decision which gives credit against future support in the amount of the excess collections, so long as this does not:

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

(b) Offset an overpayment of the obligation to the custodial parent (CP) against a debt owed to the department; or

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

(2003 Ed.)

[Statutory Authority: RCW 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056, 01-03-089, § 388-14A-3500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-310.]

WAC 388-14A-3600 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) provided that:

(i) In a telephone hearing, the ALJ may sign on behalf of any party if that party gives their consent on the record; and

(ii) The ALJ approves a consent 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 388-02-0560;

(b) Petition for modification under WAC 388-14A-3925; and

(c) Petition to vacate the settlement or consent order under WAC 388-14A-3700. 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 74.08.090, 34.05.220(1), 01-24-082, § 388-14A-3600, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056, 01-03-089, § 388-14A-3600, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-150 and 388-11-430.]

WAC 388-14A-3700 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 388-14A-3131, 388-14A-3132, or 388-14A-3140.

(2) The ALJ must state in the decision that the:

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(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; and,

(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 or chapter 388-02 WAC.

(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 hearings (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. 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 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056. 01-03-089, § 388-14A-3700, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-120.]

WAC 388-14A-3800 Once a support order is entered, can it be changed? (1) Only the court that entered the order can modify a support order entered by a superior court or tribal court. If the order specifically states how the amount of support may be adjusted, the division of child support (DCS) may bring an administrative action under RCW 26.23.110 and WAC 388-14A-3310.

(2) As provided in WAC 388-14A-3925, DCS may review any support order to determine whether DCS should petition to modify the support provisions of the order.

(3) Either DCS, the CP or the NCP may petition to modify an administrative order under WAC 388-14A-3925.

(4) Under appropriate circumstances, an administrative support order may be vacated. See WAC 388-14A-3700.

[Statutory Authority: RCW 74.08.090, chapter 26.19 RCW, 34.05.220(1), 74.20A.055, 74.20A.056. 01-03-089, § 388-14A-3800, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-140.]

[Title 388 WAC—p. 208]

WAC 388-14A-3810 Once a child support order is entered how long does the support obligation last? (1) A noncustodial parent's obligation to pay support under an administrative order continues until:

(a) A superior or tribal court order supersedes the order;

(b) The order is modified under WAC 388-14A-3925;

(c) The child reaches eighteen years of age;

(d) The child is emancipated;

(e) The child marries;

(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 noncustodial parent's obligation to pay support under an administrative order continues 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 noncustodial parent's obligation to pay support under an administrative order may be temporarily suspended when the:

(a) Noncustodial parent (NCP) resides with the child for whom support is sought for purposes other than visitation;

(b) NCP reconciles with the child and the custodial parent; or

(c) Child returns to the residence of the NCP from a foster care placement, for purposes other than visitation.

(4) When the NCP's obligation to pay current support on a case is suspended under subsection (3) of this section, the division of child support (DCS) informs the NCP that the obligation is suspended, in writing, sent by regular mail to the NCP's last known address.

(5) If circumstances causing an NCP's support obligation to be temporarily suspended change, the support obligation resumes. DCS sends the NCP a notice that the obligation to make current support payments has resumed.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-3810, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-155.]

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

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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. Formerly WAC 388-11-210 and 388-11-315.]

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. Formerly WAC 388-11-315.]

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.

(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. Formerly WAC 388-11-315.]

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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. Formerly WAC 388-11-315.]

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. Formerly WAC 388-11-315.]

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. Formerly WAC 388-11-315.]

WAC 388-14A-3900 Does DCS review my support order to see if it should be modified? (1) When the division

of child support (DCS) is providing support enforcement services under Title IV-D of the Social Security Act, DCS must:

(a) Review a superior court or administrative order for child support to determine whether DCS 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 or an Indian tribe for review of the support order for modification.

(2) Recipients of payment services only under WAC 388-14A-2000(1) are not eligible for a review of their support order under this section until they have submitted an application for support enforcement services.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3900, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3901 Under what circumstances does DCS review a support order for modification? (1) DCS reviews orders for child support under WAC 388-14A-3900 when:

(a) DCS 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) DCS last reviewed the order under this section;

(ii) The order was last modified; or

(iii) The order was entered.

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

(i) DCS 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.

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

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3901, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3902 How does DCS notify me that my order is eligible for review for modification? (1) The division of child support (DCS) must:

(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 explains 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.

(2) During the thirty days before conducting the review, DCS uses all appropriate procedures to obtain up to date income and asset information.

[Title 388 WAC—p. 210]

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3902, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3903 How does DCS decide whether to petition for modification of a support order? (1) The division of child support (DCS) petitions to modify a support order when DCS 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 noncustodial parent (NCP) 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 388-14A-3925.

(2) DCS may petition to modify the order without regard to subsection (1)(a) of this section when:

(a) The order does not require the NCP to provide health insurance coverage for the children; and

(b) Health insurance coverage is available through the NCP's employer or union at a reasonable cost; or

(c) Both parties agree to an order modifying the support amount.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3903, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3904 How do I find out the results of DCS' review for modification? After reviewing a case under WAC 388-14A-3903, the division of child support (DCS) notifies the parties of:

(1) The findings of the review by regular mail at the parties' last known address;

(2) The parties' right to challenge the review findings; and

(3) The appropriate forum and procedure for challenging the review findings.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3904, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3905 What if I don't agree with DCS' findings after review? (1) Except as provided under subsection (3) of this section, a party to the review process may contest DCS's review findings by requesting a modification conference within thirty days of the date of the notice of review findings.

(2) The modification conference is conducted by:

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(a) DCS when the review findings indicate that the case is not appropriate for DCS to petition for modification under WAC 388-14A-3903;

(b) The county prosecutor, or the attorney general's office when DCS has referred the case to the prosecutor or attorney general's office as a result of a review conducted under this section.

(3) When DCS 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 is 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 is the sole means to contest the review findings.

(4) In a modification conference, DCS the prosecutor, or the attorney general's office:

(a) Review all available income and asset information to determine if the review findings are correct; and

(b) Advise the parties of the results of the modification conference.

(5) A modification conference is not an adjudicative proceeding under the administrative procedure act, chapter 34.05 RCW.

(6) 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.

(7) The CP's refusal to accept a proposed agreed order modifying support does not constitute noncooperation for the purpose of WAC 388-14A-2075.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3905, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3906 Are there times when DCS does not review an order which would otherwise qualify for review? The division of child support (DCS) does not review an order under this section when the community services office (CSO) has notified DCS that the custodial parent (CP) has claimed good cause under WAC 388-422-0020, unless the CP requests the review.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3906, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3907 DCS uses the Washington state child support schedule for reviewing orders for modification. (1) DCS applies 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.

(2) For the purpose of this section and WAC 388-14A-3900 through 388-14A-3906, the term "party" means a party to a superior court order, or a noncustodial parent or a custodial parent entitled to petition for modification under RCW 74.20A.059.

(2003 Ed.)

[Statutory Authority: RCW 74.08.090, chapter 26.19 RCW, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3907, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3925 Who can ask to modify an administrative support order? (1) The division of child support (DCS), the custodial parent (CP) or the noncustodial parent (NCP) may request a hearing to prospectively modify the NCP's obligation under a support establishment notice. The request must be in writing and must state:

(a) Any circumstances that have changed; and

(b) The proposed new support amount.

(2) The petitioning party must file the request for modification with DCS.

(3) DCS serves a copy of the request for modification and notice of hearing on all other parties by first class mail at their address last know to DCS.

(4) DCS, the administrative law judge (ALJ), or the department review judge:

(a) Prospectively modifies 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 nonpetitioning party fails to appear at the hearing, the ALJ issues a default order based on the Washington state child support schedule and the worksheets submitted by the parties, considering the terms set out in the request for modification.

(6) If the petitioning party fails to appear at the hearing, the ALJ enters an order dismissing the petition for modification.

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

(a) Dismiss the petition; or

(b) Continue the hearing to give the petitioning party time to amend according to WAC 388-14A-3275 or to complete the petition.

(8) The ALJ 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 in the order, the effective date is the date the modification order is entered.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.-056. 02-06-098, § 388-14A-3925, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 26.23.050, 74.20A.055, 74.20A.059. 01-03-089, § 388-14A-3925, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-140.]

PART D - HOW WE ENFORCE CHILD SUPPORT OBLIGATIONS

WAC 388-14A-4000 When may the division of child support take collection action against a noncustodial parent? (1) Chapters 26.18, 26.23, 74.20 and 74.20A RCW authorize the division of child support (DCS) to take actions enforcing and collecting support obligations.

(2) DCS may take collection action against the noncustodial parent's income and assets to collect a support debt even if the NCP is making payments under a support order, unless DCS agrees in writing to limit collection action.

[Title 388 WAC—p. 211]

(3) If the NCP fails to make the total support payment under an administrative order when it is due:

- (a) The entire support debt becomes due in full; and
- (b) The portion of the administrative order requiring periodic payments on the support debt is automatically vacated without modifying the order.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.33 (a)(5). 01-03-089, § 388-14A-4000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-170.]

WAC 388-14A-4010 Can I make the division of child support stop collection action against me? (1) Once a non-custodial parent (NCP) fails to make payments when due, an administrative law judge may not stop collection action by DCS.

- (2) The NCP may contest collection action by:
 - (a) Filing an action in superior court under RCW 74.20A.200 or other applicable statutes; or
 - (b) Requesting a conference board under WAC 388-14A-6400.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-4010, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-4020 What collection tools does the division of child support use? The division of child support (DCS) uses any remedies available under state and federal law to enforce support obligations. These include, but are not limited to:

- (1) Payroll deduction notice under RCW 26.23.060;
- (2) Order to withhold and deliver under RCW 74.20A.-080;
- (3) Wage assignment;
- (4) License suspension (see WAC 388-14A-4500);
- (5) The DCS most wanted Internet site (see WAC 388-14A-4600);
- (6) Federal income tax offset;
- (7) Asset seizure;
- (8) Liens;
- (9) Medical insurance enrollment; and
- (10) Contempt referral.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-4020, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-4030 How can the division of child support collect child support from my wages or other income source? (1) The division of child support (DCS) uses a payroll deduction, order to withhold and deliver or wage assignment to collect support when the noncustodial parent (NCP) has a source of income.

(2) When an NCP does not have an identifiable employer or source of income, DCS uses any or all of the collection remedies available under chapters 26.23, 74.20 and 74.20A RCW.

(3) If the NCP's source of income is an Indian tribe or tribal enterprise, DCS may seek collection remedies through tribal court.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.33(a)(5). 01-03-089, § 388-14A-4030, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-170.]

[Title 388 WAC—p. 212]

WAC 388-14A-4040 DCS can serve some collection actions by electronic service. (1) An employer, or any other person, firm, corporation or political subdivision, or any department of the state or federal government may agree with the division of child support (DCS) to accept electronic data transmission (EDT) as service of the following documents:

- (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 these collection documents; and
- (e) Amendments in the amount to be withheld under any of these collection documents.

(2) Agreements for service by EDT must be in writing. The employer, person, firm, corporation, political subdivision or department must agree to accept EDT as:

- (a) Personal service of the withholding documents; and
- (b) A written document for the purposes of chapters 26.23 and 74.20A RCW.

(3) DCS provides the party accepting EDT with copies of the current forms listed in subsection (2) above, as well as any updates to those forms. If DCS fails to provide an updated form, this does not excuse noncompliance with withholding documents served under the EDT agreement.

(4) 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 or 74.20A.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-4040, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-427.]

WAC 388-14A-4100 Can the division of child support make me provide health insurance for my children?

(1) If a child support order requires the noncustodial parent (NCP) to provide health insurance for the children, the division of child support (DCS) attempts to enforce that requirement according to the terms of the order.

(2) Unless the support order specifies differently, an NCP is obligated to provide health insurance for dependent children if coverage is:

- (a) Available or becomes available through the NCP's employment or union; and
- (b) Available at a cost of not greater than twenty-five per cent of the NCP's basic support obligation.

(3) DCS serves a notice of intent to enforce a health insurance obligation if the support order:

- (a) Requires the NCP either to provide health insurance coverage or prove that coverage is not available; and
- (b) Does not inform the NCP that failure to provide health insurance or prove it is not available may result in enforcement of the order without notice to the NCP.

(4) DCS serves the notice of intent to enforce a health insurance obligation on the NCP by certified mail, return receipt requested, or by personal service.

(5) The notice advises the NCP that the NCP must submit proof of coverage, proof that coverage is not available, or proof that the NCP has applied for coverage, within twenty days of the date:

- (a) Of service of the notice; or
- (b) When health insurance coverage becomes available through the NCP's employer or union.

(2003 Ed.)

[Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. 01-03-089, § 388-14A-4100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215 and 388-14-460.]

WAC 388-14A-4110 If my support order requires me to provide health insurance for my children, what do I have to do? (1) Once an administrative support order is entered requiring health insurance, the noncustodial parent (NCP) must take the following actions within twenty days:

- (a) Provide health insurance coverage;
- (b) Provide proof of coverage to the division of child support (DCS), such as:
 - (i) The name of the insurer providing the health insurance coverage;
 - (ii) The names of the beneficiaries covered;
 - (iii) The policy number;
 - (iv) That coverage is current; and
 - (v) The name and address of the NCP's employer.
- (2) If health insurance coverage is not immediately available, the NCP must provide for coverage during the next open enrollment period and then submit proof of coverage as outlined in (1)(b) above.

(3) Medical assistance provided by the department under chapter 74.09 RCW does not substitute for medical insurance.

(4) A child's enrollment in Indian health services satisfies the requirements of this section.

[Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. 01-03-089, § 388-14A-4110, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215.]

WAC 388-14A-4115 Can my support order reduce my support obligation if I pay for health insurance? (1) Some support orders reduce the noncustodial parent's support obligation based on health insurance premiums paid by the NCP.

(2) An NCP is entitled to the reduction for premiums paid only if:

- (a) NCP submits proof of coverage as provided in WAC 388-14A-4110 (1)(b); and
- (b) NCP actually pays the required premium.

(3) If the NCP fails to submit proof or pay the premium, the division of child support (DCS) collects the NCP's adjusted basic support obligation without a reduction for health insurance premium payments.

[Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. 01-03-089, § 388-14A-4115, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215.]

WAC 388-14A-4120 DCS serves a notice of enrollment to enforce an obligation to provide health insurance coverage. (1) The division of child support (DCS) serves a notice of enrollment to enforce a noncustodial parent's obligation to provide health insurance coverage under chapter 26.18 RCW.

(2) DCS serves the notice of enrollment on the NCP's employer or union in the same manner as a summons in a civil action, or by certified mail, return receipt requested.

(3) DCS serves the notice of enrollment without notice to the NCP when:

(a) A court or administrative order requires the NCP to provide insurance coverage for a dependent child;

(b) The NCP fails to provide health insurance (either by not covering the child or by letting the coverage lapse) or fails to provide proof of coverage;

(c) The requirements of RCW 26.23.050 are met; and

(d) DCS has reason to believe that coverage is available through the NCP's employer or union.

(4) The notice of enrollment advises the employer or union that:

(a) The NCP is required to provide health insurance coverage for the 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 insurance the children can use is or will become available as provided in subsection (d) below;

(c) The employer or union must answer the notice of enrollment by completing the answer form and returning it to DCS within thirty-five days;

(d) The 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 providing accessible coverage during the next open enrollment period; or

(iii) Cannot enroll the children in a plan which provides accessible coverage, stating the specific reasons why coverage cannot be provided.

(e) The employer or union must provide:

(i) Information about the health insurance plan and policy as requested in the notice; and

(ii) Any necessary claim forms or membership cards as soon as they are available.

(f) The employer or union must withhold premiums from the NCP's net earnings if the NCP is required to pay part or all of the premiums for coverage under the health insurance plan.

(g) Noncompliance with the notice of enrollment subjects the employer or union to a fine of up to one thousand dollars under RCW 74.20A.270.

(5) DCS may take action under RCW 74.20A.270 to impose fines if the employer or union fails to comply with the terms of the notice of enrollment. For each failure to comply, DCS may assess a fine of:

(a) Two hundred dollars for the first month in which the employer or union fails to comply;

(b) Three hundred dollars for the second month of non-compliance; and

(c) Five hundred dollars for the third month of non-compliance.

(d) The maximum fine based on a single notice of enrollment is one thousand dollars.

[Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. 01-03-089, § 388-14A-4120, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215 and 388-14-480.]

WAC 388-14A-4130 What must an employer or union who receives a notice of enrollment do? (1) An employer or union who receives a notice of enrollment from the division of child support (DCS) must answer the notice

within thirty-five days of receipt, as provided in WAC 388-14A-4120(4).

(2) The employer or union must enroll the children named in the notice in a health insurance plan which the employer or union offers to the noncustodial parent (NCP) and which provides coverage accessible to the children, unless the NCP's current support obligation:

(a) Equals or exceeds fifty percent of the NCP's net earnings; or

(b) Plus the amount of the insurance premium for the children named in the notice exceeds fifty percent of the NCP's net earnings.

(3) Except for the limitation in subsection (2) above, the employer or union must enroll the children named in the notice in a health insurance plan which the employer or union offers to the noncustodial parent (NCP) and which provides coverage accessible to the children:

(a) Upon receipt of the notice of enrollment, even if the plan prevents immediate enrollment; or

(b) When accessible coverage becomes available, if coverage is not available at the time of the notice.

(4) If the employer or union offers more than one health insurance plan which could cover the children named in the notice, the employer or union must enroll the children in:

(a) The NCP's plan, unless accessible coverage is not available to the children under that plan; or

(b) The least expensive plan which provides accessible coverage for the children.

(5) The notice of enrollment remains in effect until:

(a) DCS withdraws the notice; or

(b) Health insurance coverage is no longer available through the employer or union.

(6) If coverage for the children is terminated, the employer or union must notify DCS within thirty days of the date coverage ends.

[Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. 01-03-089, § 388-14A-4130, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215.]

WAC 388-14A-4200 Do I get credit for dependent disability payments paid on my behalf to my children? (1)

When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of a noncustodial parent (NCP), the division of child support (DCS) treats the amount of compensation the department or self-insurer pays on behalf of the child or children as if the NCP paid the compensation toward the NCP's child support obligations.

(2) When the social security administration pays social security disability dependency benefits, retirement benefits, or survivors insurance benefits on behalf of or on account of the child or children of an NCP who is a disabled person, a retired person, or a deceased person, DCS treats the amount of benefits paid for the child or children as if the NCP paid the benefits toward the NCP's child support obligation for the period for which benefits are paid.

(3) Under no circumstances does the NCP have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section.

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(4) The NCP gets credit only for payments made to the custodial parent or the state. The NCP does not get credit for dependent payments made to the NCP.

[Statutory Authority: RCW 74.08.090, 26.18.190, 74.20A.055. 01-03-089, § 388-14A-4200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-280.]

WAC 388-14A-4300 What can I do if I think I'm paying more than the custodial parent is spending for day care or other special expenses for my child? (1)

A noncustodial parent (NCP) who has paid child support under a court or administrative order and believes that day care 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 may 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 must be in writing and 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 NCP for that time period;

(e) The total amount of day care or special child rearing expenses which the NCP claims the custodial parent (CP) actually incurred for that time period;

(f) The NCP's proportionate share of the expenses actually incurred; and

(g) The amount of reimbursement for overpayment to which the NCP claims to be entitled for that time period.

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

(4) WAC 388-14A-4300 through 388-14A-4304 apply only to amounts paid during the twelve-month period ending May 31, 1996 or later.

[Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. 01-03-089, § 388-14A-4300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4301 Can I file a petition for reimbursement if I do not receive full support enforcement services?

The division of child support (DCS) considers a petition for reimbursement or an application for hearing under WAC 388-14A-4300 to be an application for full support enforcement services if there is not already an open support enforcement case.

(2003 Ed.)

[Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310, 01-03-089, § 388-14A-4301, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4302 Who participates in a hearing on petition for reimbursement? (1) The division of child support (DCS) sends notice of a hearing under this subsection to the noncustodial (NCP) and to the custodial parent (CP).

(2) The NCP and the CP participate in the hearing as independent parties with the same procedural rights.

[Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310, 01-03-089, § 388-14A-4302, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4303 What happens at a hearing on petition for reimbursement? (1) The noncustodial parent (NCP) has the burden of proving the amounts actually paid by the NCP under the order.

(2) The custodial parent (CP) has the burden of proving the amounts actually incurred for day care and special child rearing expenses.

(3) The CP is not required to provide the address of the day care provider unless the administrative law judge (ALJ) finds that the information may be disclosed under the standards set forth in WAC 388-14A-2105 for the disclosure of the address of the CP.

(4) If the NCP fails to appear for the hearing, upon proof of service of the notice of hearing the ALJ issues an order of default against the NCP and dismisses the petition for reimbursement.

(5) If the CP fails to appear for the hearing, upon proof of service of the notice of hearing the ALJ issues an order of default against the CP and holds a hearing on the merits of the petition for reimbursement.

(6) A hearing under this subsection is for the limited purpose of determining whether the amount paid by the NCP exceeds the NCP's proportionate share of the amount actually incurred for day care and special child rearing expenses.

(a) If the ALJ determines that the overpayment amounts to twenty percent or more of the NCP's share of annual day care and special child rearing expenses, the ALJ enters 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 CP.

(b) If the ALJ determines that the overpayment amounts to less than twenty percent of the NCP's share of annual day care and child rearing expenses, the ALJ enters an order stating:

- (i) Whether the NCP 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.

[Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310, 01-03-089, § 388-14A-4303, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4304 What happens if the judge determines that I have paid too much for day care and special expenses? (1) If at a hearing under WAC 388-14A-4303, the administrative lay judge (ALJ) decides that the custodial parent (CP) has not incurred costs in the amount paid by the noncustodial parent (NCP), any ordered overpayment reimbursement may be applied as an offset to any nonassistance child support arrears owed by the NCP on that case only. If there is no nonassistance debt owed on the case, the reimbursement must be in the form of a credit against the NCP's future child support obligation:

(a) Spread equally over a twelve-month period starting the month after the administrative order becomes final; or

(b) When the future support obligation will end under the terms of the order in less than twelve months, spread equally over the life of the order; or

(c) With the consent of the CP, in the form of a direct reimbursement by the CP to the NCP.

(2) The NCP 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 CP; and

(b) Specifically agreed to in writing by DCS for periods when the CP or the dependent child receives public assistance.

[Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310, 01-03-089, § 388-14A-4304, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4500 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 for license suspension a noncustodial parent (NCP) who is not in compliance with a child support order. The statute calls the NCP the responsible parent.

(a) "Certify" means to establish that the NCP 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 NCP.

(b) "Responsible parent" is defined in 388-14A-1020. 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 388-14A-4510.

(3) When DCS certifies the NCP, the department of licensing or other licensing entities take action to deny, suspend, or refuse to renew the NCP's license, according to the terms of RCW 74.20A.320 (8) and (12).

(4) This section and sections WAC 388-14A-4505 through 388-14A-4530 cover the DCS license suspension program.

(5) DCS may certify an NCP 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 74.08.090, 74.20A.320, 01-03-089, § 388-14A-4500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-510.]

WAC 388-14A-4505 The notice of noncompliance and intent to suspend licenses. (1) Before certifying a non-custodial parent (NCP) for noncompliance, the division of child support (DCS) must serve the NCP with a notice of noncompliance and intent to suspend licenses. This notice tells the NCP that DCS intends to submit the NCP'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) DCS must serve the notice 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 NCP'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 NCP that:

(a) The NCP may request an administrative hearing, but that the hearing is limited in scope (see WAC 388-14A-4530);

(b) DCS will certify the NCP unless the NCP makes a request for hearing within twenty days of the date of service of the notice;

(c) The NCP may avoid certification by agreeing to make timely payments of current support and agreeing to a reasonable payment schedule on the support debt;

(d) Certification by DCS will result in suspension or nonrenewal of the NCP's license by the licensing entity until DCS issues a release stating that the NCP is in compliance with the child support order;

(e) Suspension of a license may affect the NCP'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 NCP may obtain a release from certification by complying with the support order.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-4505, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-520.]

WAC 388-14A-4510 Who is subject to the DCS license suspension program? (1) The division of child support (DCS) may certify a noncustodial parent (NCP) who is not in compliance with a child support order when:

(a) The NCP is required to pay child support under a court order or administrative order;

(b) The NCP is at least six months in arrears; and

(c) The NCP is not:

(i) In jail or prison, except if the NCP 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 NCP 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 NCP 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 under a written agreement with DCS towards a support debt in an amount that is more than six months' worth 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 is more than six months' worth of payments.

(3) There is no minimum dollar amount for the six months of arrears. The following are examples of when a NCP is at least six months in arrears:

(a) The child support order requires monthly payments of five hundred dollars. The NCP has not made a single payment since the order was entered seven months ago. This NCP is at least six months in arrears;

(b) The child support order requires monthly payments of one hundred dollars. The NCP has paid for the last few months, but owes a back debt of over six hundred dollars. This NCP is at least six months in arrears;

(c) The NCP owes a support debt according to a superior court judgment, which requires payments of one hundred dollars per month. The NCP has not made payment for eight months. This NCP 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 NCP has a debt of over twelve hundred dollars. This NCP is at least six months in arrears.

(4) For the purposes of the license suspension program, a NCP 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 74.08.090, 74.20A.320, 01-03-089, § 388-14A-4510, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-530.]

WAC 388-14A-4515 How do I avoid having my license suspended for failure to pay child support? (1) DCS stays certification action if the noncustodial parent (NCP) takes the following action within twenty days of service of the notice:

(a) Requests an administrative hearing under WAC 388-14A-4530; 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 NCP 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 388-14A-4520, below; and
- (iv) The NCP may request a conference board review under WAC 388-14A-6400 if the NCP feels that DCS has not negotiated in good faith.

(2) If the NCP files a court or administrative action to modify the child support obligation, DCS stays the certification action.

(3) The stay for modification action may not exceed six months unless DCS finds good cause to extend the stay.

(4) The NCP 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 74.08.090, 74.20A.320. 01-03-089, § 388-14A-4515, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-540.]

WAC 388-14A-4520 Signing a repayment agreement may avoid certification for noncompliance.

(1) If a noncustodial parent (NCP) signs a repayment agreement, DCS stays the certification action. The NCP must agree to pay current support in a timely manner and make regular payments on the support debt.

(2) The repayment agreement must state that if the NCP 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 NCP and the needs of all children who rely on the NCP for support. The NCP must supply sufficient financial information to allow DCS to analyze and document the NCP's financial situation and requirements, including normal living expenses and emergencies.

(4) A reasonable monthly arrear payment is defined as a percentage of the NCP's "adjusted net income," which is the NCP'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 arrear 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 NCP must document any factors which make the NCP 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 NCP 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 74.08.090, 74.20A.320. 01-03-089, § 388-14A-4520, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-550.]

WAC 388-14A-4525 How to obtain a release of certification for noncompliance.

(1) After DCS has certified a noncustodial parent (NCP) to a licensing entity, the NCP 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 WAC 388-14A-4520 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 NCP.

(3) The NCP must comply with any requirements of the licensing entity to get the license reinstated or reissued.

[Statutory Authority: RCW 74.08.090, 74.20A.320. 01-03-089, § 388-14A-4525, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-560.]

WAC 388-14A-4530 Administrative hearings regarding license suspension are limited in scope.

(1) An administrative hearing on a notice of noncompliance under WAC 388-14A-4505 is limited to the following issues:

- (a) Whether the person named in the child support order is the noncustodial parent (NCP);
- (b) Whether the NCP is required to pay child support under a child support order; and
- (c) Whether the NCP 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 NCP is at least six months in arrears. Any debt calculation shall not be binding on the department or the NCP beyond the determination that there is at least six months of arrears.

(3) If the NCP requests a hearing on the notice, DCS stays the certification process until the hearing results in a finding that the NCP is not in compliance with the order, or that DCS is authorized to certify the NCP.

[Statutory Authority: RCW 74.08.090, 74.20A.320. 01-03-089, § 388-14A-4530, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-570.]

WAC 388-14A-4600 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 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 (NCP) is encouraged to provide that information to DCS.

[Statutory Authority: RCW 74.08.090, 26.23.120(2). 01-03-089, § 388-14A-4600, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-320.]

WAC 388-14A-4605 Whose picture can go on the division of child support's DCS most wanted Internet site? (1) If the child's custodial parent (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 five 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), 74.08.090, 01-24-083, § 388-14A-4605, filed 12/3/01, effective 1/3/02; 01-03-089, § 388-14A-4605, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-325.]

WAC 388-14A-4610 How does a noncustodial parent avoid being posted on the DCS most wanted Internet site?

(1) DCS mails a letter to the noncustodial parent's last known mailing address by first class mail before posting a noncustodial parent (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

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under WAC 388-14A-6400. 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 stays 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 74.08.090, 26.23.120(2). 01-03-089, § 388-14A-4610, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-330.]

WAC 388-14A-4615 When does DCS remove a non-custodial parent from the DCS most wanted Internet site?

(1) DCS must remove the noncustodial parent (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 388-14A-3700);

(c) The NCP enters into a repayment agreement and makes the first payment under that agreement (subject to the limitations in WAC 388-14A-4520);

(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 74.08.090, 26.23.120(2). 01-03-089, § 388-14A-4615, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-335.]

WAC 388-14A-4620 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 noncustodial parent (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 74.08.090, 26.23.120(2). 01-03-089, § 388-14A-4620, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-340.]

PART E - DISTRIBUTION ISSUES

WAC 388-14A-5000 How does the division of child support distribute support payments? (1) Under state and federal law, the division of child support (DCS) distributes 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 custodial parent (CP) of the child according to WAC 388-14A-5050;

(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 must exercise reasonable efforts to locate the family or person. When the family or person cannot be located, DCS handles the money in accordance with chapter 458-65 WAC, the uniform unclaimed property act rules.

(3) WAC 388-14A-5000 and sections WAC 388-14A-5001 through 388-14A-5008 contain the rules for distribution of support money by DCS.

(4) DCS changes the distribution rules based on changes in federal statutes and regulations.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-250, 388-14-270, and 388-14-273.]

WAC 388-14A-5001 What procedures does DCS follow to distribute support payments? When distributing support money, the division of child support (DCS) does the following:

(1) Records payments in exact amounts of dollars and cents;

(2) Distributes support money within two days of the date DCS receives the money, unless DCS is unable to distribute the payment for one or more of the following reasons:

(a) The location of the payee is unknown;

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

(c) 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.

(d) DCS receives prepaid support money and is holding for distribution in future months under subsection (2)(e) of this section;

(e) DCS mails a notice of intent to distribute support money to the custodial parent (CP) under WAC 388-14A-5050;

(f) 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. If no future payments are received which increase the payment to the family of at least one dollar, DCS transfers the amount to the department of revenue under RCW 63.29.130. This subsection

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tion does not apply to disbursements which can be made by electronic funds transfer (EFT), or to refunds of intercepted federal income tax refunds; or

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

(3) Distribute support money based on the date DCS receives the money, except as provided under WAC 388-14A-5005.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14, 01-24-078, § 388-14A-5001, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5001, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270 and 388-14-273.]

WAC 388-14A-5002 How does DCS distribute support money in a nonassistance case? (1) A nonassistance case is one where the family has never received a cash public assistance grant.

(2) The division of child support (DCS) applies support money within each Title IV-D nonassistance case:

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

(b) Second, to the noncustodial parent's support debts owed to the family;

(c) Third, to prepaid support as provided for under WAC 388-14A-5008.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5002, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5003 How does DCS distribute money in an assistance case? (1) An assistance case is one where the family is currently receiving a cash public assistance grant.

(2) The division of child support (DCS) applies support money within each Title IV-D assistance case:

(a) First, to satisfy the current support obligation for the month DCS received the money (this money is kept by the state under WAC 388-14A-2035);

(b) 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 (this money is kept by the state under WAC 388-14A-2035);

(c) Third, to satisfy support debts which are temporarily assigned to the department to reimburse the cumulative amount of assistance paid to the family (this money is kept by the state under WAC 388-14A-2035);

(d) Fourth, to satisfy support debts which exceed the cumulative amount of unreimbursed assistance which has been paid to the family (this money goes to the family);

(e) Fifth, to prepaid support as provided for under WAC 388-14A-5008.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14, 01-24-078, § 388-14A-5003, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5003, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5004 How does DCS distribute money in a former assistance case? (1) A former assistance case is one where the family is not currently receiving a cash public assistance grant, but has at some time in the past.

(2) The division of child support (DCS) applies support money within each Title IV-D former-assistance case:

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

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

(c) Third, 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;

(d) Fourth, 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;

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

(f) Sixth, to prepay support as provided for under WAC 388-14A-5008.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5004, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5005 How does DCS distribute intercepted federal income tax refunds? The division of child support (DCS) applies intercepted federal income tax refunds in accordance with 42 U.S.C. Sec. 657, as follows:

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

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

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

(4) To support debts only, not to current and future support obligations. DCS must refund any excess to the noncustodial parent (NCP).

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5005, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5006 How does DCS distribute support money when the paying parent has more than one case? Except as provided in WAC 388-14A-5005, when the NCP has more than one Title IV-D case, the division of child support (DCS) distributes support money:

(1) 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

(2) 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 NCP on each case; and

(3) Third, within each Title IV-D case according to WAC 388-14A-5002 or 388-14A-5003.

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[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14, 01-24-078, § 388-14A-5006, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5006, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5007 If the paying parent has more than one case, can DCS apply support money to only one specific case? (1) The division of child support (DCS) applies amounts to a support debt owed for one family or household and distributes the amounts accordingly, rather than make a proportionate distribution between support debts owned to different families, when:

(a) Proportionate distribution is administratively inefficient; or

(b) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the custodial parent (CP) a judgment lien for child support; or

(c) The collection is the result of a contempt order which provides that DCS must distribute the amounts to a particular case.

(2) If the collection is the result of an automated enforcement of interstate (AEI) transaction under RCW 74.20A.188, DCS applies the payment as provided in WAC 388-14A-5006, even if the requesting state wants the payment applied to a specific case.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14, 01-24-078, § 388-14A-5007, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5007, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5008 Can the noncustodial parent prepay support? If the division of child support (DCS) receives or collects support money representing payment on the required support obligation for future months, DCS must:

(1) Apply the support money to future months when the support debt is paid in full;

(2) Distribute the support money on a monthly basis when payments become due in the future; and

(3) Mail a notice to the last known address of the person entitled to receive support money. The notice informs the person that:

(a) DCS received prepaid support money;

(b) DCS intends to distribute the prepaid money as support payments become due in the future; and

(c) The person may request a conference board under WAC 388-14A-6400 to determine if DCS should immediately distribute the prepaid support money.

(d) DCS does not mail the notice referred to in WAC 388-14A-5008 of this section if the prepaid support is equal to or less than one month's support obligation.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5008, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5050 When does DCS send a notice of intent to distribute support money? (1) The division of child support (DCS) may distribute support money to a custodial parent (CP) who is not the payee under the support order if the CP signs a sworn statement that:

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(a) The CP has physical custody of and is caring for the child; and

(b) The CP is not wrongfully depriving the payee of physical custody.

(2) Before DCS begins distributing support money to a CP who is not the payee under the support order, DCS sends the payee under the support order and the noncustodial parent (NCP) a notice of intent to distribute support money and a copy of the sworn statement of the CP to their last known addresses by first class mail. The notice states:

(a) DCS intends to distribute support money collected under the support order to the CP; and

(b) The name of the CP.

(3) DCS distributes support money to the CP when the notice of intent to distribute support money becomes final.

(a) A notice of intent to distribute support money 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, files a request with DCS for a hearing under subsection (4) of this section. The effective date of a hearing request is the date DCS receives the request.

(b) A notice of intent to distribute support money served in another state becomes final according to WAC 388-14A-7200.

(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 must be mailed to the alleged CP at the CP's last known address. The notice advises the CP 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.

(b) DCS may not reimburse the payee under the support order for amounts DCS sent to the CP before the administrative order on a late hearing request becomes final.

(7) The payee under the support order must give DCS and the CP notice of any judicial proceeding to contest a notice of intent to distribute support money.

(8) If the support order is a court order, DCS files 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 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5050, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270 and 388-14-271.]

WAC 388-14A-5100 What kind of distribution notice does the division of child support send? (1) The division of child support (DCS) mails 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) DCS includes the following information in the notice:

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(a) The amount of support money DCS received and the date of collection;

(b) A description of how DCS allocated the support money between current support and the support debt; and

(c) The amount DCS 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 DCS distributed the support money, and must make specific objections to the distribution notice. The effective date of a hearing request is the date DCS receives the request.

(4) A hearing under this section is for the limited purpose of determining if DCS correctly distributed the support money described in the contested notice.

(5) A person who requests a late hearing must show good cause for being late.

(6) This section does not require DCS to send a notice to a recipient of payment services only.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270 and 388-14-274.]

WAC 388-14A-5200 What is a "total versus total" notice? (1) The division of child support (DCS) identifies cases needing a "total versus total" calculation, which compares amounts of public assistance paid to the family with amounts of support collected and uncollected support debt. DCS performs a total versus total calculation upon the request of the custodial parent (CP) or a DCS field office, usually only after the assistance grant has ended.

(a) The total versus total calculation allocates the uncollected support debt between the state and the CP, based on the amounts of public assistance paid to the family.

(b) The total versus total calculation indicates the amounts of support paid by each noncustodial parent (NCP) and how DCS distributed the support.

(c) DCS may at any time review a case to determine if a total versus total calculation is appropriate.

(2) When DCS completes a total versus total calculation at the request of the CP, DCS mails a total versus total notice to the last known address of the former assistance recipient.

(3) The person to whom DCS sends a total versus total notice may, within ninety days of the date of the notice, file a request for a conference board under WAC 388-14A-6400 to contest the distribution of support money and the allocation of uncollected support debt. The person must state specific objections to the total versus total notice. The effective date of a request conference board is the date DCS receives the request.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-276.]

WAC 388-14A-5300 How does the division of child support recover a support payment which has already been distributed? (1) The division of child support (DCS) may serve a notice to recover a support payment on the person who received the payment when DCS:

(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) DCS serves 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, DCS must identify the support payment DCS seeks to recover.

(4) DCS 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 DCS receives the request.

(b) A notice to recover a support payment may be served in another state to recover a payment disbursed by DCS under RCW 26.21.385. A notice to recover a support payment served in another state becomes final according to WAC 388-14A-7200.

(5) A hearing on a notice to recover a support payment is for the limited purpose of resolving the existence and amount of the debt DCS is entitled to recover.

(6) A person who files a late request for a hearing on a notice to recover a support payment must show good cause for being late.

(7) In nonassistance cases and payment services only cases, DCS 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 noncustodial parent (NCP) and fails to remit it to DCS as required, DCS recovers the money as retained support under WAC 388-14A-5500.

(9) DCS 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 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-272.]

WAC 388-14A-5400 How does the division of child support tell the custodial parent when DCS adjusts the amount of debt owed on the case? (1) The division of child support (DCS) mails a debt adjustment notice to the payee under a court order within thirty days of the date DCS 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 typographical error in the stated debt;

(c) Proof that DCS should have suspended the support obligation for all or part of the time period involved in the calculation; or

(d) Proof the noncustodial parent (NCP) made payments that DCS had not previously credited against the support debt.

(2) The debt adjustment notice must contain the following information:

(a) The amount of the reduction;

(b) The reason DCS reduced the support debt, as provided under subsection (1) of this section;

(c) The name of the NCP and a statement that the NCP may attend and participate as an independent party in any hearing requested by the payee under this section; and

(d) A statement that DCS continues to provide support enforcement services whether or not the payee objects to the debt adjustment notice.

(3) A debt adjustment notice served in Washington becomes final unless the payee, within twenty days of service of the notice in Washington, files a request with DCS for a hearing under subsection (4) of this section. The effective date of a hearing request is the date DCS receives the request.

(4) A debt adjustment notice served in another state becomes final according to WAC 388-14A-7200.

(5) A hearing under this section is for the limited purpose of determining if DCS correctly reduced the support debt as stated in the notice of debt adjustment.

(6) A payee who requests a late hearing 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 74.08.090, 01-03-089, § 388-14A-5400, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-450.]

WAC 388-14A-5500 How does the division of child support collect support debts owed by someone other than a noncustodial parent? (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 money which money was paid, in whole or in part, toward a support obligation under 42 U.S.C. 602 (a)(26)(A), sections 17 and 22, chapter 171, Laws of 1979 ex. sess., or RCW 74.20A.030 must remit that money to the division of child support (DCS) within eight days of receipt, and is indebted to the department for this amount of money.

(2) By not remitting support money described in subsection (1) of this section, a custodial parent (CP) or other person makes, without the necessity of signing any document, an irrevocable assignment to the department of an equal amount of any support debt not already assigned to the department, but owing to the CP or other person, or an equal amount of any support debt which may accrue in the future. DCS may use the collection procedures of chapter 74.20A RCW to collect this assigned delinquency, to satisfy a debt owed under subsection (1) of this section.

(3) DCS may also make a set-off to pay the debt under subsection (1) of this section from support money in DCS' possession or in the possession of a county clerk or other forwarding agent if that money was paid to satisfy a support delinquency.

(4) DCS may take action alternatively or simultaneously under subsections (1), (2) and (3) of this section but the department may not collect and retain more money than the

debt described under subsection (1) of this section, refunding the excess, without deducting fees, to the CP.

(5) DCS must give the CP or other person an account of actions taken under subsections (2) or (3) of this section.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5500, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-5505 DCS uses a notice of retained support to claim a debt owed to DCS. The division of child support (DCS) serves a notice of retained support setting forth:

(1) The amount of support money 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 enough detail to identify the amounts in issue;

(4) A statement that, effective with the date of service of the notice, the department will impound and hold in trust all money not yet disbursed or spent and all similar money received in the future, pending answer to the notice and any hearing which is requested;

(5) A statement that the notice must be answered, under oath and in writing, within twenty days of the date of service of the notice;

(6) A statement that the answer to the notice must include true answers to the questions in the notice and must either acknowledge the department's right to the money or request an administrative hearing to determine ownership of the money;

(7) A statement that the burden of proof in a hearing on a notice of retained support debt under this section is on the department to establish ownership of the support money claimed;

(8) A statement that, if the person, firm, corporation, association, or political subdivision or officer or agent thereof does not answer or make a request for hearing in a timely manner, the department's claim will be assessed and determined and subject to collection action as a support debt according to chapter 74.20A RCW; and

(9) A statement that the department may collect a support debt, as assessed and determined, 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. The department may not take collection action 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 388-14A-2040.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5505, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-090.]

WAC 388-14A-5510 How does DCS serve a notice of retained support? The division of child support (DCS) serves the notice of retained support on the person, firm, corporation, association, or political subdivision or any officer

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or agent thereof in the manner prescribed for the service of a summons in a civil action, or by certified mail, return receipt requested. The receipt is *prima facie* evidence of service.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5510, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-030.]

WAC 388-14A-5515 What happens if I don't respond to a notice of retained support or request a hearing? (1) After service of a notice of retained support under WAC 388-14A-5510, if the person, firm, corporation, association, or political subdivision or any officer or agent thereof fails to answer in a timely manner, the claim of the department is final and subject to collection action as a support debt according to chapter 74.20A RCW.

(2) To be timely, a hearing request or response must be received by the division of child support within twenty days of service of the notice.

[Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-5515, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-040 and 388-13-110.]

WAC 388-14A-5520 What happens if I make a timely objection to a notice of retained support? (1) Any debtor who objects to all or any part of a notice of retained support may, within twenty days from the date of service of the notice, file an application for an administrative hearing. An objection under this section is the same thing as a general denial of liability to the department.

(2) The notice of retained support does not become final until there is a final administrative order.

(3) If the objection is timely, the department serves the notice of hearing on the appellant or the appellant's representative by first class mail.

(4) The department must 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 first class mail to the last address provided by the appellant constitutes service under chapters 74.20A and 34.05 RCW.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A-.056, 02-06-098, § 388-14A-5520, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-5520, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-060.]

WAC 388-14A-5525 What happens at the hearing on a notice of retained support? (1) An administrative hearing on a notice of retained support is limited to the determination of the ownership of the amounts claimed in the notice or the reasonableness of a repayment agreement offered to a public assistance recipient for recovering child support under RCW 74.20A.270 and WAC 388-14A-5505.

(2) The department has the burden of proof to establish ownership of the support money claimed, including but not limited to amounts not yet disbursed or spent.

(3) The administrative law judge (ALJ) must allow the division of child support (DCS) to orally amend the notice of retained support at the hearing to conform to the evidence. The ALJ may grant a continuance, if necessary, to allow the

debtor additional time to present evidence or argument in response to the amendment.

(4) The ALJ serves a copy of the initial decision on DCS and the debtor or the debtor's representative by first class mail to the last address provided by each party.

(5) If the debtor fails to appear at the hearing, the ALJ, upon a showing of valid service of the notice of retained support, enters an initial decision and order declaring that the amount of the support money claimed in the notice, is subject to collection action under chapter 74.20A RCW.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 02-06-098, § 388-14A-5525, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-5525, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-070 and 388-13-110.]

WAC 388-14A-5530 Can I request a late hearing on a notice of retained support? (1) Within one year from the date the division of child support (DCS) serves a notice of retained support, the person, firm, corporation, association, political subdivision or any officer or agent thereof may petition DCS for a hearing, upon a showing of any of the grounds listed in RCW 4.72.010 or CR 60.

(2) A copy of the objection must be served by first class mail on the district field office of DCS.

(3) The filing of the petition does not stay any collection action that DCS has 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.

(4) Any money held or taken by collection action before any such stay and any support money claimed by the department, including amounts to be received in the future, to which the department may have a claim, must be held in trust pending the final decision and appeal, if any, to be disbursed in accordance with the final decision.

(5) If someone files a petition for a hearing, the department serves the notice of hearing on the appellant, the appellant's attorney, or other designated representative by first class mail.

(6) The department notifies the appellant that the appellant must 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 first class mail to the last address provided by the appellant constitutes service under chapters 74.20A and 34.05 RCW.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 02-06-098, § 388-14A-5530, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-5530, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-050.]

WAC 388-14A-5535 How does DCS collect a debt established on a notice of retained support? The division of child support (DCS) may take action under chapter 74.20A RCW to collect debts determined under WAC 388-14A-5505.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5535, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-085.]

[Title 388 WAC—p. 224]

WAC 388-14A-5540 Can I just acknowledge that I owe money to the division of child support? If you answer the notice of retained support acknowledging that the department owns the support payments in question, the division of child support (DCS) may take collection action under chapter 74.20A RCW if you fail to pay the debt within twenty-one days of the date DCS receives the answer.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5540, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-100.]

PART F - HEARINGS AND CONFERENCE BOARDS

WAC 388-14A-6000 Which statutes and regulations govern the division of child support's hearing process? (1) Hearings under this chapter are governed by:

(a) The Administrative Procedure Act, chapter 34.05 RCW, RCW 74.20A.055; and

(b) Chapter 388-02 WAC.

(2) If any provision in this chapter conflicts with or is inconsistent with chapter 388-02 WAC, the provision in this chapter governs.

[Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-6000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-180 and 388-13-120.]

WAC 388-14A-6100 The division of child support accepts oral requests for hearing or conference board. (1) Except for the instances listed in subsection (8), the division of child support (DCS) accepts either a written or an oral request for hearing or conference board, even though other sections of this chapter or the relevant statutes may 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 an administrative hearing under chapter 34.05 RCW.

(3) DCS processes oral and written requests for hearing in the same manner.

(4) An oral request for hearing is complete if it contains enough 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 someone makes a complete oral request for hearing, 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 do not need to specify whether you want a hearing under chapter 34.05 RCW or a conference board under WAC 388-14A-6400.

(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 requests which must be in writing:

(a) A petition for prospective modification under WAC 388-14A-3925; and

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(b) A petition for reimbursement for day care expenses under WAC 388-14A-4300.

[Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-6100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-500.]

WAC 388-14A-6150 What can I do if there was a default order entered against me in an administrative hearing?

(1) Any party against whom the administrative law judge (ALJ) has entered an initial decision and order on default may petition the DSHS board of appeals for vacation of the default order, subject to the provisions, including time limits, of civil rule 60.

(2) Specific rules on administrative support establishment notices are in WAC 388-14A-3700.

(3) Upon receipt of a request to vacate a default order, the department must ask the office of administrative hearings (OAH) to:

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

(b) Give any other parties to the hearing notice of the time and date of the hearing. The notice is sent to the party's last known address.

(4) In a hearing under this section, the ALJ must first determine if the petitioner has good cause for vacating the default order by applying civil rule 60 to determine whether the petition has good cause, in making this determination, the ALJ must consider the following factors:

(a) Whether there is substantial evidence to support a prima facie defense to the notice which was the subject of the hearing;

(b) Whether the petitioner's failure to appear at the hearing was due to mistake, inadvertance, surprise or excusable neglect;

(c) Whether the petition to vacate has been brought in a timely manner; and

(d) Whether vacating the initial decision would result in a substantial hardship to the parent who did appear for hearing.

(5) If the ALJ finds good cause to vacate 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 rules governing the notice the party originally objected to.

(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, 01-24-081, § 388-14A-6150, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6200 What remedies are available to contest the division of child support's seizure of my bank account?

(1) If the division of child support (DCS) takes collection action against a bank account, safe deposit box, or other property held by a bank, credit union or savings and loan (collectively, "the account"), the noncustodial parent

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(NCP) or the joint owner of record of the account may contest the action in a hearing.

(2) The effective date of a hearing request or objection is the date DCS receives the request.

(3) The NCP or the joint owner must file the objection within twenty days of the date DCS mailed a copy of the order to withhold and deliver to the NCP's last known address.

(4) The NCP or joint owner of record must state in the objection the facts supporting the allegation by the NCP or the joint owner that the account, or a portion of the account is exempt from satisfaction of the NCP's child support obligation.

(5) If either the NCP or the joint owner of record objects to the collection action, DCS schedules a hearing solely for the purpose of determining whether or not one of the following exemptions applies to the account 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 NCP's spouse who does not owe a support obligation to the NCP's child or children, are exempt from satisfaction of the child support obligation of the NCP.

(b) The funds in a bank account, or a portion of those funds can be identified as TANF, GA-U, GA-X, SSI benefits, or other kinds of funds which are legally exempt from collection action; 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 who does not owe a child support obligation to the child or children of the NCP, are exempt from satisfaction of the NCP's child support obligation.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 CFR 303.106, 01-24-079, § 388-14A-6200, filed 12/3/01, effective 1/3/02; 01-03-089, § 388-14A-6200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-390.]

WAC 388-14A-6205 What happens at a hearing on an objection to seizure of a bank account?

(1) If either the noncustodial parent (NCP) or the joint owner of record objects to a division of child support (DCS) collection action against a bank account, DCS schedules 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 NCP's spouse who does not owe a support obligation to the NCP's child or children, are exempt from satisfaction of the child support obligation of the NCP.

(b) The funds in the bank account, or a portion of those funds can be identified as TANF, GA-U, GA-X, SSI benefits, or other kinds of funds which are legally exempt from collection action; or

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(c) The funds or property attached by the order to withhold and deliver can be identified as being solely owned by the joint owner of record of the bank account or safe deposit box who does not owe a child support obligation to the child or children of the NCP and are exempt from satisfaction of the NCP's child support obligation.

(2) The person challenging the collection action has 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 NCP's child support obligation.

(3) The administrative law judge (ALJ) is limited to the determination of whether the funds in the bank account, or the other property attached by the order to withhold and deliver is exempt from satisfaction of the NCP's child support obligation.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 CFR 303.106. 01-24-079, § 388-14A-6205, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6210 What happens to the seized money once an objection is filed? The division of child support (DCS) holds money or property withheld as a result of collection action taken against a bank account or safe deposit box and delivered to DCS at the time of an objection, pending the final administrative order or during any appeal to the courts.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 CFR 303.106. 01-24-079, § 388-14A-6210, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6215 What happens if the judge decides the seized money was exempt? If the final decision of the department or courts on appeal is that the division of child support (DCS) has caused money or property that is exempt from satisfaction of the NCP's child support obligation to be withheld by the bank or delivered to the department, DCS must:

- (1) Promptly release the order to withhold and deliver; or
- (2) Refund the proportionate share of the funds having been identified as being exempt. The department is not liable for any interest accrued on any money withheld under RCW 74.20A.080.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 CFR 303.106. 01-24-079, § 388-14A-6215, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6220 What remedies are available to contest the division of child support's seizure of my DOC inmate account? If the division of child support (DCS) takes collection action against the inmate account of a noncustodial parent (NCP) who is an inmate of a department of corrections (DOC) facility, the NCP may contest the seizure of the inmate account in the same way an NCP could challenge a bank account seizure, as provided in WAC 388-14A-6200 through 388-14A-6215.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 CFR 303.106. 01-24-079, § 388-14A-6220, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6300 Duty of the administrative law judge in a hearing to determine the amount of a support obligation. (1) In hearings held under this chapter 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 (NCP) and any custodial parent (CP);
- (c) The NCP's share of the basic support obligation and any adjustments to that share, according to his or her circumstances;
- (d) If requested by a party, the NCP's share of any special child-rearing expenses;
- (e) The NCP's obligation to provide medical support under RCW 26.18.170;
- (f) The NCP's accrued debt and order payments toward the debt; and
- (g) The NCP's total current and future support obligation as a sum certain and order payments in that amount.

(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 necessary, to allow the NCP or the CP additional time to present rebutting evidence or argument as to the amendment.

(3) The ALJ may not require DCS to produce or obtain information, documents, or witnesses to assist the NCP or CP 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 74.08.090, 26.23.050, 34.05.220, 74.20A.055, 74.20A.056, 45 CFR 303.11, 45 CFR 303.100. 01-03-089, § 388-14A-6300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-100 and 388-11-210.]

WAC 388-14A-6400 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 section WAC 388-14A-6415, 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 388-14A WAC, or by chapters 26.23, 74.20 or 74.20A RCW.

(6) This section and WAC 388-14A-6405 through 388-14A-6415 govern the conference board process in DCS cases.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310. 01-03-089, § 388-14A-6400, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-385.]

WAC 388-14A-6405 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 388-14A-6100.

(3) DCS may start conference board proceedings in appropriate circumstances.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310. 01-03-089, § 388-14A-6405, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-386.]

WAC 388-14A-6410 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.

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(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 may not be part of a conference board dealing with that case.

(4) The conference board chair prepares a decision, if necessary, and provides 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 74.08.090, 26.23.035, 34.05.220, 74.20A.310. 01-03-089, § 388-14A-6410, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-387.]

WAC 388-14A-6415 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 74.08.090, 26.23.035, 34.05.220, 74.20A.310. 01-03-089, § 388-14A-6415, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-388.]

WAC 388-14A-6500 Can I use equitable estoppel as a defense in a hearing with the division of child support?

(1) Equitable estoppel is available in adjudicative proceedings conducted under this chapter.

(2) When a party raises, or the facts indicate, a claim that equitable estoppel applies to a party to the proceeding, the administrative law judge (ALJ) must:

(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 benefitting from, equitable estoppel must prove each element of that defense by clear, cogent and convincing evidence.

(4) The ALJ must consider on 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

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(b) The facts presented require consideration of equitable estoppel.

(5) When the ALJ orders a continuance under subsection (4) of this section, the ALJ enters 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 when 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, 01-03-089, § 388-14A-6500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-067.]

PART G - INTERSTATE ISSUES

WAC 388-14A-7100 An order from another state may be registered in Washington 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 division of child support (DCS). Either method of registration is valid.

(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) DCS may enforce a registered order issued in another state in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(2) DCS must 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 if a party wants a hearing to contest the validity or enforcement of the registered order, the party must request a hearing 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 confir-

mation 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 DCS receives the request.

(3) A hearing under this section is for the limited purpose of determining if the nonregistering party can prove one or more of the defenses listed 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 allow the parties to gather additional relevant evidence; or

(iii) Issue other appropriate orders.

(b) DCS may enforce an uncontested portion of the registered order 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 must issue an order confirming the registered order.

(d) The custodial parent (CP) or payee of the order may participate as a party to any hearing under this section.

(4) Confirmation of a registered order precludes 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 administrative law judge (ALJ).

(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 must be registered as 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) DCS may enforce a child support order of another state registered for purposes of modification, as if a tribunal of this state had issued the order, but the registered order may be modified only if the requirements of RCW 26.21.580 are met.

(6) Interpretation of the registered order is governed by RCW 26.21.510.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 01-03-089, § 388-14A-7100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-260 and 388-14-495.]

WAC 388-14A-7200 DCS can serve notices in other states under the Uniform Interstate Family Support Act.

(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 388-14A-3115; and

(b) A notice and finding of parental responsibility under WAC 388-14A-3120;

(c) A notice of paternity test costs under WAC 388-14A-8300; or

(d) An affidavit of birth costs under WAC 388-14A-3555.

(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 (NCP), 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 388-14A-3115 for a notice and finding of financial responsibility;

(ii) WAC 388-14A-3555 for an affidavit of birth costs; or

(iii) WAC 388-14A-8300 for a notice of paternity test costs.

(3) The effective date of a hearing request is the date DCS 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 NCP, 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 388-14A-3120 with DCS; or

(c) Files a written request for paternity testing under WAC 388-14A-8300 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 DCS.

(5) If the results of paternity tests requested under subsection (4) of this section do not exclude the NCP 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 NCP, 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 388-14A-3120.

(6) Administrative law judges and parties must conduct administrative hearings on notices served in another state

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under this section under the special rules of evidence and procedure in chapter 26.21 RCW and according to chapter 34.05 RCW.

[Statutory Authority: RCW 74.08.090, 34.05.220, 74.20A.055, 74.20A.056, 01-03-089, § 388-14A-7200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-305 and 388-14-260.]

PART H - MISCELLANEOUS

WAC 388-14A-8100 Are there special rules for setting child support for children in foster care? (1) Child support obligations for children in foster care are set under chapter 26.19 RCW, just like any other support obligation.

(2) The division of child support does not establish or enforce support obligations for children in foster care who have been certified as eligible for DDD services.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-8100, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8105 Does the cost of care affect how much child support I pay when my child is in foster care?

(1) Child support obligations for children in foster care are set according to chapter 26.19 RCW, without regard to how much the department is expending in foster care funds.

(2) The administrative law judge or review judge may not limit the noncustodial parent's support obligation to the amount the department expends each month for foster care.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-8105, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8110 What happens to the money if current support is higher than the cost of care?

(1) When the division of child support (DCS) collects child support from the parent(s) of a child in foster care, DCS sends the amounts collected to the division of child and family services (DCFS), which administers foster care funds.

(2) DCFS and its Office of accounting services (OAS) apply child support payments collected by DCS.

(3) DCFS and/or OAS deposits in a trust account for the child any child support payments which they don't use to reimburse foster care expenses.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-8110, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8120 Are there special rules for collection in foster care cases?

(1) Whenever the department provides residential care ("foster care") for a dependent child or children, the noncustodial parent (NCP) or parents (NCPs) satisfy their obligation to support the child or children by paying to the department the amount specified in a court order or administrative order, if a support order exists.

(2) The division of child support (DCS) takes action under the provisions of chapters 74.20 and 74.20A RCW and this chapter to enforce and collect support obligations owed for children receiving foster care services.

(3) If, during a month when a child is in foster care, the NCP is the "head of household" with other dependent children in the home, DCS does not collect and retain a support payment if:

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(a) The household's income is below the need standard for temporary assistance for needy families (TANF) (see WAC 388-478-0015); or

(b) Collection of support would reduce the household's income below the need standard.

(4) The NCP's support obligation for the child or children in foster care continues to accrue during any month DCS is prevented from collecting and retaining support payments under this section.

(5) If the department has collected support payments from the head of household during the months which qualify under section (3), the NCP may request a conference board in accordance with WAC 388-14A-6400.

(6) The NCP must prove at the conference board that the income of the household was below or was reduced below the need standard during the months DCS collected payments.

(7) If the conference board determines that DCS has collected support payments from the head of household that the department is not entitled to retain according to this section, DCS must promptly refund, without interest, any support payments, or the portion of a payment which reduced the income of the household below the need standard.

(8) This section does not apply to payments collected prior to August 23, 1983.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-8120, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-395.]

WAC 388-14A-8200 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 an employer must report 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 74.08.090, 26.23.040, 01-03-089, § 388-14A-8200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-490.]

WAC 388-14A-8300 Who pays for genetic testing when paternity is an issue? (1) As provided in WAC 388-14A-3120(14), the noncustodial parent (NCP) and/or the mother of the child may request genetic testing, also called paternity tests, after the service of a notice and finding of parental responsibility.

(2) After receiving a request for paternity tests, the division of child support (DCS) must:

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

(b) Notify the NCP and the mother of the time and place to appear to give blood samples.

(3) After DCS receives the test results, DCS must:

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

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

(ii) Mother's and/or custodial parent's last known address by first class mail.

(b) Notify the NCP:

(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 DCS may take collection action to collect the genetic testing costs twenty days after the date the NCP receives notice in Washington, or within the time specified in WAC 388-14A-7200, of the test results if the NCP fails to:

(A) Request either a hearing on the issue of reimbursement to DCS for genetic testing costs under WAC 388-14A-3120 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, DCS may take collection action according to WAC 388-14A-7200.

(4) When the genetic tests do not exclude the NCP from being the father, the NCP must reimburse the department for the costs of the tests.

(5) When the paternity tests exclude the NCP from being the father, DCS must:

(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 DCS to arrange or pay for genetic testing when:

(a) Such tests were previously conducted; or

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

[Statutory Authority: RCW 74.08.090, 74.20A.055, 74.20A.056, 01-03-089, § 388-14A-8300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-048 and 388-11-220.]

WAC 388-14A-8400 Does the division of child support have the right to approve my child support order before the court enters it? (1) If the department is providing

or has provided cash assistance to the family, parties to a court order must give the division of child support (DCS) twenty calendar days prior notice of the entry of any final order and five days prior notice of the entry of any temporary order in any proceeding involving child support or maintenance, because the department has a financial interest based on an assignment of support rights under RCW 74.20.330 or the state has a subrogated interest under RCW 74.20A.030.

(2) Either party may serve notice on DCS, by personal service on, or mailing by any form of mail requiring a return receipt to, the office of the attorney general.

(3) If you don't give sufficient notice before entering the support order, DCS may ask the prosecuting attorney or attorney general to vacate the terms of the support order.

(4) DCS or the department are not entitled to terms for a party's failure to serve the department within the time requirements for this section, unless the department proves that the party knew that the department had an assignment of

support rights or a subrogated interest and that the failure to serve the department was intentional.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-8400, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8500 Can the division of child support issue subpoenas? (1) The division of child support (DCS) issues subpoenas requiring the production of documents or records, or appearance of witnesses, under RCW 34.05.588 and 74.04.290.

(2) Compliance with DCS subpoenas is enforced under RCW 34.05.588 and 74.20A.350.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-8500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-220.]

**Chapter 388-15 WAC
CHILD PROTECTIVE SERVICES**

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 388-15-010 Definition of service goals. [Statutory Authority: RCW 74.08.090, 81-20-063 (Order 1708), § 388-15-010, filed 10/5/81; 78-09-098 (Order 1335), § 388-15-010, filed 9/1/78; Order 1238, § 388-15-010, filed 8/31/77; Order 1088, § 388-15-010, filed 1/19/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-15-020 Eligible persons. [Statutory Authority: RCW 74.12.340, 87-22-091 (Order 2552), § 388-15-020, filed 11/4/87. Statutory Authority: RCW 74.08.090, 81-18-045 (Order 1697), § 388-15-020, filed 8/28/81; 81-10-013 (Order 1645), § 388-15-020, filed 4/27/81; 81-01-087 (Order 1581), § 388-15-020, filed 12/19/80; 80-02-049 (Order 1477), § 388-15-020, filed 1/16/80; 79-01-041 (Order 1360), § 388-15-020, filed 12/21/78; 78-09-098 (Order 1335), § 388-15-020, filed 9/1/78. Statutory Authority: RCW 43.20A.550, 78-04-004 (Order 1276), § 388-15-020, filed 3/2/78; Order 1238, § 388-15-020, filed 8/31/77; Order 1204, § 388-15-020, filed 4/1/77; Order 1171, § 388-15-020, filed 11/24/76; Order 1147, § 388-15-020, filed 8/26/76; Order 1124, § 388-15-020, filed 6/9/76; Order 1120, § 388-15-020, filed 5/13/76; Order 1088, § 388-15-020, filed 1/29/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-15-030 Rights of applicant for services. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5, 96-20-093, § 388-15-030, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 81-09-058 (Order 1640), § 388-15-030, filed 4/20/81; 79-08-112 (Order 1420), § 388-15-030, filed 7/31/79; Order 1238, § 388-15-030, filed 8/31/77; Order 1147, § 388-15-030, filed 8/26/76; Order 1088, § 388-15-030, filed 1/19/76.] Repealed by 98-07-041, filed 3/12/98, effective 4/12/98. Statutory Authority: RCW 74.08.090 and 1997 c 409 § 209.
- 388-15-100 Services offered by the economic and social services office of the bureau of social services. [Order 1088, § 388-15-100, filed 1/19/76.] Repealed by Order 1238, filed 8/31/77.
- 388-15-110 Information and referral services. [Statutory Authority: RCW 74.08.090, 84-15-059 (Order 2125), § 388-15-110, filed 7/18/84; 82-11-095 (Order 1811), § 388-15-110, filed 5/19/82; Order 1238, § 388-15-110, filed

	8/31/77; Order 1088, § 388-15-110, filed 1/19/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.		filed 11/18/87 and 11/25/87. Statutory Authority: 1987 c 206.
388-15-120	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 1/1/00, effective 2/11/00. Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9).	388-15-140	Residential services. [Statutory Authority: RCW 74.08.044. 79-09-039 (Order 1425), § 388-15-140, filed 8/17/79; Order 1238, § 388-15-140, filed 8/31/77; Order 1147, § 388-15-140, filed 8/26/76; Order 1088, § 388-15-140, filed 1/19/76.] Repealed by 86-16-019 (Order 2392), filed 7/28/86. Statutory Authority: RCW 74.08.044.
	Child protective services—Authority. [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.] Repealed by 02-15-098 and 02-17-045, filed 7/16/02 and 8/14/02, effective 2/10/03. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW.	388-15-145	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 5/1/96. Statutory Authority: RCW 74.08.090. 86-10-021 (Order 2367), § 388-15-145, filed 5/1/86; 79-12-028 (Order 1456), § 388-15-145, filed 11/16/79.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
388-15-130	Child protective services—Special requirements for Indian children. [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.] Repealed by 02-15-098 and 02-17-045, filed 7/16/02 and 8/14/02, effective 2/10/03. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW.	388-15-150	Child foster care. [Order 1238, § 388-15-150, filed 8/31/77; Order 1088, § 388-15-150, filed 1/19/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-15-131	Child protective services—Acceptance of reports—Eligibility for services and limits to authority. [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.] Repealed by 02-15-098 and 02-17-045, filed 7/16/02 and 8/14/02, effective 2/10/03. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW.	388-15-160	Adoption services. [Order 1238, § 388-15-160, filed 8/31/77; Order 1088, § 388-15-160, filed 1/19/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-15-132	Child protective services—Notification. [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.] Repealed by 02-15-098 and 02-17-045, filed 7/16/02 and 8/14/02, effective 2/10/03. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW.	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.
388-15-134	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.	388-15-171	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.
388-15-136	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.	388-15-172	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.
388-15-137	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.	388-15-173	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.
388-15-138	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),	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.
388-15-139		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.
- 388-15-194 Home and community services—Nursing services. [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.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. Later promulgation, see chapter 388-71 WAC.
- 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. 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.
- 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.
- 388-15-202 Long-term care services—Definitions. [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.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. Later promulgation, see chapter 388-71 WAC.
- 388-15-203 Long-term care services—Assessment of task self-performance and determination of required assistance. [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.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. Later promulgation, see chapter 388-71 WAC.
- 388-15-204 Home and community services—Reassessment. [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.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. Later promulgation, see chapter 388-71 WAC.
- 388-15-205 Long-term care services—Service plan development. [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.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. Later promulgation, see chapter 388-71 WAC.
- 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.
- 388-15-220 Homemaker services. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 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.
- 388-15-570 Family reconciliation services. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 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.

PART A—PROGRAM DESCRIPTION

- 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 388-15-001 What is the child protective services program?** (1) Child protective services (CPS) means those services provided by the department of social and health services designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports (RCW 26.44.020 (12) and (16)).
- (2) CPS may include the following:
- (a) Investigation of reports of alleged child abuse or neglect.
- (b) Assessment of risk of abuse or neglect to children.
- (c) Provision of and/or referral to services to remedy conditions that endanger the health, safety, and welfare of children.
- (d) Referral to law enforcement when there are allegations that a crime against a child (RCW 26.44.030(4) and 74.13.031(3)) might have been committed.
- (e) Out of home placement and petitions to courts when necessary to ensure the safety of children.
- [Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-001, filed 7/16/02 and 8/14/02, effective 2/10/03.]
- WAC 388-15-005 What definitions apply to these rules?** The following definitions apply to this chapter.
- "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child as defined in RCW 26.44.020 and this chapter.
- "Administrative hearing" means a hearing held before an administrative law judge and conducted according to chapter 34.05 RCW and chapter 388-02 WAC.
- "Administrative law judge (ALJ)" is an impartial decision-maker who presides at an administrative hearing. The office of administrative hearings, which is a state agency but not part of DSHS, employs the ALJs.
- "Alleged perpetrator" means the person identified in a CPS referral as being responsible for the alleged child abuse or neglect.
- "Alternative response system" means a contracted provider in a local community that responds to accepted CPS referrals that are rated low or moderately low risk at the time of intake.
- "Appellant" means a person who requests an administrative hearing to appeal a CPS finding.
- "Child protection team (CPT)" means a multi-disciplinary group of persons with at least four persons from professions that provide services to abused or neglected children and/or parents of such children. The CPT provides confidential case staffing and consultation to children's administration.
- "Child protective services (CPS)" means the section of the children's administration responsible for responding to allegations of child abuse or neglect.
- "Children's administration (CA)" means the cluster of programs within DSHS that is responsible for the provision of child protective, child welfare, foster care licensing, group

care licensing, and other services to children and their families.

"Department" or **"DSHS"** means the Washington state department of social and health services.

"Divisions of child care and early learning (DCCEL)" means the division of economic services responsible for licensing child care homes and child care facilities.

"Division of children and family services (DCFS)" means the division of children's administration that provides child protective, child welfare, and support services to children and their families.

"Division of licensed resources (DLR)" means the division of children's administration responsible for licensing group care and foster care facilities, and responding to allegations of abuse or neglect in such facilities.

"Finding" means the final decision made by a CPS social worker after an investigation regarding alleged child abuse or neglect.

"Founded" means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did occur.

"Inconclusive" means the determination following an investigation by CPS that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

"Mandated reporter" means a person required to report alleged child abuse or neglect as defined in RCW 26.44.030.

"Preponderance of evidence" means the evidence presented in a hearing indicates more likely than not child abuse or neglect did occur.

"Unfounded" means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did not occur.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-005, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-009 What is child abuse or neglect?

Child abuse or neglect means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child under circumstances which indicate that the child's health, welfare, and safety is harmed. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(1) Physical abuse means the nonaccidental infliction of physical injury or physical mistreatment on a child. Physical abuse includes, but is not limited to, such actions as:

- (a) Throwing, kicking, burning, or cutting a child;
- (b) Striking a child with a closed fist;
- (c) Shaking a child under age three;
- (d) Interfering with a child's breathing;
- (e) Threatening a child with a deadly weapon;

(f) Doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks or which is injurious to the child's health, welfare and safety.

(2) Physical discipline of a child, including the reasonable use of corporal punishment, is not considered abuse

when it is reasonable and moderate and is inflicted by a parent or guardian for the purposes of restraining or correcting the child. The age, size, and condition of the child, and the location of any inflicted injury shall be considered in determining whether the bodily harm is reasonable or moderate. Other factors may include the developmental level of the child and the nature of the child's misconduct. A parent's belief that it is necessary to punish a child does not justify or permit the use of excessive, immoderate or unreasonable force against the child.

(3) Sexual abuse means committing or allowing to be committed any sexual offense against a child as defined in the criminal code. The intentional touching, either directly or through the clothing, of the sexual or other intimate parts of a child or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child, or a third party. A parent or guardian of a child, a person authorized by the parent or guardian to provide child-care for the child, or a person providing medically recognized services for the child, may touch a child in the sexual or other intimate parts for the purposes of providing hygiene, child care, and medical treatment or diagnosis.

(4) Sexual exploitation includes, but is not limited to, such actions as allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in:

(a) Prostitution;

(b) Sexually explicit, obscene or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted; or

(c) Sexually explicit, obscene or pornographic activity as part of a live performance, or for the benefit or sexual gratification of another person.

(5) Negligent treatment or maltreatment means an act or a failure to act on the part of a child's parent, legal custodian, guardian, or caregiver that shows a serious disregard of the consequences to the child of such magnitude that it creates a clear and present danger to the child's health, welfare, and safety. A child does not have to suffer actual damage or physical or emotional harm to be in circumstances which create a clear and present danger to the child's health, welfare, and safety. Negligent treatment or maltreatment includes, but is not limited, to:

(a) Failure to provide adequate food, shelter, clothing, supervision, or health care necessary for a child's health, welfare, and safety. Poverty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves;

(b) Actions, failures to act, or omissions that result in injury to or which create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child; or

(c) The cumulative effects of consistent inaction or behavior by a parent or guardian in providing for the physical, emotional and developmental needs of a child's, or the effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations, and duties, when the result is to cause injury or create a substantial risk

of injury to the physical, emotional, and/or cognitive development of a child.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-009, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-011 What is child abandonment? (1) A Parent or guardian abandons a child when the parent or guardian is responsible for the care, education, or support of a child and:

(a) Deserts the child in any manner whatever with the intent to abandon the child;

(b) Leaves a child without the means or ability to obtain one or more of the basic necessities of life such as food, water, shelter, clothing, hygiene, and medically necessary health care; or

(c) Forgoes for an extended period of time parental rights, functions, duties and obligations despite an ability to exercise such rights, duties, and obligations.

(2) Abandonment of a child by a parent may be established by conduct on the part of a parent or guardian that demonstrates a substantial lack of regard for the rights, duties, and obligations of the parent or guardian or for the health, welfare, and safety of the child. Criminal activity or incarceration of a parent or guardian does not constitute abandonment in and of themselves, but a pattern of criminal activity or repeated or long-term incarceration may constitute abandonment of a child.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-011, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-013 Who may receive child protective services? Children and families may receive child protective services when there is an allegation that a child has been abused or neglected:

(1) By a parent, legal custodian, or guardian of the child; or

(2) In a DSHS licensed, certified, or state-operated facility; or

(3) By persons or agencies subject to licensing under chapter 74.15 RCW, including individuals employed by or volunteers of such facilities.

[Statutory Authority: RCW 74.13.031, 74.04.050 and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-013, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-017 What is the responsibility of CPS regarding reports of abuse or neglect? (1) CPS must record a report from any source alleging child abuse or neglect.

(2) CPS must determine whether alleged incidents or conditions meet the definitions of child abuse or neglect in this chapter or in chapter 26.44 RCW.

(3) CPS must assess or investigate all reports of alleged child abuse or neglect that meet the definitions of child abuse or neglect contained in this chapter or in chapter 26.44 RCW.

(4) CPS must investigate anonymous reports only as provided in RCW 26.44.030(15).

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(5) CPS must maintain a record of reports received that are not investigated because they do not meet the definitions of child abuse or neglect as defined in RCW or this chapter.

(6) CPS must report to law enforcement per RCW 26.44.030(4) and 74.13.031.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-017, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-021 How does CPS respond to reports of alleged child abuse or neglect? (1) CPS must assess all reports that meet the definition of child abuse or neglect using a risk assessment process to determine level of risk and response time.

(2) CPS must provide an in-person response to alleged victims and must attempt an in-person response to the alleged perpetrator of child abuse and neglect in referrals assessed at moderate to high risk.

(3) CPS may refer reports assessed at low to moderately low risk to an alternative response system.

(4) CPS may interview a child, outside the presence of the parent, without prior parental notification or consent (RCW 26.44.030(10)).

(5) Unless the child objects, CPS must make reasonable efforts to have a third party present at the interview so long as the third party does not jeopardize the investigation (RCW 26.44.030).

(6) CPS may photograph the alleged child victim to document the physical condition of the child (RCW 26.44.050).

(7) CPS must establish in procedure, timelines for the completion of investigations and standards for written findings.

[Statutory Authority: RCW 74.13.031, 74.04.050 and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-021, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-025 What special requirements must CPS follow for Indian children? (1) These special requirements apply to children defined as Indians in WAC 388-70-091.

(2) The DCFS social worker shall document in case records 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 and WAC 388-70-093.

(3) In alleged child abuse and neglect situations, the DCFS social worker shall document in case records, efforts to utilize staff and services particularly capable of meeting the special needs of Indian children and their families, in consultation with the child's tribe and/or local Indian child welfare advisory committee per WAC 388-70-600 through 388-70-640.

(4) The DCFS social worker shall promptly advise the tribal council and the local Indian child welfare advisory committee that a child affiliated with the tribe is the victim of substantiated child abuse or neglect. The provisions of RCW 26.44.070, WAC 377-70-640, limiting who has access to confidential information, shall be followed in all cases.

(2003 Ed.)

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-025, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-029 What information may CPS share with mandated reporters? (1) CPS in the conduct of ongoing case planning and consultation with those persons or agencies required to report alleged child abuse or neglect under RCW 26.44.030 and with consultants designated by CPS, may share otherwise confidential information with such persons, agencies, and consultants if the confidential information is pertinent to cases currently receiving child protective services.

(2) When CPS receives a report of alleged child abuse or neglect, mandated reporters, as identified in RCW 26.44.030, and their employees must provide upon request by CPS, all relevant records in their possession related to the child (RCW 26.44.030).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-029, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-033 When will CPS involve local community resources? (1) CPS may use local community resources to respond to reports of abuse or neglect when the department's assessment of risk determines that a community response is in the best interest of the child and family.

(2) CPS may involve local community resources in the planning and provision of services to help remedy conditions that contribute to the abuse or neglect of children.

(3) CPS must have community based child protective teams (CPT) available for staffing and consultation regarding cases of child abuse or neglect. CPS must present cases for staffing with the CPT in accordance with executive order 95-04 and department procedures.

(4) There are special requirements for staffing Indian children cases with the local Indian child welfare advisory committee (WAC 388-70-600).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-033, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-037 Under what circumstances may CPS place a child in out-of-home care? (1) When CPS determines that a child is at risk of serious harm in the care of the parent, legal custodian, or guardian CPS may seek an out-of-home placement for the child. Before placing a child in out-of-home care one of the following must be in place:

(a) A court order directing that the child be placed in out-of-home care (RCW 13.34.050); or

(b) A law enforcement officer placing the child in protective custody (RCW 26.44.050); or

(c) A physician or hospital administrator detaining a child and CPS assuming custody until a court hearing is held (RCW 26.44.056); or

(d) A voluntary placement agreement signed by the child's parent, guardian, or legal custodian. Voluntary placements of Indian children must comply with RCW 13.34.245.

(2) CPS must attempt to place the child with a relative willing and available to care for the child, unless there is rea-

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sonable cause to believe that the health, safety and welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered (RCW 13.34.060). If a relative appears suitable and competent with good character to provide adequate care, the background check of a relative shall be completed as soon as possible after the child is placed (RCW 74.15.030).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-037, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-041 When will CPS involve the juvenile court? CPS may file a dependency petition with the juvenile court when CPS determines that court intervention is necessary for protection of the child.

(1) CPS must file a dependency petition with the juvenile court when a child is to remain in out of home care beyond seventy-two hours (excluding Saturdays, Sundays, and holidays) unless the child's parent or legal custodian signs a voluntary placement agreement.

(2) CPS must make reasonable efforts to notify both parents, guardians, and any legal custodian(s) that a dependency petition has been filed. The notice must inform these parties of the date, time, and location of the initial shelter care hearing and of the parent(s) and any legal custodian's legal rights. If the court has entered an order for the out-of-home placement of the child, a hearing shall be held within seventy-two hours, excluding Saturdays, Sundays, and holidays.

(3) Whenever CPS assumes custody of a child from law enforcement, and places the child in out of home care, a court hearing must be held within seventy-two hours from the time the child is taken into protective custody, excluding Saturdays, Sundays and holidays.

(4) Whenever CPS assumes custody from a physician or a hospital administrator and places the child in out-of-home care, a court hearing must be held within seventy-two hours from the time CPS assumes custody of the child, excluding Saturdays, Sundays, and holidays.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-041, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-045 What are the department's responsibilities regarding notification of the parent or legal custodian in child protective services cases? CPS must notify the parent, guardian, or legal custodian of a child at the earliest possible point that will not jeopardize the investigation or the safety or protection of the child when:

(1) CPS is investigating a report alleging an act or acts of child abuse or neglect, and:

(a) The child is alleged to be the victim; and/or

(b) CPS interviews a child in relation to an alleged act of child abuse or neglect.

(2) CPS takes a child into custody pursuant to a court order issued under RCW 13.34.050.

(3) CPS receives custody of a child from law enforcement pursuant to RCW 26.44.050.

(4) CPS files a dependency petition.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-045, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-049 When must the department notify the alleged perpetrator of allegations of child abuse or neglect? CPS must attempt to notify the alleged perpetrator of the allegations of child abuse or neglect at the earliest point in the investigation that will not jeopardize the safety and protection of the child or the investigation process.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-049, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-053 What steps must the department take to provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information? To provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information, CPS must give such person the opportunity to read or obtain relevant parts of the case record, provided the person or persons have requested access to the information and the law does not otherwise prohibit such access (RCW 13.50.100).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-053, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-057 What limitations does the department have on the disclosure of case information? Information obtained by CPS is confidential pursuant to federal and state law. The department may only disclose case record information as permitted by applicable statutes and the provisions of chapter 388-01 WAC.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-057, filed 7/16/02 and 8/14/02, effective 2/10/03.]

PART B—NOTIFICATION AND APPEAL OF FINDINGS

WAC 388-15-061 What is the purpose of these rules? The purpose of these rules is to describe:

- (1) The procedures for notifying the alleged perpetrator of any findings made by a CPS social worker in an investigation of suspected child abuse or neglect; and
- (2) The process for challenging a founded CPS finding of child abuse or neglect (RCW 26.44.100 and 26.44.125).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-061, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-065 Does CPS have to notify the alleged perpetrator of the results of CPS investigation? CPS has the duty to notify the alleged perpetrator in writing of any finding made by CPS in any investigation of suspected child abuse and/or neglect.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-065, filed 7/16/02 and 8/14/02, effective 2/10/03.]

[Title 388 WAC—p. 242]

WAC 388-15-069 How does CPS notify the alleged perpetrator of the finding? (1) CPS notifies the alleged perpetrator of the finding by sending the CPS finding notice via certified mail, return receipt requested, to the last known address. CPS must make a reasonable, good faith effort to determine the last known address or location of the alleged perpetrator.

(2) In cases where certified mailing may not be either possible or advisable, the CPS social worker may personally deliver or have served the CPS finding notice to the alleged perpetrator.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-069, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-073 What information must be in the CPS finding notice? The CPS finding notice must inform the alleged perpetrator of the department's investigative finding, including the legal basis for the findings and sufficient factual information to apprise the alleged perpetrator of the date and nature of the founded reports. The notice must also contain the following:

- (1) The alleged perpetrator may submit to CPS a written response regarding the CPS finding. If a response is submitted, CPS must file this response in the department's records.
- (2) Information in the department's records may be considered in later investigations or proceedings relating to child protection or child custody.
- (3) Founded CPS findings may be considered in determining:
 - (a) If an alleged perpetrator is qualified to be licensed to care for children or vulnerable adults;
 - (b) If an alleged perpetrator is qualified to be employed by a child care agency or facility;
 - (c) If an alleged perpetrator may be authorized or funded by the department to provide care or services to children or vulnerable adults.
- (4) The alleged perpetrator's right to challenge a founded CPS finding.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-073, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-077 What happens to unfounded CPS findings? (1) According to RCW 74.15.130 (2)(b), no unfounded, or inconclusive CPS finding of child abuse or neglect may be used to deny employment in a child care facility or to deny a license to care for children.

(2) According to RCW 26.44.020(19) no unfounded or inconclusive allegation of child abuse or neglect may be disclosed as part of a background check to a child placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(3) According to RCW 26.44.031, at the end of six years from the date of the report, the department must remove the unfounded finding from the department's records unless an additional child abuse and/or neglect report has been received regarding the same perpetrator during those six years.

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[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-077, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-081 Can an alleged perpetrator challenge a CPS finding of child abuse or neglect? A person named as an alleged perpetrator in a founded CPS report made on or after October 1, 1998, may challenge that finding.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-081, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-085 How does an alleged perpetrator challenge a founded CPS finding? (1) In order to challenge a founded CPS finding, the alleged perpetrator must make a written request for CPS to review the founded CPS finding of child abuse or neglect. The CPS finding notice must provide the information regarding all steps necessary to request a review.

(2) The request must be provided to the same CPS office that sent the CPS finding notice within twenty calendar days from the date the alleged perpetrator receives the CPS finding notice (RCW 26.44.125).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-085, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-089 What happens if the alleged perpetrator does not request CPS to review the founded CPS finding within twenty days? (1) If the alleged perpetrator does not submit a written request within twenty calendar days for CPS to review the founded CPS finding, no further review or challenge of the finding may occur.

(2) If the department has exercised reasonable, good faith efforts to provide notice of the CPS finding to the alleged perpetrator, the alleged perpetrator shall not have further opportunity to request a review of the finding beyond thirty days from the time the notice was sent.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-089, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-093 What happens after the alleged perpetrator requests CPS to review the founded CPS finding of child abuse or neglect? (1) CPS management level staff or their designees who were not involved in the decision making process will review the founded CPS finding of child abuse or neglect. The management staff will consider the following information:

- (a) CPS records;
- (b) CPS summary reports; and
- (c) Any written information the alleged perpetrator may have submitted regarding the founded CPS finding of abuse and/or neglect.

(2) Management staff may also meet with the CPS social worker and/or CPS supervisor to discuss the investigation/finding. After review of all this information, management staff decides if the founded CPS finding is correct or if it should be changed.

(3) Management staff must complete their review of the founded CPS finding within sixty calendar days from the date CPS received the written request for review.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-093, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-097 How does CPS notify the alleged perpetrator of the results of the CPS management review? CPS will notify the alleged perpetrator in writing of the results of the CPS management review. CPS will send this notice to the last known address of the alleged perpetrator by certified mail, return receipt requested. The notice of the CPS management review decision will also contain information regarding how to request a hearing.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-097, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-101 What happens if CPS management staff changes the founded CPS finding? If CPS management staff changes the founded CPS finding, CPS notifies the alleged perpetrator that the department has changed the finding to either inconclusive or unfounded. CPS management staff or their designee must correct the department's records to show the changed finding.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-101, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-105 What happens if CPS management staff does not change the founded CPS finding? (1) If CPS management staff does not change the founded CPS finding, the alleged perpetrator has the right to further challenge that finding by requesting an administrative hearing.

(2) The request for a hearing must be in writing and sent to the Office of Administrative Hearings. WAC 388-02-0025 lists the current address.

(3) The office of administrative hearings must receive the written request for a hearing within thirty days from the date that the person requesting the hearing receives the CPS management review decision.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-105, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-109 What laws and rules will control the administrative hearings held regarding the founded CPS findings? Chapter 34.05 RCW, RCW 26.44.100 and 26.44.125, chapter 388-02 WAC, and the provisions of this chapter govern any administrative hearing regarding a founded CPS finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter must prevail.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-109, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-113 What effect does a petition for dependency have on an administrative hearing? (1) If a dependency petition, based on chapter 13.34 RCW, regarding the alleged abuse or neglect has been filed, the administrative hearing must be stayed (postponed) until the superior court has entered an order and findings regarding the dependency petition.

(2) The ALJ must consider any superior court dependency findings and order relating to the alleged abuse or neglect.

(3) If the superior court has entered findings that the alleged perpetrator was the person responsible for the alleged child abuse or neglect, the ALJ must uphold the CPS finding. The ALJ must reiterate the court ruling and incorporate that ruling in the decision issued by the ALJ.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-113, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-117 What factors must the ALJ consider in order for the alleged abused and/or neglected child to testify at the administrative hearing? (1) The ALJ must give special consideration to any request by a party for the alleged abused or neglected child to testify in order to protect the physical and emotional well being of the child. For the protection of the child, the ALJ must determine:

(a) If compelling reasons exist to have the child testify. If compelling reasons do exist, the ALJ must consider alternative methods to in-person testimony by the child. Such methods may include, but are not limited to, having the child testify by telephone or videotape; or

(b) If the rights of a party (either the appellant or DSHS) would be prejudiced by not having the child testify in person. If a party's rights would be prejudiced, the ALJ must consider other methods to hear the child's testimony without having the child directly confront the alleged perpetrator.

(2) If the child does testify at the hearing, the ALJ must include a written finding in the administrative hearing decision regarding the compelling reasons for the child's testimony and what alternative methods to in-person testimony the ALJ considered.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-117, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-121 Are there issues the ALJ may not rule upon during an administrative hearing regarding a founded CPS finding? In any administrative hearing regarding a founded CPS finding, an ALJ may not rule upon the department's decisions regarding the following:

- (1) Placement of the alleged abused or neglected child;
- (2) Risk assessments used in making placement decisions regarding the alleged abused and/or neglected child; or
- (3) Service plans for the alleged perpetrator and/or alleged abused or neglected child.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-121, filed 7/16/02 and 8/14/02, effective 2/10/03.]

[Title 388 WAC—p. 244]

WAC 388-15-125 Are the administrative hearings open to the public? Based on RCW 26.44.125, any administrative hearing regarding founded CPS findings is confidential and must not be open to the public.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-125, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-129 How does the ALJ make a decision regarding the founded CPS finding? (1) The ALJ must decide if a preponderance of the evidence in the hearing record supports a determination that the alleged perpetrator committed an act of abuse or neglect of a child.

(2) If the ALJ determines that a preponderance of the evidence in the hearing record supports the founded CPS finding, the ALJ must uphold the finding.

(3) If the ALJ determines that the founded CPS finding is not supported by a preponderance of the evidence in the hearing record, the ALJ must remand the matter to the department for a change of the finding consistent with the ruling of the ALJ.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-129, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-133 How will the appellant be notified of the ALJ's decision? After the administrative hearing, the ALJ will send a written decision to the appellant and the department.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-133, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-135 What if the appellant or the department disagrees with the decision? If the appellant or the department disagrees with the ALJ's decision, either party may challenge this decision according to the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-135, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-141 What happens if the ALJ rules against the department? If the department challenges the ALJ's decision, the department will not change the finding in the department's records and the finding will remain in effect pending the final decision from the department's challenge. If the department does not challenge the ALJ's decision, the department will correct the finding in the department's records consistent with the ALJ's decision.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-141, filed 7/16/02 and 8/14/02, effective 2/10/03.]

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, educa-

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tion, 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 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 388-15-650 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.]

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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 screening, 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,

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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 recipients 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 comprehension 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
King	Level II \$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 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-lim-

ited 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, con-

structed, 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 personnel. 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 housekeeping 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 receive-

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ing 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

[Title 388 WAC—p. 253]

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 388-25 WAC

CHILD WELFARE SERVICES—FOSTER CARE

WAC

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FAMILY SUPPORTS AND RELATIONSHIPS

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PART A: GENERAL

WAC 388-25-0005 What is the legal basis for the foster care program? RCW 74.13.020 authorizes the department to provide foster care placement services.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0005, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0010 What definitions apply to the foster care program? The following definitions are important:

"Alcohol affected infant" means a child age birth through twelve months who was exposed to alcohol in utero and may demonstrate physical, behavioral, or cognitive signs that may be attributed to alcohol exposure.

"Behavior rehabilitation services" (BRS) is a comprehensive program of positive behavioral support and environmental structure in a supervised group or family living setting. Resources are designed to modify a child's behavior or to appropriately care for a child's intensive medical condition. Services are tailored to each client's needs and offered in the least restrictive setting possible.

"Child placing agency" means a private licensed or certified agency that places a child or children for temporary care, continued care, or for adoption.

"Children's administration" (CA) means the cluster of programs within the department of social and health services responsible for the provision of child welfare, child protective, child care licensing, and other services to children and their families.

"Crisis residential center" (CRC) means a secure or semi-secure facility established under chapter 74.13 RCW.

"Department" means the department of social and health services (DSHS).

"Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

"Division of children and family services" (DCFS) is the division of children's administration that provides child welfare, child protective, family reconciliation, and support services to children in need of protection and their families.

"Division of licensed resources" (DLR) is the division of children's administration responsible for licensing or certifying child care homes and facilities under the authority of chapter 74.15 RCW.

"Drug affected infant" means a child age birth through twelve months who was exposed to drugs or substances in utero and demonstrates physical, behavioral, or cognitive signs that can be attributed to exposure to drugs or substances.

"Early and periodic screening, diagnosis and treatment" (EPSDT), also known as "healthy kids," is a federal program for preventive health care for children and teens served by Medicaid. The physical/well child examination

helps find health problems early and enables the child to receive treatment for concerns identified in the examination.

"Foster care" means twenty-four-hour per day temporary substitute care for the child placed away from the child's parents or guardians and for whom the department or a licensed or certified child placing agency has placement and care responsibility. This includes but is not limited to placements in foster family homes, foster homes of relatives, licensed group homes, emergency shelters, staffed residential facilities, and preadoptive homes, regardless of whether the department licenses the home or facility and/or makes payments for care of the child.

"Foster care services" for the department include:

- (1) The determination of needs of the child;
- (2) The determination of need for foster care;
- (3) The placement of the child in the type of foster care setting that best meets the child's needs;
- (4) The referral of a child to a private child placement agency or institution to meet the child's specific needs;
- (5) Medical services according to the rules of the department's medical program;
- (6) Reimbursement for the care of a child in a licensed family foster home;
- (7) The purchase of care from a licensed private child placing agency, behavioral rehabilitation services provider, or maternity home;
- (8) Supervision of the foster care placement by direct supervision through departmental social work services; or indirect supervision through evaluation of periodic reports from private child placing agencies, rehabilitation services providers, or maternity homes with which the department has contractual arrangements.

"Foster home or foster family home" means person(s) regularly providing care on a twenty-four-hour basis to one or more children in the person's home.

"Group care" means a twenty-four-hour facility licensed or certified under chapter 388-148 WAC for more than six children. The facility provides the basic needs for food, shelter, and supervision. The facility also provides therapeutic services required for the successful reunification of children with the children's family resource or the achievement of an alternate permanent living arrangement.

"Independent living services" means the program services and activities established and implemented by the department to assist youth sixteen years or older in preparing to live on their own after leaving foster care.

"Overpayment" means any money paid by the department for services or goods not rendered, delivered, or authorized or where the department paid too much for services or goods or services rendered, delivered, or authorized.

"Regional support network" is an administrative body which oversees the funding for provision of public mental health services.

"Relative" means a person who is related as defined in RCW 74.15.020 (2)(a).

"Responsible parent" means a birth parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity that has been filed with the state office of vital statistics.

"Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, lives outdoors or in another unsafe location not intended for use as housing.

"Staffed residential home" means a licensed home providing twenty-four-hour care for six or fewer children or expectant mothers. The home may employ staff to care for children or expectant mothers.

"Shelter care" means the legal status of a child at entry in foster care prior to a disposition hearing before the court.

"Vendor" means an individual or corporation that provides goods or services to or for clients of the department and that controls operational decisions.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0010, filed 3/30/01, effective 4/30/01.]

PART B: PLACEMENT AUTHORIZATION AND PAYMENT

WAC 388-25-0015 What are the department's placement priorities? Within the limits of available financial resources, the department provides placement services to children according to the following ordered priorities:

(1) The department must place children who urgently need protection from child abuse or neglect (CA/N) if the department has legal authority for placement consistent with WAC 388-25-0025.

(2) The department may place children whose mental, emotional, behavioral or physical needs present a risk to their safety and resources do not exist within the family to provide for those needs.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0015, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0020 What are the department's limitations on placement? Children's administration (CA) social workers must place only those children who meet the criteria for child protective services (CPS), family reconciliation services (FRS), or child welfare services as defined in RCW 74.13.020. Children in situations outlined below do not meet those criteria:

(1) Children whom the CA social worker determines, after assessment, will not be helped in out-of-home care.

(2) Youths ages twelve through seventeen years of age in conflict with their parents and who have not received family reconciliation services, except families receiving adoption support that have already received extensive counseling services.

(3) Youths ages twelve through seventeen years of age whose family has received family reconciliation services and parents are unwilling to have the youths at home solely due to misbehavior.

(4) Youths for whom the primary placement issue is community protection, including sexual predators covered by the sexually aggressive youth (SAY) statute, RCW 74.13.-075.

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(5) Youths who are unwilling to live in the home of parents who are willing to have them at home, when this is the only presenting problem.

(6) Youths who have a mental illness and are a danger to themselves or others as defined by a mental health professional (see chapter 71.34 RCW).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0020, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0025 When may the department or a child placing agency authorize foster care placement? The department or a child placing agency may place a child in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into custody under chapter 13.32A RCW, Family Reconciliation Act, to alleviate personal or family situations that present an imminent threat to the health or stability of the child or family.

(2) The child, the child's parent(s), or the department has filed a petition requesting out-of-home placement for the child pursuant to RCW 13.32A.120 or 13.32A.140:

(a) Placement has been approved after a fact finding hearing under RCW 13.32A.170; or

(b) A child has been admitted directly to placement in a crisis residential center (CRC), and the parents have been notified of the child's whereabouts, physical and emotional condition, and the circumstances surrounding the child's placement.

(3) A child has been placed in shelter care under one of the following circumstances:

(a) The child has been taken into custody by law enforcement or through a hospital administrative hold and placed in shelter care; or

(b) A petition has been filed with the juvenile court alleging that 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).

(4) A juvenile court has made a determination of dependency for a child and has issued a disposition order under RCW 13.34.130 that removes the child from the child's home.

(5) A juvenile court has terminated the parent and child relationship as provided in chapter 13.34 RCW and has placed the custody of the child with the department or with a licensed or certified child placing agency.

(6) The child's parent(s) or persons legally responsible to sign a consent for voluntary placement that demonstrates agreement with an out-of-home placement as described in RCW 74.13.031.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0025, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0030 When may the department serve a child through a behavior rehabilitation services program? (1) The department may serve a child through the behavior rehabilitation services (BRS) program only when the CA social worker has assessed the child's and family's needs and determined that rehabilitative services are neces-

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sary and that this is the most appropriate placement for the child.

(2) The department may only provide financial support for a child's BRS placement when the CA social worker has determined this level of care is necessary, the placement is in a licensed or certified home or facility, the provider meets the department's qualifications, and the department has contracted with the provider for that service.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0030, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0035 What is the department's authority to remove a child from a behavior rehabilitation services placement? The department has the authority to remove the child after at least seventy-two hours notice to the child care provider. The department may waive notice in emergency situations or when a court has issued an order changing a child's placement.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0035, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0040 How long may a child served by the department remain in out-of-home placement before a court hearing is held? Within seventy-two hours after a child enters care, a shelter care hearing must be held. Saturdays, Sundays and holidays are excluded in the seventy-two-hour requirement. A court order must be obtained to keep a child in shelter care for longer than thirty days.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0040, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0045 Under what circumstances may a parent sign a consent for voluntary placement of a child in foster care with the department? (1) If alternative placement resources, including social supports in the family home, have been considered and eliminated; and

(2) The department agrees that the child needs to be placed; then

(3) A child's parent may sign a consent for voluntary placement of a child in foster care (if the child is Native American refer to the Indian Child Welfare Act):

(a) If the child and a parent cannot agree to the child's return home but do agree to the child's placement out of the home; or

(b) When a parent is unable to care for a child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0045, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0050 What must a parent do to place the child in foster care with the department? A child's parent may sign a Voluntary Placement Agreement (VPA), DSHS 09-004B(X), to voluntarily place a child in foster care. The consent for voluntary placement must agree with child welfare services as described under RCW 74.13.031. The consent becomes valid when signed by a representative of children's administration.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0050, filed 3/30/01, effective 4/30/01.]

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WAC 388-25-0055 How long may a voluntary placement last with the department? A voluntary placement must last no longer than one hundred eighty days. By the end of one hundred eighty days, the child must return to the child's parent or guardian unless the juvenile court has made a judicial determination that:

(1) Return to the parent or guardian is contrary to the welfare of the child; and

(2) Continued placement in foster care is in the best interest of the child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0055, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0060 May the department grant an exception to the length of stay in voluntary placement? (1) The DCFS regional administrator or the regional administrator's designee may grant exceptions to the one hundred eighty-day limit on voluntary placements only:

(a) If the department conducts an administrative review fulfilling the requirements of title 42, United States code (USC), chapter 675, section 475, and the review chairperson recommends continuation of voluntary placement; and

(b) If a specific date within six months is scheduled for the child to return home; or

(c) The child is seventeen years of age or older.

(2) Exceptions which cause the child to remain in care for longer than twelve months require a court review hearing that meets the dispositional and permanency plan hearing requirements of 42 USC 675, section 475.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0060, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0065 What are the department's placement procedures for an infant residing in foster care with the infant's teen parent? (1) When a teen parent and infant reside in the same facility, the infant's "home" is considered to be the infant's parent's home. Maintenance payments for the teen parent must be increased to provide for the maintenance of the infant. A legal authorization-to-be-placed is not required in order to include an amount sufficient for the infant's maintenance or to issue medical coupons for the infant.

(2) For protection of the infant, a dependency order placing the child in temporary custody of the department may be appropriate. Even if dependency is established, a legal authorization-to-be placed must be obtained to keep the infant in out-of-home care should the teen parent placement setting change so as not to include the infant.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0065, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0070 When does the department authorize foster care payments? The CA social worker authorizes foster care payments when:

(1) The CA social worker documents the need for the type and level of foster care; and

(2) The social worker has documentation showing the department's authority for the placement of the child in foster care as required by WAC 388-25-0025.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0070, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0075 To whom does the department make payment for foster care? (1) The department makes foster care payments only to persons and agencies the department has appropriately licensed and approved, or, if not subject to licensing, the department has certified as meeting the department's licensing requirements, or:

(a) If in another state, persons or agencies meeting the requirements of that state; or

(b) If in a tribal program, persons or agencies meeting the requirements of that tribal program.

(2) The department makes payment for out-of-state foster care placements only after approval from the two state offices involved (see WAC 388-25-0440).

(3) The department may make foster care payments to licensed or certified foster parents and to persons granted dependency guardianship, if the dependency guardians are licensed or certified as foster parents (see RCW 13.34.234).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0075, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0080 Are dependency guardians who are licensed foster parents able to receive payment from more than one source? (1) When the child is eligible for foster care payments and Social Security Act, Title XVI, Supplemental Security Income (SSI) payments, or Social Security Act, Title II, Survivor's Benefits, Veterans' Administration (VA) benefits, or other sources of income, the dependency guardian may choose one payment source or the other, but not more than one.

(2) If the dependency guardian chooses to receive foster care payments rather than SSI payments or another source in behalf of the child, the department places SSI benefits or the other cited benefit in an account the department may use to meet the cost of care or special needs of the child in accordance with RCW 74.13.060.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0080, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0085 What happens if the dependency guardian receives payments from more than one source? If the dependency guardian has received payment from SSI or another source as well as foster care, an overpayment has occurred. The department must recover the foster care payments made to the dependency guardian for those months for which the dependency guardian also received SSI or other benefits, as well as foster care payments, in behalf of the child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0085, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0090 What are the department's expectations for foster care providers to whom the department makes reimbursement for services? (1) Foster care providers are responsible for:

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(a) Protecting and nurturing children in a safe, healthy environment that provides positive support and supervision for the child in care;

(b) Taking the child to a physician or nurse practitioner to complete an EPSDT (early and periodic screening, diagnosis and treatment) examination. EPSDT exams must be scheduled within one month of initial placement and annually thereafter.

(c) Reporting to the social worker the fact that an EPSDT examination took place and if the examination showed that further treatment is needed.

(d) Observing and sharing information about the child's behavior, school and medical status, response to parental visits, and the child's growth and development with persons designated by the assigned CA social worker (see chapter 388-148 WAC).

(e) Meeting the developmental needs of the child by:

(i) Teaching age appropriate skills;

(ii) Supporting cultural identity;

(iii) Helping the child attach to caring adults;

(iv) Building self esteem;

(v) Encouraging and modeling positive social relationships and responsibilities;

(vi) Supporting intellectual and educational growth;

(f) Supporting the permanent plan for the child;

(g) Participating as a member of the child's treatment team by taking part in the development of the service plan for the child and providing relevant information about the child's progress for court hearings;

(h) Providing assistance to the social worker, when working with the biological parents is part of the service plan, by assisting in family visitation and modeling effective parenting behavior for the family.

(2) Therapeutic foster care and rehabilitative service providers are responsible for additional therapeutic services as defined in their service agreements or contracts with the department.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0090, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0095 What are the requirements for release of foster parents' care records? Foster parent care records may be disclosed upon request in accordance with RCW 42.17.260.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0095, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0100 What are the department's responsibilities regarding financial assistance to support children in the department's foster homes and child placing agency foster homes? (1) The department pays only for placements and plans the department has approved.

(2) The department has final responsibility for determining initial and ongoing eligibility for financial support.

(3) Payment for children served through the behavior rehabilitation services program is limited to those children who are ages six to eighteen.

(4) The department maintains control and oversight of placements and payments through written agreements with

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the child placing agencies, quarterly reports, and planning meetings with the agency or facility.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0100, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0105 What is the effective date for payment of foster care? (1) The department begins foster care payment for a child on the date the department or its authorized designee places the child in the licensed foster home.

(2) The department pays for each night a child resides in foster care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0105, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0110 What is the effective date for termination of foster care payments? (1) The department ends payment on the day before the child actually leaves the foster home or facility. The department does not pay for the last day that a child is in a foster care home or facility.

(2) The department terminates family foster care payments for children in family foster care effective the date:

(a) The child no longer needs foster care; or

(b) The child no longer resides in foster care except as provided in WAC 388-25-0180; or

(c) The child reaches the age of eighteen. If the child continues to attend, but has not finished, high school or an equivalent educational program at the age of eighteen and has a need for continued family foster care services, the department may continue payments until the date the child completes the high school program or equivalent educational or vocational program. The department must not extend payments for a youth in care beyond age twenty.

(3) The department must terminate foster care payments for children in the behavior rehabilitative services program effective the date:

(a) The child no longer needs rehabilitative services; or

(b) The child is no longer served through contracted rehabilitative services program except as provided in WAC 388-25-0030; or

(c) The child reaches the age of eighteen and continues to attend, but has not finished, high school or an equivalent educational program and has a need for continued rehabilitative treatment services, the department may continue payments until the date the youth completes the high school program or equivalent educational or vocational program. The department must not extend payments for a youth in care beyond age twenty.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0110, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0115 What are the department's general standards for family foster care reimbursement? (1) The standards of payment explained in WAC 388-25-0120 through 388-25-0215 are the basis for the reimbursement rates the department provides for care of children placed in licensed foster care under the department's direct supervision and those children under the supervision of child placing agencies.

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(2) The CA social worker must determine the payment plan for all types of family foster care through a review of the needs and resources of each child and the activities of the foster parent which meet those needs.

(3) The CA social worker must discuss any plan above the basic foster care rate with the foster parent so that the foster parent knows:

(a) The basis for payment;

(b) Any increased expectations of the foster parent for service delivery or participation in the case plan for the child; and

(c) The amount included for each item of the child's care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0115, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0120 What is the department's reimbursement schedule for regular family foster care? (1) The foster care basic rate reimburses the foster parent for costs incurred in the care of the child for room and board, clothing, and personal incidentals. The amount of reimbursement varies according to the age of the child.

(2) The department's children's administration may approve exceptions to the basic rates.

(3) To determine the payment rates, the department considers the child's birth date to be the first day of the month in which the child's birthday occurs.

(4) The standard reimbursement rate allowed is limited to the scheduled rate in existence for the time period(s) in which the child was placed in the foster home.

(5) The department's foster care reimbursement rates are as follows:

Effective Date*			
July 2000	0-5	6-11	12 & Older
Age			
Totals**	\$351.31	\$426.81	\$499.95

*Schedule will be updated to comply with mandated changes.

**Totals include room and board, clothing allowance, and personal incidentals.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0120, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0125 When may the department authorize a clothing allowance for a child in out-of-home care? When the department or a contracted child placing agency places a child in foster care or, at other times, the social worker may authorize a clothing allowance to supplement a child's clothing supply, when necessary. This allowance may not exceed two hundred dollars unless authorized by the DCFS regional administrator or the regional administrator's designee. The allowance must be based on the needs of the child and be provided within available funds. Clothing purchased becomes the property of the child and will be sent with the child if placement changes.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0125, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0130 What are the standards for use and reimbursement of receiving home care? The department or a child placing agency uses receiving homes to place a child in a licensed family foster home on a temporary, emergent, or interim basis to provide sufficient time for the development of a plan. This planning includes the involvement of the child, the child's parent(s), and the child's extended family whenever possible.

(1) A DCFS regional administrator must designate family foster homes which are to receive child placements twenty-four hours per day. These homes provide care for children on a temporary, emergent, or interim basis as regular or specialized receiving homes.

(2) If the regional administrator designates a receiving home to be available on a twenty-four-hour basis, the regional administrator must specify this designation in a written agreement with the foster parent. Regular foster homes may also agree to accept children on an emergent basis.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0130, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0135 What are the types of receiving homes and what children are served in them? There are two types of receiving homes: Regular and specialized. Each type of home provides the following services:

(1) Regular receiving homes for children age birth through age seventeen; and

(2) Specialized receiving homes for children who require more intensive supervision than normally provided to children in foster care. The child may require more intensive supervision due to behavioral problems, developmental disability, emotional disturbance, erratic and unpredictable behavior or medical condition (not on personal care or medically intensive DDD program).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0135, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0140 Who decides on the number of receiving homes needed in an area? Each DCFS regional administrator must decide on the number of receiving homes needed for the regional administrators' respective geographical areas.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0140, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0145 How long may a child stay in a receiving home? (1) The department limits a child's maximum length of stay in a receiving home:

(a) Maximum length of stay for regular receiving homes is thirty consecutive days per placement;

(b) Maximum length of stay for specialized receiving homes is fifteen-consecutive days per placement.

(2) The DCFS regional administrator or the administrator's designee may approve extensions of a child's stay in a licensed family foster home paid at a receiving care rate beyond the limits contained in subsection (1) of this section.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0145, filed 3/30/01, effective 4/30/01.]

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WAC 388-25-0150 What are the rates for reimbursement to receiving home providers? The current reimbursement rates, effective July 1, 2000, to receiving homes are:

Type of Home	Monthly Retention Fee - Per Bed	Daily Rate per Child in Care
Regular receiving (all ages)	\$51.12	\$19.06
Special receiving, ages 12-17	\$102.99	\$26.08

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0150, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0155 How are rates authorized for reimbursement to receiving home providers? (1) The DCFS regional administrator or the administrator's designee may authorize payments in excess of the standard for individual child-specific situations. The department may, within available funds, purchase clothing and personal incidentals for the child in receiving home care as needed.

(2) The department does not pay the receiving home rate if the child is expected to stay in this placement for longer than thirty days.

(3) The department may make reimbursement for assessment and interim care through the behavior rehabilitative services program.

(4) The department may, at the direction of the DCFS regional administrator or designee, use qualified, contracted behavior rehabilitative services to provide assessment or interim care for children and youth requiring that level of care as determined by the CA social worker. Unless the department and the provider make an alternate agreement, the department must pay for contracted rehabilitative services at the facility's contracted daily rate for interim or assessment care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0155, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0160 What are the reimbursement standards for payments above the basic foster care rate?

(1) In addition to the basic rate for regular family foster care specified in this chapter, the department may reimburse an additional amount for the specialized care of a child with special needs.

(2) For the child to be eligible for payment above the basic rate, the department's social worker must assess the child's behaviors, intellectual functioning, and/or physical disabilities and determine, with the child's foster parent or prospective foster parent, what services the foster parent will provide to meet the child's special needs.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0160, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0170 What other services and reimbursements may be provided for the support of children placed in foster care by the department? (1) The department may provide additional support services and reimbursements to meet specific needs of the child in care or of the family foster home provider. The department must approve all services and reimbursement amounts in advance of the

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service being provided. Services are subject to the availability of funds.

(2) Additional services may include the following:

(a) **Receiving home contracted and noncontracted respite** - This service for receiving homes includes child care, relief care, extra supervision for special activities, as well as basic respite care. Respite is subject to the availability of respite homes. Respite contracted but not available will be reimbursed to the regular foster parent.

(b) **Receiving home transportation** - This service reimburses receiving home parents for selected transportation costs, such as demands for training or special appointments for a child in care. The department makes direct payment to the receiving home parent.

(c) **Receiving home contracted support services** - These services are intended to enhance the capacity of regular and specialized receiving homes by increasing the skills of the provider to provide a stable emergency placement. The services include consultation for obtaining resources, training, case conferences, and visits to a child's parents' home by the receiving home provider.

(d) **Receiving home ancillary support services** - These services are reimbursements for activities or items enabling receiving homes to provide extra services to youth in care. Examples of such supports include craft items, recreational materials, and tickets to events.

(e) **Hourly or daily foster care respite** - Respite care by the hour or day for receiving and regular foster homes. The department may reimburse foster parents for relief supervision or additional supervision for special activities. The department defines "day" as either an eight-hour period or a block of time, up to twenty-four hours, paid as an eight-hour day. "Light" is defined as care provision that is not significantly different from that required by a child in the general population. However, the child may require some additional attention or assistance. The appropriate rate is determined after assessing the child's care requirement as either "light" or "heavy." "Heavy" is defined as care that requires the caregiver to provide intensive attention or total assistance. Regular intervention is needed to meet the needs of the child. Children having areas of need that are "light" in one area and "heavy" in another are assessed as "moderate."

(f) **Hourly or daily agency foster care respite** - Respite care by the hour or day for receiving and ongoing foster homes. Care may be child specific or related to all the children in the foster home. The department reimburses agencies for purchase of relief supervision and additional supervision for special activities.

(g) **Foster care clothing and personal incidentals** - The monthly rate that the department may reimburse to defray the cost of clothing and personal items for children in selected circumstances when the department is not paying for the child's board and room. The department makes reimbursement to the foster home or facility.

(h) **Foster care personal incidentals** - An amount to reimburse foster parents for purchase of personal items needed by a child in receiving care.

(i) **Foster care medical services** - Reimbursement arranged and made for medical services not covered by the

department's regular health insurance program (e.g., orthodontia or corrective surgery) for a child in foster care placement.

(j) **Foster care physical examination/report** - This medical service is used after the decision to place the child has been made and if the child is ineligible for an EPSDT examination or does not have private medical insurance. The service includes arranging and making payment for a physical examination and/or report necessary for a child in or needing foster care placement.

(k) **Foster care psychological evaluation and report** - The department may arrange for this service and make payment to a psychologist, psychiatrist, or other appropriate person for an evaluation of a child, parent, or foster parent. The department authorizes this service to assist in preventing a foster care placement or making an appropriate placement to implement a permanent plan.

(l) **Foster care psychological treatment and report** - The department arranges this service and makes payment to a psychologist, a psychiatrist, or other appropriate person for treatment of a child and/or parent(s) necessary to assist in preventing out-of-home placement, making an appropriate out-of-home placement, or implementing a permanent plan. This service includes a written report of the treatment goals, progress and outcomes.

(m) **Foster care transportation** - Reimbursement for the cost of transportation by car and associated expenses incurred by or on behalf of a child in foster care, receiving family reconciliation services (FRS), adoption services, or for return of a runaway. The department makes reimbursement directly to a vendor or to a foster parent.

(n) **Foster care business account transportation** - Reimbursement for the cost of air and rail transportation and associated expenses incurred by or on behalf of a child in foster care, receiving family reconciliation services (FRS), adoption services, or for return of a runaway. The department makes reimbursement directly to a vendor and charges expenses to the business transportation account (BTA).

(o) **Parent-child visitation** - Transportation and visitation services for children in out-of-home care. Services include:

- (i) Transportation to and from scheduled visits;
- (ii) Monitoring and supervision of family visits; and
- (iii) Reports regarding the nature and progress of visits and the parent/child interaction.

(3) The rates for the specialized services described in this section are contained in the following table. The rates are effective July 1, 2000.

Specialized Services and Reimbursement Rates			
Receiving Care Service	Rating*	Per Hour	
Receiving home contracted and non-contracted respite	Light	\$5.84	
	Moderate	\$5.98	
	Heavy	\$6.25	
Receiving home transportation	Amount authorized		
Receiving home contracted support services	Contracted amount		
Receiving home ancillary support services	Amount authorized		
Receiving Foster Care Service	Rating*	Per Hour	
	Hourly foster care respite	Light	\$6.39
		Moderate	\$5.53
		Heavy	\$6.84

Daily foster care respite	Light	\$49.97
	Moderate	\$52.15
	Heavy	\$54.65

*To determine rating for child's care requirements in physical/medical and behavior/psychological areas:

Rating of light in both areas = light

Rating of light in one area and heavy in the other area = moderate

Rating of heavy in both areas = heavy

Foster care clothing/monthly (for children not in a paid placement)	Age	7/1/2000
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0-11	\$37.13
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12 & older	\$44.14
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Foster care personal incidentals (one time payment)	Age	7/1/2000
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0-5	\$50.65
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6-11	\$55.10
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12 & older	\$59.13
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Foster care medical services	Amount authorized
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Foster care physical examination by health care practitioner	\$8.50 - \$25.00 (one time payment)
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Foster care psychological evaluation/report	Up to \$105.00 per unit of service
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Foster care transportation	Up to \$1,000.00
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Foster care business transportation account transportation	Up to \$1,000.00
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Foster care psychological treatment/report	Up to \$1100.00 per unit of service
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Parent-child visitation	As contracted
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[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0170, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0175 Under what circumstances may the department provide foster care for educational purposes?

(1) The department may provide licensed foster care for a child with physical or mental disabilities when requested by a school district and in concurrence with the wishes of the parents, in accordance with WAC 388-25-0030.

(2) The department will not make the payment when the only need for foster care arises from the need for an education. The department will only pay the cost of foster care when one of the conditions of WAC 388-25-0030 applies.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0175, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0180 Under what circumstances may the department provide reimbursement for foster care if the child is temporarily absent from the foster home or facility?

(1) When a child is temporarily absent from a foster home or a facility to which the department is paying the cost of placement, the department may pay for the actual number of days absent, if the number of consecutive days of absence does not go over fifteen days within a thirty-day period. The care provider must notify the DCFS social worker of the absence and whether the absence is planned or unplanned.

(2) The following requirements apply to planned absences:

(a) The care provider must notify the DCFS social worker at least three days in advance of any planned absence. The notification must include the following information:

(i) Child's name;

(ii) The address the child will visit;

(iii) The reason for the visit;

(iv) The planned beginning and ending dates of absence;

and

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(v) A statement as to whether or not the foster care provider will hold the child's unoccupied bed for the child's return to the home or facility.

(b) A private agency must report the frequency, duration, and reasons for visits to the responsible DCFS social worker or local office in the child's quarterly progress report prepared by the private agency.

(c) When there is a planned temporary absence of a child from a foster family home supervised by DCFS, the assigned social worker will participate in the plan.

(3) The following requirements apply to unplanned absence of children from out-of-home care:

(a) The foster care provider must notify the supervising DCFS social worker by the next working day or within eight hours following the child's unplanned absence. Notification may be by a telephone call to the DCFS social worker or the worker's supervisor. The written notification must provide the following information:

(i) Child's name, age, and home address;

(ii) Date and time the child left the premises;

(iii) A statement as to whether the foster care provider is willing to accept the child back into the home or facility; and

(iv) A statement as to whether or not the foster care provider will hold the child's unoccupied bed for the child's return to the home or facility.

(b) If the foster care provider is willing to accept the child back and holds a vacant bed for the child, the department may continue payment for fifteen days from the date of the child's departure.

(c) The foster care provider must notify the DCFS social worker or local office of the date of the child's return.

(4) In addition to the preceding requirements, the department places the following limitations on the payments for temporary absences of children from foster care:

(a) A child's cumulative total of forty-five days of absence within a six-month period is the maximum allowable for payment unless the DCFS regional administrator or the administrator's designee approves an exception request.

(b) The social worker must provide adequate justification of unusual circumstances to support a request for extension of the consecutive fifteen-day and cumulative forty-five-day limitations.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0180, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0185 May the department consider foster care payments to the foster family in determining eligibility for public assistance?

When the department or a child placing agency places a child in foster care with a family receiving public assistance under 42 U.S.C. 601, et seq., the department must not consider payment received by the family for the foster child in determining the family's eligibility for public assistance. The department makes payments, including special or exceptional payments, for the child's board, clothing and personal incidentals.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0185, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0190 What are the department's standards for making foster care payment to a relative providing care to the child served by department? (1) A relative caregiver, licensed or certified as a family foster home under chapter 74.15 RCW and eligible for temporary assistance for needy families (TANF) in behalf of the child, may select either foster care or TANF payments in behalf of the child, but not both.

(2) A relative caretaker who is not related to the specified degree defined in RCW 74.15.020 by blood, marriage, or legal adoption may receive foster care payments in behalf of the child if licensed as a foster family home under chapter 74.15 RCW.

(3) A relative caretaker who is not licensed or certified for foster care may apply for TANF.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0190, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0195 How does the department make reimbursement for foster care for a child served by the department who moves out-of-state with the foster family? (1) A child may join a foster family in a move out-of-state only if this move supports achieving a permanency goal as outlined in the child's case plan.

(2) The department and the foster parent must follow CA requirements when a foster child and the licensed foster family moves out-of-state. This may include obtaining permission of the court before the move.

(3) When the foster family moves to another state, the department must arrange with the other state or local social service agency to license and supervise the home and the placement (see chapter 26.34 RCW). The department does not need to make such arrangements for supervision when the family leaves this state during a vacation.

(a) Before the foster family moves from Washington to the new state, the social worker or the foster parent may request a foster home license application from the new state.

(b) If the department and the foster parent are unable to obtain an application for license before the foster family leaves Washington, the foster parent must, upon arrival in the new state of residence, contact the local foster home licensing agency in the new state to apply for a license in that state.

(4) When the foster family moves to another state with a child in the department's custody, the child's DCFS social worker must submit necessary interstate compact on the placement of children (ICPC) application forms to the department's ICPC program manager. The social worker must do this as soon as the foster family has a new residence or address in the new state. The ICPC request must ask that the new state license the family as a foster home and provide ongoing supervision of the child in care.

(5) The department continues payments at the department's current rates until the other state fully licenses the home. After receiving a copy of the foster family home license from the other state, the DCFS supervising social worker authorizes payment at the receiving state's rates (see WAC 388-25-0195).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0195, filed 3/30/01, effective 4/30/01.]

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WAC 388-25-0200 What payment procedures must the department follow for children placed across state borders? (1) When the department places a child into a new placement with a family residing and licensed in another state, the DCFS social worker must obtain the payment rates from that state. Following receipt of the other state's rates, the department will pay that state's rates in accordance with ICPC procedures when:

- (a) Those rates are higher than Washington's rates; and
- (b) The other state identifies its rates to the department.

(2) When the child welfare department in another state places a child, who is a resident of the state of Washington, in foster care the department makes foster care payments at the rate requested by that state.

(3) The CA ICPC program manager must approve out-of-state placement before the department makes payment for foster care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0200, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0205 How does the department treat the earnings of a child in foster care? The department does not include the earnings of a child in out-of-home care when considering if a child is eligible for a particular funding source nor when determining a child's possible participation in the cost of care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0205, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0210 How does the department treat resources and unearned income of a child in foster care?

(1) Unearned income includes Supplemental Security Income (SSI), Retirement, Survivors and Disability Insurance (RSDI), veteran's benefits, railroad retirement benefits, inheritances, or any other payments for which the child is eligible, unless specifically exempted by the terms and conditions of the receipt of the income. The department must use income not exempted to cover the child's cost of care, except for resources held in trust for an American Indian child.

(2) Any person, agency or court that receives payments on behalf of a child in out-of-home care must send the payments to the department's division of child support.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0210, filed 3/30/01, effective 4/30/01.]

PART C: PARENTAL SUPPORT OBLIGATION

WAC 388-25-0215 What is the parents' obligation to support their child in foster care? Parents of children in foster care must provide financial support for their child in accordance with rules contained in chapter 388-14A WAC.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0215, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0220 Who has authority to recommend or negotiate amounts for parental participation in the cost of foster care? (1) The department's division of child support determines the amount of parental financial support, except when stated in a superior court order. Chapter 74.20A

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RCW and chapter 388-14A WAC provide the authority and procedures for the division of child support to collect financial support from the parent to pay for a child in foster care.

(2) Only the division of child support may recommend to the court, on behalf of the department, to establish, raise, lower, release, or forgive support payments for a child placed in foster care. No other agency or staff may make agreements with parent(s) or their representatives regarding this matter.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0220, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0225 What cases must the department refer to the division of child support (DCS)? (1) The DCFS office must refer to the division of child support every foster care placement in which DCFS participates in payment for care, except:

(a) Cases, if any, in which the division of child support has determined it would not be cost effective to pursue collection, including placements of seventy-two hours or less; or

(b) Cases exempt by law from collection action; or

(2) The children's administration must refer to DCS cases in which the department determines that sufficient good cause exists to not pursue collection. The following constitute good cause for requesting that DCS not pursue collection action on foster care cases referred to DCS:

(a) The department's division of developmental disabilities (DDD) has determined that the child is developmentally disabled. DCS still must establish paternity.

(b) The parent or other legally obligated person, or the parent or other person's child, spouse, or spouse's child was the victim of the offense for which the child was committed to the custody of the juvenile rehabilitation administration (JRA) and the child is being placed directly into foster care from a JRA facility until this placement episode closes.

(c) Adoption proceedings for the child are pending in court or the custodial parent is being helped by a private or public agency to decide if the child will be placed for adoption.

(d) The child was conceived as a result of incest or rape and establishing paternity would not be in the child's best interest.

(e) The juvenile or Tribal court in the dependency proceeding finds that the parents will be unable to comply with an agreed reunification plan with the child due to the financial hardship caused by paying child support. The social worker also may determine that financial hardship caused by paying child support will delay or prevent family reunification.

(f) The custodial parent and/or the child may be placed in danger as a result of the presence of or potential for domestic abuse perpetrated by the other parent or responsible person.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0225, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0230 Are adoption support cases exempt from referral to the division of child support (DCS) for collection? Adoption support cases may be referred to DCS. Each case will be reviewed for determination of good cause exemption from collection.

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[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0230, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0235 To whom must parents' send child support payments for their child in foster care? The parents must make all payments for the benefit of the child and/or the costs for a child in out-of-home care to the division of child support, unless a court order directs payment through a clerk of the court. A clerk of the court must send payments, under a court order, to the division of child support.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0235, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0240 Under what circumstances must child care judgment and limited power of attorney for parental support payments be assigned to the department? (1) The department must advise any person or agency having custody of the child that court ordered child support payments are to be received by the department under RCW 74.20A.030 and 74.20A.250.

(2) The person or agency having custody must acknowledge this transferred right to the department by execution of an assignment of judgment and limited power of attorney, which must remain in effect as long as the child receives foster care assistance.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0240, filed 3/30/01, effective 4/30/01.]

PART D: VETERANS' BENEFITS

WAC 388-25-0245 Who receives veterans' benefits for children in foster care? By agreement with the regional office of the veterans' administration, the department may receive benefits on behalf of children who have been placed by court order under the department's supervision or custody.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0245, filed 3/30/01, effective 4/30/01.]

PART E: ADMINISTRATIVE HEARINGS

WAC 388-25-0250 What limitations exist on administrative hearings regarding foster care payments? The foster care provider, the licensed or certified child placement or care agency, and the parents are not entitled to request an administrative hearing to dispute established rates. Chapter 34.05 and 43.20A RCW, chapter 388-01 and 388-148 WAC, and this chapter provide specific rights to administrative hearings.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0250, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0255 What standards must the department apply to contracted and noncontracted service providers and vendors when the department has identified an overpayment to the provider or vendor? (1) RCW 43.20B.675 provides that all vendors have the right to request a hearing if they have a bona fide overpayment dispute. The department must offer a prehearing conference to all clients and vendors that request an administrative hearing.

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(2) Contracted and noncontracted service providers may seek dispute resolution through these rules, under the Administrative Procedure Act and RCW 43.20B.675, with respect to overpayments. However, the following limitations apply:

(a) The right of vendors to seek an administrative hearing to contest alleged overpayments applies only to overpayments for goods or services provided on or after July 1, 1998.

(b) These procedures do not create a right to a hearing where no dispute right previously existed except as provided in RCW 43.20B.675.

(c) These rules limit disputes for foster family and child day care providers to alleged overpayments. Homes and facilities licensed under chapter 74.15 RCW may appeal adverse licensing actions under the provisions of chapter 388-148 or 388-155 WAC, as applicable.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0255, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0260 Do vendor overpayment rules in this chapter also apply to adoptive parents? Adoptive parents who receive assistance through the adoption support program are not vendors within the meaning of the law and do not fall within the scope of this chapter.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0260, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0265 Are there time limitations on identifying and recovering an overpayment? There is no time limit on identifying and initiating recovery of overpayments.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0265, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0270 May overpayments be waived or forgiven? Children's administration employees do not have authority to forgive or waive overpayments nor to offset overpayments from future payments. All such authority rests with the department's office of financial recovery (OFR). Designated CA staff may mediate a disputed payment with the vendor, but final approval for any negotiated proposed settlement rests with OFR.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0270, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0275 Do other governmental organizations have the right to an adjudicative hearing? Governmental organizations, including Indian Tribes, with an inter-local agreement with the department do not have the right to an adjudicative hearing through the office of administrative hearings (OAH). The disputes process described in the agreement between the entity and the department governs the resolution process.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0275, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0280 What steps must a provider or vendor take when requesting an administrative hearing in regards to an overpayment? A provider or vendor must

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follow the procedure indicated on the department's Vendor Overpayment Notice, DSHS 18-398A(X), dated 07/1998.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0280, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0285 When is payment due on an overpayment? When a vendor files a timely and complete request for an administrative hearing, payment on the overpayment is not due on the amount contested until the office of administrative hearings or its designee makes a final decision about the vendor's liability and any amount due.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0285, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0290 Which is the deciding authority if another WAC rule or the provisions of the Administrative Procedure Act conflict with the information in this chapter? The Administrative Procedure Act, chapter 34.05 RCW, chapter 388-02 WAC, and this chapter govern the proceeding. The provisions in this chapter govern if a conflict exists in chapter 388-02 WAC. Chapter 34.05 RCW is the overall governing authority.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0290, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0295 Who establishes guidelines to identify overpayments and to mediate overpayment disputes? (1) Each DCFS regional administrator, division of licensed resources (DLR) regional manager, or CA division director, as applicable, must establish procedures to provide for consistency in the handling of provider or vendor disputes in accordance with the children's administration prehearing procedures and this chapter.

(2) Staff at the following organizational levels will handle disputes:

(a) The DCFS regional administrator is responsible for the dispute resolution process for:

(i) All payments authorized by local office social workers;

(ii) All payments authorized under regionally managed contracts and service agreements.

(b) Regional staff are responsible for the following activities to resolve disputes:

(i) Prehearing conferences;

(ii) Mediation activities;

(iii) Administrative hearings for payments authorized in local offices; and

(iv) Administrative hearings for regionally-managed contracts.

(c) For CA child care subsidy program payment disputes, DLR office of child care policy (OCCP) headquarters staff is responsible for:

(i) Prehearing conferences;

(ii) Mediation activities; and

(iii) Administrative hearings.

(d) Assigned CA division of program and policy development or office of foster care licensing (OFCL) headquarters staff, as applicable, will handle disputes arising from

headquarters-managed contracts and service agreements. These staff will handle:

- (i) Prehearing conferences;
- (ii) mediation activities; and
- (iii) Administrative hearings.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0295, filed 3/30/01, effective 4/30/01.]

PART F: FOSTER PARENT LIABILITY FUND

WAC 388-25-0300 What is the foster parent liability fund? (1) The foster parent liability fund authorized under RCW 74.14B.080 allows for insurance coverage for foster parents licensed under chapter 74.15 RCW. The coverage includes personal injury and property damage caused by foster parents or foster children that occurred while the children were in foster care.

(2) Such insurance covers acts of ordinary negligence but does not cover illegal conduct or bad faith acts taken by foster parents in providing foster care. Monies paid from liability insurance for any claim are limited to the amount by which the claim exceeds the amount available to the claimant from any valid and collectible liability insurance.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0300, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0305 What is the period of coverage for foster parent liability fund? Coverage under the foster parent liability fund is for valid claims arising out of occurrences on or after July 1, 1991.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0305, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0310 Who is eligible for coverage under the foster parent liability fund? A person eligible for foster parent liability fund coverage must be licensed or certified by the department or a child placing agency under chapter 74.15 RCW to provide foster family care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0310, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0315 What are the limits of coverage under the foster parent liability fund? The limits of coverage under the foster parent liability are:

(1) Up to twenty-five thousand dollars per occurrence. "Occurrence" means, for purposes of this chapter, the incident which led to the claim.

(2) The claim must be for a third party personal injury or property damage arising from a foster parent's act or omission in the good faith provision of family foster care and supervision of a foster child.

(3) The department must 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 birth or adoptive parent or guardian because of any:

- (a) Immunities;
- (b) Limitations; or
- (c) Exclusions provided by law.

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(4) The foster parent must, first, exhaust all monetary resources available from another valid and collectible liability insurance before seeking payment from this liability fund. Coverage under this foster parent liability fund must be in excess of any other available liability insurance.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0315, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0320 The department excludes what claims from coverage under the foster parent liability fund? The department excludes the following claims from coverage under the foster parent liability fund:

(1) Claims arising as a result of a foster parent's illegal conduct or bad faith acts in providing family foster care. Such conduct or act includes but is not limited to:

(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) Loss occurring because the foster parent provided a foster child with an alcoholic beverage or controlled substance, other than medication prescribed for the foster child in the amounts prescribed by a physician or other licensed or authorized medical practitioner;

(d) A judgment against the foster parent based on alienation of affection.

(2) Claims based on an occurrence not arising from the family foster care relationship. This includes a foster child's act occurring while the child was temporarily assigned outside the jurisdiction of the foster parent.

(3) Claims for 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

(4) Claims for an injury or damage from an occurrence before July 1, 1991.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0320, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0325 What if there are multiple claims for one occurrence under the foster parent liability fund? The twenty-five thousand dollar limitation per occurrence must apply regardless of whether there are multiple claims arising from the same occurrence. The department will consider a claim by one or more foster parents occupying the same household a single claim.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0325, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0330 May another source be used to recover on the same claim paid by the liability fund? (1) If the liability fund pays for a claim, the foster parent must transfer to the department the 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 must sign and deliver to the department any documents necessary to transfer such foster parent's rights to the state.

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[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0330, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0335 What are the department's authority and the foster parent's responsibilities regarding investigation of claims? (1) The department may conduct an investigation of any foster parent liability fund claim.

(2) The foster parent must fully cooperate with the department for any liability fund claims filed against the foster parent.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0335, filed 3/30/01, effective 4/30/01.]

PART G: FOSTER PARENTS PROPERTY DAMAGE REIMBURSEMENT

WAC 388-25-0340 What are the department's responsibilities and limitations for reimbursement for damage or loss caused by a child in family foster care? (1) Within available funds and subject to the conditions in this chapter, the department must reimburse family foster care providers who incur property damages, losses, and emergency medical treatment expenses that are caused by the foster child or respite care child during placement in the foster family's home.

(2) For occurrences on or after October 1, 1999, the department must reimburse the foster parent for the replacement value of any property covered under and subject to the limitations of this chapter (see RCW 74.13.335).

(3) For occurrences before October 1, 1999, the department will reimburse the depreciated value of any property covered under and subject to the limitations of the this chapter.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0340, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0345 What are the eligibility requirements for reimbursements to foster parents for damages? Foster parents are eligible for reimbursement if the foster parents are:

(1) Licensed by DSHS or certified by a child-placing agency and licensed by the department under chapter 74.15 RCW; and

(2) Providing approved DSHS-funded foster care to children in the care, custody, and supervision of DSHS or a licensed child placing agency; or

(3) Providing department-approved and funded respite care to children.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0345, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0350 What are the department's reimbursement limitations? The following reimbursement limitations apply for claims:

(1) The **PER OCCURRENCE/TOTAL** amount the department will pay as the result of any one occurrence must not exceed:

(a) Five thousand dollars for all property damages and losses; or

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(b) One thousand dollars for all personal bodily injuries regardless of the number of foster parents or their household members who sustain property damages, losses, or personal bodily injuries.

(2) **PROPERTY DAMAGE ITEMS** are limited to the repair/cleaning cost or the replacement value. The department pays replacement value if the item cannot be repaired or cleaned as substantiated by a detailed retailer estimate or if the repair cost goes over the replacement value of the item. The department may request the final repair bill from foster parents for payment made from estimates provided for purposes of recovery.

(3) **PROPERTY LOSS ITEMS** are limited to the replacement value as substantiated by the original purchase receipt, if available, and two replacement estimates or replacement purchase receipt.

(4) **PERSONAL BODILY INJURY** claims are limited to the costs incurred for receiving emergency medical treatment services that is not payable or required to be provided under workmen's compensation, or disability benefits law, or under any similar law, or provided under a personal/business medical plan.

(5) For **POLICY DEDUCTIBLES**, foster parents must disclose if their property damages or losses were paid or will be paid under their homeowner, automobile, or other personal/business insurance policy. The department will then limit reimbursement to the policy deductible.

(6) **DENTAL EXPENSES** are limited to costs not payable under a dental plan. The department will pay comparable replacement of dental appliances up to the maximum per occurrence.

(7) **VISION EXPENSES** are limited to costs not payable under a medical plan.

(8) **LABOR EXPENSES** are limited to out-of-pocket costs (materials), incurred by foster parents and substantiated by a retailer. Items requiring installation are to be considered reimbursable expense.

(9) **VETERINARY EXPENSES** are limited to initial treatment expense incurred immediately following an occurrence up to five hundred dollars. Initial treatment expense is defined as emergent care and diagnosis. The department pays replacement value for a property loss sustained not to exceed the substantiated value of the animal or maximum per occurrence, whichever is less.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0350, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0355 What types of claims are specifically excluded from reimbursement? The department specifically excludes the following from reimbursement:

(1) Claims resulting from giving alcoholic beverage or other illegal substance, including tobacco products, to a foster child or respite care child for whatever reason.

(2) Claims resulting from violation of any statute, ordinance, or regulation by the foster child or respite care child.

(3) Claims resulting from failure of the foster parent to give directions, instructions, or to provide proper or adequate supervision to the foster child or respite care child.

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(4) Claims resulting from the sexual abuse, or licentious, immoral, or other sexual behavior between foster children and/or respite care children or initiated by a foster parent.

(5) Follow-up medical treatment expenses incurred by foster parents or their household member for a personal bodily injury sustained as a result of an action of the foster/respite care child.

(6) Claims for items which belong to the foster child or respite care child.

(7) Claims resulting from acts of foster children that occur while the child is on a temporary planned, unplanned, or voluntary absence from the foster home.

(8) Claims for lost wages.

(9) Claims for property damages, losses, and emergency medical treatment costs arising out of an act of the foster/respite child, with or without the permission of the foster parent, related to the ownership, operation, or maintenance of any owned motor vehicle, including surface, air, or water.

(10) Claims filed by any person other than the foster parent or their household member.

(11) Claims for unsubstantiated property damages or losses alleged to have been caused by the foster child or respite care child.

(12) Claims not received by the department's office of risk management (ORM) within a year after the date of occurrence, regardless of the reason for the delay in filing the claim.

(13) Property damages or loss of items that do not depreciate, including but not limited to antiques, heirlooms, jewelry, figurines, and coin collections.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0355, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0360 What is the procedure for filing a claim? (1) Within thirty days of an occurrence of property damage, loss, or emergency medical treatment, the foster parent must:

(a) Request from the child's social worker a Foster Parent Reimbursement Plan Claim, DSHS 18-400(X) (Rev. 6/96) to file a claim;

(b) Submit the completed claim with all requested information plus any required substantiating documentation;

(2) The claimant must include a statement documenting the reasons for the delay in filing the claim on claims filed more than thirty days after an occurrence.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0360, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0365 Which office within the department determines damage reimbursement? The department's office of risk management determines whether a claim will be paid.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0365, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0370 How are exception requests made? Written requests for exceptions to the terms, limitations, and exclusions specified in the foster parent reimbursement plan must be made to the ORM, Risk Management

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Administrator, P.O. Box 45844, Mailstop 45844, Olympia, WA 98504-5844. The request must include the justification for the request and alternatives explored. ORM staff will discuss and review requests for exceptions with the CA foster care program manager. Staff in the CA division of program and policy development make final decisions on exceptions.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0370, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0375 What claims may the department deny? The department must deny any claim in which any material fact or circumstance of a property damage, loss, or personal bodily injury is misrepresented or willfully concealed by the foster parent. The department is entitled to recover any payments made in these cases. Claims found to be fraudulent involving theft or collusion are subject to criminal investigation.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0375, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0380 What must a foster parent do to have a denied claim reconsidered? The foster parent must submit a request for reconsideration in writing within thirty days of the previous decision to the claims program manager, DSHS Office of Risk Management (ORM), P.O. Box 45844, Mailstop 45844, Olympia, WA 98504-5844. The request must include information or documentation not previously provided. All determinations made by the risk management administrator are final and do not constitute a basis for requesting or obtaining an administrative fair hearing.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0380, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0385 Will the department investigate claims? The foster parent must permit the department, upon request, to inspect the damaged property. The department retains the authority to have an inspector of its choice make a damage estimate when, and as often, as the department may require.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0385, filed 3/30/01, effective 4/30/01.]

PART H: FOSTER PARENT TRAINING

WAC 388-25-0390 What are the training requirements for licensed foster parents? See chapter 388-148 WAC for required training for licensed foster parents.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0390, filed 3/30/01, effective 4/30/01.]

PART I: JUVENILE RECORDS

WAC 388-25-0395 What are the department's responsibilities for management of juvenile records? The department must comply with the requirements of chapter 13.50 RCW for management of juvenile records. The department's responsibilities for management of those records are:

(1) To maintain accurate information and remove or correct false or inaccurate information;

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(2) To take reasonable steps to ensure the security of records and to prevent tampering;

(3) To make every effort to ensure the completeness of records, including action taken by other agencies with respect to matters in its files; and

(4) To facilitate inquiries concerning access to records.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0395, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0400 To whom may the department release records? Subject to review the department may release records to the following persons:

(1) Other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participants or when that participant is assigned the responsibility of supervising the juvenile. "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of family and children's ombudsman, the department and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(2) A contracting agency or service provider of the department that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombudsman information or records relating to the provision of services to a juvenile who is dependent under chapter 13.34 RCW. The department may provide these records without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen, unless otherwise prohibited by law;

(3) A juvenile, a juvenile's parents, the juvenile's attorney, and the juvenile's parent's attorney;

(4) Any person who has reasonable cause to believe information concerning that person is included in the record;

(5) A clinic, hospital, or agency which has the subject person under care or treatment;

(6) Individuals or agencies engaged in legitimate research for educational, scientific, or public purposes when permission is granted by the court.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0400, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0405 Under what circumstances may the department exclude or deny information from release unless authorized by law or court order? The department may withhold the following information unless authorized or ordered by the court:

(1) Information determined by the department to likely cause severe psychological or physical harm to the juvenile or the juvenile's parents;

(2) Information obtained in connection with provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency.

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Such information may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0405, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0410 What may a juvenile or the juvenile's parent do if the department denies access to information? (1) A juvenile or the juvenile's parent may file a motion in juvenile court requesting access to the records.

(2) The person making the motion must give reasonable notice of the motion to all parties.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0410, filed 3/30/01, effective 4/30/01.]

PART J: CHILD PLACING AGENCIES

WAC 388-25-0415 What are the department's expectations for child placing agencies (CPA) to which the department makes reimbursement for services or administrative costs? (1) The department requires that the child placing agency (CPA) be licensed or certified under chapter 74.15 RCW and have a contract with the department for the provision of child placement and related services.

(2) The CPA must document the services provided in a format described by the department in the contract.

(3) When the department agrees to place a child with a CPA, the licensed or certified agency must maintain the license of the foster family home and provide support services to the foster parents. The department will only place and pay for services with an agency with which the department has a contract. The agency must provide payment to the foster family in accordance with this chapter.

(4) The department requires that private agencies bringing children from other countries for adoption remain financially responsible for the child's placement costs if the adoption is not finalized, disrupts prior to finalization, or until the child reaches age eighteen.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0415, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0420 What steps must the department take when a child whose case management responsibility remains with the department is placed in a home certified by a CPA? (1) The DCFS social worker follows regionally-designated procedures for accessing services and sharing responsibility for utilizing child placing agency foster homes.

(2) The CPA and the DCFS social worker must sign a DSHS Private Child Placing Agency Agreement/Child in Foster Care, DSHS 15-190(X). The agreement designates which agency is responsible for case management services, support activities, and specific parts of the service plan while the child is placed in the CPA foster home. The agency representative and the department social worker must review and revise the agreement by mutual agreement at the request of either party.

(3) The CPA must provide the assigned DCFS social worker with quarterly progress reports for each child placed in homes certified by the CPA.

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[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0420, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0425 What activities must a child placing agency provide in order to receive payment from the department? The CPA must undertake the following activities to receive payment from the department:

(1) Accept referrals of children and families from the department and negotiate a child-specific written service agreement with the department;

(2) Provide child and family case management and support activities as agreed;

(3) Document the case management and support activities as described in the contract between the department and the CPA;

(4) Provide adequate quarterly progress reports to the assigned social worker for each child whose placement or other services the department financially supports.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0425, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0430 Under what conditions and how much will the department reimburse to child placing agencies licensed or certified under chapter 74.15 RCW to provide care to children? (1) The CPA representative must discuss with the department social worker for the child the roles of the agency and the department in the placement, permanency planning, and supervision of the child. The agency representative and the department social worker must also discuss services the department or the agency will provide to the child's parents and extended family.

(2) The CPA must maintain the documentation required by contract to demonstrate all services provided to children in care and for whom the department makes payment.

(3) The department will pay a monthly administrative fee to a CPA if the agency, in addition to supervision of the child, provides services to the child or the child's family.

(4) If the department wants to borrow a CPA-certified home for placement of a child, the department pays the agency for the use of the CPA's foster home with approval of the agency. The department pays the borrowed home fee described in the contract between the department and the agency.

(5) The department will pay a set monthly fee to a child placing agency for a borrowed home if the agency provides supervision services only to the child and no services to the child's family. The department pays this fee only to enable the agency to maintain the foster care license and to provide any related licensing training and support services. This activity includes maintenance of a foster care license for foster parent dependency guardianships in the agency-certified home. The following conditions also apply:

(a) The department may pay for a maximum of two borrowed beds in one foster home.

(b) If one CPA borrows a bed from another CPA, the department will pay only one service fee to one agency for the child. The two private agencies and the department will mutually identify and agree upon the agency the department will pay.

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(6) The department may enter into contracts with CPAs to provide intensive treatment and supervision services to children with behavioral, emotional, medical, or developmental disabilities. The department will assess the needs of the child, assign a service level, and pay the rate provided in the contract.

(7) Before making payment for care of a child, the department must determine initial and ongoing eligibility for financial support, approve the placement, and approve the case plan for care of the child and services to the family. The department will document this approval through written agreements, documentary reports, and supervisory conferences with the CPA.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0430, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0435 What steps may the department take if a child placing agency does not meet the requirements of this chapter? (1) In addition to any sanctions included in the department's contract with the CPA, the DCFS social worker must stop payment of the agency administrative fees in accordance with department procedures if the department does not receive the child's report in the time-frame stipulated in WAC 388-25-0425.

(2) The DCFS social worker must inform the regional licenser and contracts coordinator when there are continuing problems with reports.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0435, filed 3/30/01, effective 4/30/01.]

PART K: INTERSTATE PLACEMENTS

WAC 388-25-0440 What are the department's obligations regarding children placed by the department between states? The department must comply with the interstate compact on the placement of children (ICPC) in the interstate placement of children (see chapter 26.34 RCW).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0440, filed 3/30/01, effective 4/30/01.]

PART L: RELATIVE PLACEMENT

WAC 388-25-0445 Under what circumstances does the department choose a relative as the placement for a child in need of out-of-home care? (1) When the department determines that a child needs to be placed outside the home, the department must search for appropriate relatives to care for the child before considering nonrelative placements. See RCW 74.15.020 for the definition of "relative."

(2) The department reviews and determines the following when selecting a relative placement:

(a) The child would be comfortable living with the relative;

(b) The relative has a potential relationship with the child;

(c) The relative is capable of caring for the child and is willing to cooperate with the permanency plan for the child;

(d) The relative is able to provide a safe home for the child;

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(e) Each child has his or her own bed or crib if the child remains in the home beyond thirty days.

(3) The department may consider nonrelated family members as potential resources, if these family members become licensed to provide foster care (see RCW 74.15.030).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0445, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0450 Under what circumstances may a relative not be considered as a placement option for a child? The department may exclude relatives who have criminal histories as included in the Adoption and Safe Families Act (ASFA) regulations.

(1) If the department finds that, based on a criminal records check, a court of competent jurisdiction has determined that the relative or a member of the household has been convicted of a felony involving:

- (a) Child abuse or neglect;
- (b) Spousal abuse;
- (c) A crime against a child or children (including child pornography); or
- (d) Crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(2) The department may not approve a relative placement if the department finds the relative, or a member of the household, has, within the last five years, been convicted of a felony involving:

- (a) Physical assault;
- (b) Battery; or
- (c) A drug related offense.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0450, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0455 What sources of financial support are available to a relative caring for a child that the department has placed in the relative's home? (1) For relatives needing financial support to care for the child, the social worker may assist the family to apply for temporary assistance for needy families (TANF) through the department's local community services office (CSO).

(2) Relatives who are licensed as foster parents may choose to receive foster care payments. The relative must not receive TANF benefits in behalf of the child in care while at the same time receiving foster care payments (see RCW 74.15.030).

(3) A relative who is not a licensed foster parent at the time of placement may apply to become a foster parent as described in chapter 388-148 WAC.

(4) The relative caring for the child in out-of-home placement may apply to be the representative payee for Supplemental Security Income (SSI) or Social Security Administration benefits for the related child living with the relative. However, if the child is a dependent of the state of Washington with custody assigned to the department by the court, the department will usually remain the payee in behalf of the child until the dependency is dismissed.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0455, filed 3/30/01, effective 4/30/01.]

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FAMILY SUPPORTS AND RELATIONSHIPS

WAC 388-25-0460 How does the department treat relatives of specified degree with legally free children? (1) The department acknowledges a continuing relationship between relatives of specified degree and children who are legally free where the relatives choose to continue a relationship with the child and the continuing relationship is in the best interest of the child (see RCW 74.15.020 for the definition of relative of specified degree).

(2) Relatives of specified degree remain legal relatives when a child becomes legally free if those relatives wish to maintain a relationship with the child and the assigned social worker determines the continuing relationship is in the best interest of the child.

(3) Department staff must treat relatives of specified degree as the department treats all relatives under the rules of ICPC and the foster care and foster family home licensing programs.

The rights of the affected relatives of specified degree do not extend beyond adoption of the child except through an open adoption agreement (see RCW 26.33.295).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0460, filed 3/30/01, effective 4/30/01.]

Chapter 388-27 WAC

CHILD WELFARE SERVICES—ADOPTION SERVICES AND ADOPTION SUPPORT

WAC

ADOPTION SUPPORT PROGRAM

Adoption Services

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ADOPTION SUPPORT PROGRAM

Adoption Services

WAC 388-27-0005 What is the legal basis for and purpose of the department's adoption program? (1) Adoption services are included in RCW 74.13.020 as a child welfare service.

(2) The purpose of the department's adoption program is to meet the permanency needs of children who are in the department's care and custody.

(a) The agency that has the responsibility for providing services to the family and makes permanent plans for children.

(b) The permanent plan must include a primary outcome and may also include alternate outcomes (see RCW 13.34-145). Possible permanent plans include:

- (i) Return home;
- (ii) Adoption;
- (iii) Guardianship;
- (iv) Permanent legal custody; or
- (v) Independent living if the child is over age sixteen.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0005, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0010 What definitions apply to the department's adoption program? "Agency" means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

"Adoptee" means a person who is to be adopted or who has been adopted.

"Adoption" means the legal granting of the adoption decree consistent with chapter 26.33 RCW.

"Adoptive parent" refers to a person or persons who seeks to adopt or who has adopted.

"Alleged father" refers to a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

"Approved adoptive home" refers to any person or persons who has been approved for adoption in a preplacement report completed pursuant to RCW 26.33.190.

"Birth parent" means the biological mother or biological or alleged father of a child, including a presumed father under chapter 26.26 RCW, whether or not a court of competent jurisdiction has terminated the person's parent-child relationship.

"Child placing agency" means an agency licensed by the department to place children for temporary care, continued care, or adoption.

"Children's administration" (CA) means the cluster of programs within the department of social and health services responsible for the provision of child welfare, adoption, child

protective, child care licensing, and other services to children and their families.

"Department" means the department of social and health services (DSHS).

"Department placement" refers to the placement of a child for whom the department has placement authority in an approved adoptive home.

"Division of children and family services" (DCFS) is the division of children's administration that provides child welfare, child protective, family reconciliation, and support services to children in need of protection and their families.

"Division of licensed resources" (DLR) is the division of children's administration responsible for licensing or certifying child care homes and facilities under the authority of chapter 74.15 RCW.

"Foster-adopt" refers to families that are interested in adoption who have an approved adoptive home study and who have also been granted a foster home license in accordance with chapter 388-148 WAC.

"Independent placement" refers to the placement of a child in an adoptive home by a doctor, attorney, or other individual acting as a facilitator.

"Inter-country placement" refers to the placement of a child for adoption who is not a resident and/or citizen of the United States.

"Relative" means a person related by blood, marriage, or legal adoption, as defined in RCW 74.15.020.

"Voluntary adoption plan" means an agreement by the birth parent(s) to the termination of parental rights with a specific proposal for adoptive placement for the child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0010, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0015 What are the eligibility criteria for the department's adoption program? (1) The department provides adoption services to any child in the department's care and custody:

- (a) With an identified permanent plan of adoption; or
- (b) When the department considers adoption as an alternate permanent plan; and
 - (i) The child is in supervised out-of-home care; or
 - (ii) The child's birth parent(s) requests adoption as a permanent plan prior to the child's placement in out-of-home care.

(2) The department considers families who apply for adoption services to be resources for children in the department's care and custody if the potential parent(s) is:

- (a) Legally competent;
- (b) Eighteen years of age or older; and
- (c) Has an approved adoptive home study.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0015, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0020 When does the department provide general adoption services? The department provides general adoption services throughout the case planning of any child with an identified primary or alternate permanent plan of adoption until:

- (1) Finalization of the adoption; or

(2) Adoption is no longer the identified permanent plan.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0020, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0025 What general adoption services does the department provide? (1) The department provides the following general adoption services prior to the finalization of an adoption:

- (a) Social work services to birth parents and children to achieve a permanent family for each child;
- (b) Use of the courts, legal counsel, and juvenile court specialists for termination of parental rights and granting of adoption petitions;
- (c) Obtaining available child and family medical and social background information for disclosure to adoptive families;
- (d) Recruitment, study, and approval of adoptive and foster-adopt families;
- (e) Assessment of the child and the current caretaker to determine if the placement is an appropriate adoptive placement;
- (f) Placement of children with waiting adoptive or foster-adopt family;
- (g) Social work services and/or referral of children and families to services after placement to facilitate the adoption;
- (h) Development of alternate plans when the planned adoptive placement is not in the best interest of the child and/or the adoptive family; and
- (i) Location and exchange, on a state and national basis, of information about children and adoptive families.

(2) The department administers the state's adoption support program on behalf of eligible children adopted through the department or a private child-placing agency (see WAC 388-25-0120 and following).

(3) The department administers the interstate compact on the placement of children (ICPC) and the interstate compact on adoption and medical assistance (ICAMA) and cooperates, upon request, with other state and tribal child welfare agencies in adoptive planning for children.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0025, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0030 What procedures must the department follow for the interstate placement of children? (1) Washington state is a member of Interstate Compact on Placement of Children (ICPC) and Interstate Compact on Adoption and Medical Assistance (ICAMA) and must meet all compact requirements (see chapter 26.34 RCW).

(2) The rules of this chapter apply to accepted ICPC cases.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0030, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0035 What adoption services does the department provide for children in the department's care and custody? (1) The department's adoption services for children include:

(a) Social work services with birth parents focused on locating a permanent home for the children.

(b) Social work services with children focusing on the child's educational, medical, psychological, and developmental needs;

(c) Petitioning the court for termination of parental rights;

(d) Facilitating voluntary relinquishments when a voluntary adoption is in the child's best interests;

(e) Assessment of children to determine their medical and social needs including, as needed:

- (i) Psychiatric evaluations;
- (ii) Psychological evaluations;
- (iii) Educational evaluations; and
- (iv) Medical evaluations;

(f) Evaluating prospective adoptive families through the use of the adoptive home study, also known as the preplacement report, to determine appropriateness for adoption generally and to determine What specific child characteristics or needs that the family will best be able to meet.

(g) Making adoptive placements that are best able to meet a child's needs, from available resources;

(h) Social work services and/or referral of children and families to services after placement;

(i) The department social worker assigned to finalizing the adoption will assist families complete the adoption support program application for children who may be eligible for the adoption support program;

(j) Provision of post-placement reports and other documents required for finalization to the court for a child when the department:

(i) Conducts the post-placement reports and other documents required for finalization to the court for a child when the department:

(ii) Has custody of the child;

(k) Provision of the consent to the adoption of a child in the department's custody.

(2) Every six months, the department must review and adjust the case plan for children continuing in foster care under department care and supervision. The CA social worker must develop the case plan in accordance with chapter 13.34 RCW to achieve the permanency planning goals for the child.

(3) The department may utilize the following methods to locate an adoptive resource for a child until the child has been placed with an adoptive family:

(a) Ask birth parents to identify a potential adoptive family;

(b) The department prefers to place a child for adoption with a fit and willing relative who is known to the child and with whom the child is comfortable:

(i) Conduct searches for relatives who are fit and willing to adopt the child, who are known to the child and with whom the child is comfortable;

(ii) Ask the relatives to be considered as a potential adoptive family;

(c) Ask current and past foster parents if they wish to be considered as a potential adoptive family;

(d) Consider families that have an approved adoptive home study; and/or

(e) Conduct individualized child specific family recruitment.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0035, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0040 What adoption services does the department provide for prospective and approved adoptive families? (1) For department placements, the department:

(a) Accepts applications from families residing in the state of Washington that are interested in adopting a child who is in the care and custody of the department. Children in the care and custody of the department may have special needs.

(b) Initiates an adoptive home study and achieves one of the following outcomes:

(i) Approves the family for an adoptive placement and registers the family with the contracted adoption resource exchange unless a placement decision has already been made;

(ii) Denies the application to adopt; or

(iii) The family withdraws the application to adopt.

(c) Searches for an appropriate placement for families with an approved adoptive home study;

(d) Obtains the prospective adoptive child's available medical and family background information and discloses the available information to the adoptive family;

(e) Removes a family from the contracted adoption resource exchange for any of the following reasons:

(i) A child has been placed with the family;

(ii) The family decides to receive adoption services through a private agency or an independent placement;

(iii) The department receives additional information that causes the department to revoke the approved status of a family;

(iv) The family and/or social worker determines that adoption is no longer an appropriate plan for the family; and/or

(v) The family relocates its residence to another state.

(f) Reevaluates a family's situation at the time of reapplication if a family was removed from the exchange registry and reapplies for adoption services;

(g) Informs families in writing of action the department has taken, according to the rules of this chapter;

(2) The department does not provide adoption or adoption-related services for inter-country adoptions or for independent adoptions.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0040, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0045 When may the department place a dependent child (not legally free) into an adoptive home? The department may place a child into a foster-adopt home under the following conditions:

(1) When the identified family has been granted a foster home license in accordance with chapter 388-148 WAC; and

(2) When the identified family has an approved adoptive home study that has been filed with the court in compliance with RCW 26.33.190.

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[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0045, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0050 When may a legally free child be placed into an adoptive home? The department may place a child into an adoptive home under the following conditions:

(1) When the identified prospective adoptive family has an approved adoptive home study; and

(2) The adoptive home study has been filed with the court in compliance with RCW 26.33.190.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0050, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0055 What is a voluntary adoption plan? A voluntary adoption plan (VAP) occurs when a parent(s) has agreed to the termination of parental rights and has proposed a specific adoptive placement for the child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0055, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0060 When must the department follow a voluntary adoption plan? The department must follow the voluntary plan for adoption if:

(1) The prospective adoptive parents chosen by the parent are properly qualified to adopt in compliance with chapter 26.33 RCW or WAC 388-25-0025; and

(2) The court determines that this adoption is in the best interest of the child; and

(3) The VAP is proposed to the department before a petition for termination of the parent-child relationship has been filed.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0060, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0065 Will the department consider a proposed voluntary adoption plan if a termination petition has already been filed at the request of the department? If the attorney general's office has filed a termination petition at the request of the department, the department must consider, but is not required to support, an adoptive resource proposed by the parent.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0065, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0070 What will the department do to implement a voluntary adoption plan? The department must take the following actions to implement a VAP:

(1) The assigned CA social worker must work with the parent to determine whether the parent will identify a preferred adoptive placement by name.

(2) If a parent identifies a preferred placement, the assigned social worker must advise the parent and the proposed adoptive parent(s) that an adoption home study must be completed. CA, a private agency, or a qualified individual may complete the adoptive home study (see RCW 26.33.190).

(3) If the proposed adoptive parent chooses to have an adoptive home study completed by a private agency or qualified individual, CA retains the right to do its own home study

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if CA has concerns regarding the recommendations contained in the nondepartmental home study.

(4) Using approved procedures for determining suitability to be an adoptive resource, the child's social worker and the social worker for the adoptive family must determine:

(a) That the preplacement investigation and report, as described in RCW 26.33.190, on the proposed family results in approval of the adoptive placement; and

(b) That this placement is in the best interest of the child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0070, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0075 What must the department do to maintain confidentiality of adoption records? (1) In accordance with chapter 26.33 RCW all records and information the department obtains in providing adoption services are confidential.

(2) To ensure that the department case file of an adopted child remains confidential, the CA local office must send the child's case file to CA headquarters for archiving upon the issuance of the decree of adoption.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0075, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0080 Under what conditions may the department reveal identifying information about the birth parent? When providing reports or information on the adoptive child to the prospective or actual adoptive parents, the department must not reveal the identity of the birth parents of the child, unless:

(1) There is a written open communication agreement where the identity of the birth parent(s) is known;

(2) The birth parent is already known to the adoptive family; or

(3) The birth parent has selected the adoptive family, and the birth parent's identity has already been established.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0080, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0085 What must the department, private practitioner, or child placing agency do to locate records and information relating to the birth parents and the child? (1) The social worker, child placing agency, or another assigned worker must make the following efforts to locate records and information relating to the birth parent and the child:

(a) Ask the birth parents, the child, and relatives, when available, for names of all:

(i) Physicians;

(ii) Treatment agencies for medical, psychological, or educational services that have seen the parent or child for examination, evaluation, or treatment; and

(iii) Schools attended by the child and the parent.

(2) The social worker, contractor, or another assigned worker must contact the children's administration Supplemental Security Income (SSI) facilitator to obtain medical, psychological, or social information gathered during any SSI screen or application process.

(3) The social worker, contractor, or another assigned worker must document efforts, including unsuccessful efforts, made to obtain information by:

(a) Placing the gathered records in the child's case file;

(b) Documenting the information on the child's health and education record;

(c) Documenting on the health and education passport in CAMIS;

(d) Maintaining copies of written requests to service providers for records in the child's case file;

(e) Documenting efforts on the Child's Medical and Family Background Report, DSHS 13-041(X), unless the information is already documented on the health and education passport in CAMIS.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0085, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0090 What information must the department or child placing agency provide to prospective adoptive parents about the child that is being considered for adoption? (1) The department or the child placing agency must provide a medical report containing all known and available information concerning the mental, physical, and sensory handicaps of an adopted child, or a child placed for adoption, to the adoptive or prospective adoptive parents under the authority of RCW 26.33.020, 26.33.340, 26.33.343 and 26.33.350.

(2) The department or the child placing agency worker must provide the Child's Medical and Family Background Report, DSHS 13-041(X), to the prospective adoptive parents. This report must include documentation of efforts made to obtain medical and social information on the child and birth parents.

(3) The department must provide a social history report on the child and birth family that includes, at a minimum in accordance with RCW 26.33.380:

(a) Circumstances of the child's birth;

(b) Chronological report of how the child came to be available for adoption;

(c) The child's placement history;

(d) All court reports pertaining to the dependency and custody of the child;

(e) The child's education history, including school reports and records; and

(f) The child's psychological and psychiatric reports and recommendations.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0090, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0100 What information must the department or child placing agency provide to prospective adoptive parents about the birth parent(s) of a child being considered for adoption? The department or the child placing agency must provide a nonidentifying report on the birth parent(s) that includes any known and available social and medical information on the child's birth parent(s) in accordance with RCW 26.33.380. This information regarding the birth parent(s) must include but is not limited to:

(1) First names only;

- (2) Current age of parent(s);
- (3) Heritage, including nationality, ethnic background, and race;
- (4) General physical appearance, including height, weight, color of hair, eyes, and skin or other information of a similar nature;
- (5) Education, including the number of years of school completed at the time of the adoption, and school report (if still attending), but not the name or location of the school;
- (6) Religion or religious heritage;
- (7) Occupation, but no specific titles or places of employment;
- (8) Talents, hobbies, and special interests;
- (9) Family history and circumstances leading to the adoption;
- (10) Medical and genetic history including:
 - (a) Available psychiatric, psychological, and substance abuse reports;
 - (b) Available medical history including any acute or chronic conditions;
 - (c) Available medical history of the birth and pregnancy, including any known substance abuse by the birth mother while pregnant.
- (11) First names other children of birth parents by age and sex;
- (12) Available medical histories of other children;
- (13) Extended family of birth parents by age and sex;
- (14) Medical histories of extended family members, if known;
- (15) The fact of the death, age at death, and cause, if known, of a birth parent;
- (16) Photographs of child and birth family, if available; and
- (17) Name of agency or individual that facilitated the adoption.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0100, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0105 When will the department, private practitioner, or child placing agency disclose required information? The department, private practitioner, or child placing agency must disclose available child and birth family medical and social background information prior to the finalization of an adoption. Disclosure may occur:

- (1) Prior to the placement of a child into an adoptive home; or
- (2) At the time when a placement is identified as an adoptive placement.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0105, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0110 How does an adoptee, adoptive parent, or birth parent obtain nonidentifying information from an archived adoptive record? (1) Nonidentifying information about the birth parents, adoptee, or adoptive parent may be shared with persons identified in RCW 26.33.020 and 26.33.340.

- (2) If the adoption was facilitated through the department, a request for information must be made in writing to

the state office of Children's Administration, P.O. Box 45713, Olympia WA 98504-5713. The state office is the sole source for releasing information from an archived record.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0110, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0115 What is the department response to requests for public disclosure of an adoptive record? The department complies with the requirements for disclosure of public records in RCW 26.33.340.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0115, filed 3/30/01, effective 4/30/01.]

Part A: General

WAC 388-27-0120 What is the legal basis of the department's adoption support program? The legal authorities for the program are:

- (1) Revised Code of Washington (RCW) 74.13.100 through 74.13.159;
- (2) Chapter 42 United States Code (U.S.C.) 673; and
- (3) The U.S. Department of Health and Human Services policy announcement ACFY-CB-PA-01-01 (issued January 23, 2001) establishing guidelines for states to use in determining a child's eligibility for Title IV-E adoption assistance.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0120, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0125 What is the purpose of the adoption support program? The adoption support program encourages the adoption of special needs children in the legal custody of public or private nonprofit child care agencies who would not be adopted if support for the child was not available.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0125, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0130 What definitions apply to the adoption support program? The following definitions apply to this chapter:

"Adoption" means the granting of an adoption decree consistent with chapter 26.33 RCW.

"Adoption support agreement" means a written contract between the adoptive parent(s) and the department that identifies the specific support available to the adoptive parents(s) and other terms and conditions of the agreement.

"Adoption support cash payment" means basic monthly cash payments paid to the adoptive parent(s) by the department after the child's adoption.

"Adoption support special rate" means monthly cash payments in addition to the basic adoption support rate. The department may authorize payment of these funds only to meet documented exceptional expenses necessary to address the special needs condition of the child.

"Adoption support supplemental cash payment" means cash payments in addition to the adoption support basic monthly cash payments and the adoption support special rate. These supplemental payments enable the special needs child to receive services not funded by the monthly

cash support payment or other resources. Note: Only children adopted on or after July 1, 1996 are eligible for supplemental cash payments.

"Applicant" means a person or couple applying for adoption support on behalf of a child the person or couple plans to adopt.

"Child placing agency" means a private nonprofit agency licensed by the department under chapter 74.15 RCW to place children for adoption or foster care.

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

"Extenuating circumstances" means a finding by an administrative law judge or a review judge that one or more certain qualifying conditions or events prevented an otherwise eligible child from being placed on the adoption support program prior to adoption.

"Medical services" means services covered by Medicaid (and administered by the medical assistance administration) unless defined differently in the adoption support agreement.

"Nonrecurring costs" means reasonable, necessary, and directly related adoption fees, court costs, attorney fees, and other expenses the adoptive parent incurs when finalizing the adoption of a special needs child. Total reimbursement from the department may not exceed one thousand five hundred dollars.

"Placing agency" means the agency that has the legal authority to place the child for adoption. This may be the department or a private nonprofit child placing agency.

"Program" means the department's adoption support program.

"Reconsideration" means the limited state-funded support available to an eligible child whose adoption was finalized without a valid adoption support agreement in place.

"Resident state" (for purposes of the child's Medicaid eligibility) means the state in which the child physically resides. In some cases this may be different from the state of the parent's legal residence.

"Special needs" means the specific factors or conditions that apply to the child and that may prevent the child from being adopted unless the department provides adoption support services. See WAC 388-27-0140 for a detailed description of the factors or conditions.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0130, filed 3/30/01, effective 4/30/01.]

Part B: Eligibility

WAC 388-27-0135 What are the eligibility criteria for the adoption support program? For a child to be eligible for participation in the adoption support program, the department must first determine that adoption is the most appropriate plan for the child. If the department determines that adoption is in the child's best interest, the child must:

- (1) Be less than eighteen years old when the department and the adoptive parents sign the adoption support agreement;
- (2) Be legally free for adoption;

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(3) Have a "special needs" factor or condition according to the definition in this rule (see WAC 388-27-0140); and

(4) Meet at least one of the following criteria:

(a) Is in state-funded foster care or child caring institution or was determined by the department to be eligible for and likely to be so placed (For a child to be considered "eligible for and likely to be placed in foster care" the department must have opened a case and determined that removal from the home was in the child's best interest.); or

(b) Is eligible for federally funded adoption assistance as defined in Title IV-E of the Social Security Act, the Code of Federal Regulations, the U.S. Department of Health and Human Services policy announcement, ACFY-CB-PA-01-01 (issued January 23, 2001) establishing guidelines for states to use in determining a child's eligibility for Title IV-E adoption assistance, and any policy issuances of the Department of Health and Human Services.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0135, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0140 What constitutes a "special needs"? To be considered a child with special needs the following three statements must be true:

(1) One or more of the following factors or conditions must exist:

(a) The child is of a minority ethnic background;

(b) The child is six years of age or older at the time of application for adoption support;

(c) The child is a member of a sibling group of three or more or of a sibling group in which one or more siblings meets the definition of special needs;

(d) The child is diagnosed with a physical, mental, developmental, cognitive or emotional disability; or

(e) The child is at risk for a diagnosis of a physical, mental, developmental, cognitive or emotional disability due to prenatal exposure to toxins, a history of serious abuse or neglect, or genetic history.

(2) The state has determined that the child cannot or should not be returned to the home of the biological parent; and

(3) The department or child placing agency that placed the child for adoption must document that except where it would be against the best interests of the child the department or child placing agency had made a reasonable but unsuccessful effort to place the child for adoption without adoption support.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0140, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0145 What constitutes a reasonable effort to place a child for adoption without adoption support? Reasonable effort to place a child without adoption support includes:

(1) A child registered for three months with the Washington adoption resource exchange (WARE) without finding an adoptive family; or

(2) A child for whom a documented, formal agency search was conducted for three months, without finding a

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family who would adopt the child without adoption support services; or

(3) A child for whom the placing agency's selected prospective adoptive family is unable to adopt the child without assistance from the adoption support program.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0145, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0150 Under what circumstances would it be against the best interest of the child to search for a family that could adopt the child without adoption support? Searching for a family that could adopt the child without adoption support is against the best interest of the child when:

(1) A foster parent desires to adopt a child who:

(a) Has been in the foster parent's home for six months or more before that child becomes legally free for adoption; and

(b) The child has close emotional ties to the current foster parent which, if severed, may cause emotional damage to the child; and

(c) The foster parent is identified as the adoptive parent of choice by the department or agency staff having responsibility for the child (RCW 26.33.190 and 74.13.109(4)); or

(2) The adoptive parent is a relative of specified degree as defined in RCW 74.15.020 (4)(a) and has an approved adoptive home study per RCW 26.33.109 and 74.13.109(4).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0150, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0155 Are there other factors affecting a child's eligibility for adoption support? (1) A child is not eligible for adoption support program services and payments if the adopting parent is the birth parent or stepparent of the child.

(2) The department must not use the adoptive parents' income as a basis for determining the child's eligibility for the adoption support program.

(3) The department must consider income and other financial circumstances of the adopting family as one factor in determining the amount of any adoption support cash payments to be made. (See WAC 388-27-0230, 388-27-0235, and 388-27-0240 for details.)

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0155, filed 3/30/01, effective 4/30/01.]

Part C: Application

WAC 388-27-0160 How does a prospective adoptive parent apply for adoption support services? There are two ways a prospective adoptive parent (applicant) may apply for adoption support services:

(1) An applicant may apply through the social worker of the child to be adopted. The social worker must:

(a) Register the child with the adoption support program; and

(b) Submit the applicant's completed program application.

(2) An applicant may also apply directly to the adoption support program for adoption support services if:

[Title 388 WAC—p. 282]

(a) The child does not have an assigned social worker; or

(b) The applicant and the social worker have a dispute regarding the content of the program application.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0160, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0165 What requirements apply to an application for ongoing adoption support? (1) The application must include a copy of the child's medical and family background report signed by the adoptive parent(s) (DSHS 13-041 minus the attachments). It must also include copies of medical and/or therapist reports that document the child's physical, mental, developmental, cognitive or emotional disability or risk of any such disability.

(2) If the applicant is requesting a cash payment, the applicant and the department must mutually determine both the type and amount according to the requirements of WAC 388-27-0230 and 388-27-0235.

(3) If the applicant is requesting a supplemental cash payment, the applicant and the department must mutually determine the services for which the payment will be used and the expected duration of those services according to the requirements of WAC 388-27-820.

(4) If the applicant is requesting reimbursement of non-recurring costs, the applicant must include this request in the application. (See WAC 388-27-0380 and 388-27-0385 for the type and amount of expenses the department may reimburse.)

(5) The applicant must furnish a copy of the applicant's most recently filed federal income tax return. If the applicant is not required to file a federal income tax return, the applicant must submit a financial statement with the applicant's adoption support application.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0165, filed 3/30/01, effective 4/30/01.]

Part D: Agreement

WAC 388-27-0170 What is the nature and purpose of an adoption support agreement? The adoption support agreement is a binding contract between the adoptive parent(s) and the department that identifies the terms and conditions that both parties must follow.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0170, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0175 What must be included in an adoption support agreement? The adoption support agreement must:

(1) State the amount of cash payments (if any) the department must make to the adoptive parent(s) on behalf of the child;

(2) Include an itemized list of the additional services (including Title XIX Medicaid and Title XX social services) for which the child is eligible;

(3) Contain statements that:

(a) Assure that participation in the adoption support program must continue, as long as the child is eligible, regardless of where the adoptive family resides;

(b) Inform the adoptive parent(s) that the agreement must be reviewed (and may be revised) at least once every five years; and

(c) Inform the adoptive parents(s) that the department may suspend a child from the program within thirty days of any changes in circumstances (of the child or family) that affect the child's eligibility for program payments if the adoptive parent has failed to notify the department of the changes.

(d) Define the circumstances under which the agreement may be terminated.

(4) Be signed by all relevant parties before the final adoption decree is issued (45 C.F.R. Sec. 1356.40).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0175, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0180 If the adoptive family resides in or moves to another state, how is the child's participation in the adoption support services affected? If the adoptive family resides in or moves to another state the child's participation in the adoption support program is affected as follows:

(1) Social services (Title XX) become the responsibility of the new state of residence.

(2) Medical benefits (Title XIX Medicaid) remain the responsibility of Washington state if the child is not eligible for federal Title IV-E adoption assistance. However, Washington state is no longer responsible if the child becomes eligible for the resident state's Title XIX program through the Interstate Compact on Adoption and medical assistance or other eligibility factors.

(3) Title XIX Medicaid benefits become the responsibility of the resident state if the child receives Title IV-E adoption assistance.

(4) Medicaid benefits included in Washington state's Medicaid plan, but not included in the resident state's plan, must remain the responsibility of Washington state and subject to Washington state plan limits.

(5) Washington state remains responsible for any cash payments made to the adoptive parent(s) on behalf of the child or any non-Medicaid counseling that has been preauthorized by the adoption support program per WAC 388-27-0245.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0180, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0185 When does the adoption support agreement become effective? (1) Unless otherwise stated in the adoption support agreement, an adoption support agreement takes effect on the first day of the month following the month in which the court finalizes the adoption.

(2) If the child to be adopted needs support benefits prior to finalization, the assigned regional adoption support program manager may arrange an early effective date. To be eligible for an early effective date, the applicant must:

(a) Have an adoption support agreement signed by all parties;

(b) Sign the child's medical and family background report (DSHS 13-041) and a statement of the applicant's intention to adopt; and

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(c) Have the department's designee sign "an exception to policy" statement.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0185, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0190 If the department implements adoption support services prior to the adoption, may the adoptive parent(s) continue to receive department-funded foster care payments while also receiving adoption support payments? (1) The adoptive parent(s) may not continue to receive department-funded foster care payments for a child while also receiving adoption support payments for the same child.

(2) If the adoptive parent(s) receives department-funded foster care for the child to be adopted, the department's social worker assigned to the child must terminate that coverage on the last day of the month preceding the month in which the adoption support becomes effective.

(3) Foster care payments are paid after the month of service. Adoption Support payments are paid prior to the month of service.

(4) The adoptive parent(s) may not receive foster care payments and adoption support cash or supplemental payments for the same child for the same month of service.

(5) If the adoptive parent is adopting a relative child and has been receiving a nonneedy relative grant the adoptive parent must notify the community services office financial services specialist that the adoption has been finalized. The adoptive parent may not receive both the grant and adoption support payments for the same month for the same child.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0190, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0195 May the adoptive parent(s) change the benefits contained in the adoption support program? The adoptive parent may submit a written request asking that the department reexamine the benefits offered in the adoption support agreement whenever either the family's economic circumstances or the condition of the child changes.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0195, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0200 When may the department modify the terms of the adoption support agreement? The department's adoption support program may modify the terms of an adoption support agreement:

(1) At the request of the adoptive parent(s);

(2) When the department loses contact with the adoptive parent(s);

(3) When the child is placed outside of the adoptive parents' home at department expense;

(4) If the adoptive parent is no longer providing for the child's daily care and living expenses; or

(5) If the adoptive parent fails to notify the department's adoption support program within thirty days of a change of circumstance which affects the adopted child's continuing eligibility for adoption support program cash payments or services.

[Title 388 WAC—p. 283]

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0200, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0205 Does the adoptive parent need to let the department know if the family's circumstances change? The adoptive parent must inform the department's adoption support program of circumstances that might make the parent and the adoptive child either ineligible for adoption assistance payments or benefits or eligible for adoption assistance payments or benefits in different amounts. Such changes include but are not limited to:

- (1) A significant change in the child's condition;
 - (2) A change in the marital status of the adoptive parent(s);
 - (3) A change in the legal or physical custody of the child;
- or
- (4) A change in the adoptive family's mailing address.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0205, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0210 Under what circumstances would the adoption support agreement be terminated? The adoption support agreement is terminated according to the terms of the agreement or if any one of the following events occurs:

(1) The child reaches eighteen years of age; (If a child is at least eighteen but less than twenty-one years old and is a full-time high school student or working full time toward the completion of a GED (high school equivalency) certificate and continues to receive financial support from the adoptive parent(s), the department may extend the terms of the adoption support agreement until the child completes high school or achieves a GED. Under no circumstances may the department extend the agreement beyond the child's twenty first birthday.) Adoption support benefits will automatically stop on the child's eighteenth birthday unless the parent(s) requests continuation per this rule and have provided documentation of the child's continuation in school. To prevent disruption in services the parent should contact the adoption support program at least ninety days prior to the child's eighteenth birthday if continued services are to be requested.

(2) The adoptive parents request termination of the agreement;

(3) The adoptive parents no longer have legal responsibility for the child;

(4) The adoptive parents are no longer providing financial support for the child;

(5) The child dies; or

(6) The adoptive parents die. (A child who met federal Title IV-E eligibility criteria for adoption assistance will be eligible for adoption assistance in a subsequent adoption.)

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0210, filed 3/30/01, effective 4/30/01.]

Part E: Services

WAC 388-27-0215 What benefits may the adoptive parent or child receive from the adoption support program? The adoption support program may provide one or more of the following benefits:

[Title 388 WAC—p. 284]

(1) Reimbursement for nonrecurring adoption finalization costs;

(2) Cash payments;

(3) Supplemental cash payments (only for adoptions finalized on or after July 1, 1996);

(4) Payment for counseling services as pre-authorized (see WAC 388-27-0255 for conditions and terms);

(5) Medical services through the department's Medicaid program; or

(6) Child care as pre-authorized per WAC 388-27-0270 (for children adopted on or after July 1, 1996).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0215, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0220 What factors affect the amount of adoption support benefits a child receives? The department bases the amount of support it provides on the child's needs and the family's circumstances, but limits the amount to the rates set by these rules, federal laws and rules, and the state legislature.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0220, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0225 What are the current maximum rates available for basic adoption support monthly cash payments and special rate? Effective July 1, 2002 the maximum basic monthly adoption support rates as established by the state legislature are:

Age of Child	Maximum Rate
Less than six years old	\$ 328.12
Six through eleven years old	\$ 404.27
Twelve years or older	\$ 479.03
Special rate	\$ 153.31

[Statutory Authority: RCW 74.13.109, 74.13.112, 74.13.130, and 2002 c 371. 03-02-059, § 388-27-0225, filed 12/27/02, effective 1/27/03. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0225, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0230 How does the department evaluate a request for basic adoption support monthly cash payments? (1) To determine the amount of basic monthly cash payment to be made, the department considers the child's physical, mental, developmental, cognitive and emotional condition and expenses as well as the adoptive family's:

(a) Size, including the adopted child;

(b) Normal living expenses, including education and childcare expenses;

(c) Exceptional circumstances of any family member;

(d) Income;

(e) Resources and savings plans;

(f) Medical care and hospitalization needs;

(g) Ability to purchase or otherwise obtain medical care; and

(h) Additional miscellaneous expenses related to the adopted child.

(2) The department and the adoptive parents will jointly determine the level of adoption support cash payments

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needed to meet the basic needs of the child without creating a hardship on the family.

(3) Under no circumstances may the amount of the basic adoption support monthly rate the department pays for the child exceed the adoption support rate established by the legislature for a child of that age.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0230, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0235 How does the department evaluate a request for adoption support special rate cash payments? (1) The adoption support program may pay the special rate of up to an additional one hundred forty-seven dollars and ninety-four cents per month for children whose diagnosed condition requires adaptive or specialized support in order for the child to participate in the typical environment to the fullest extent possible.

(2) The department and the adoptive parents will jointly determine the level of adoption support special rate payments (if any) that may be needed to meet the specialized support of the child.

(3) The department will not authorize special rate payments for services available through other departmental or community resources/services.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0235, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0240 How does the department evaluate a request for adoption support supplemental cash payments? The department and the adoptive parents will jointly determine the level of adoption support supplemental cash payments.

(1) Supplemental cash payments are to assist the family in purchasing goods and services that are necessary to meet the physical, mental, developmental, cognitive or emotional needs of the child when those goods and services are not otherwise available through other resources.

(2) Supplemental cash payments must not be used to compensate the parent for difficulty of care (i.e., for the parents' time and energy spent caring for the child).

(3) Not all children are eligible to receive supplemental cash payments.

(4) Services necessary to meet the child's physical, mental, developmental cognitive or emotional needs may include:

(a) Special diets;

(b) Minor modifications to the environment to meet the medical needs of the child;

(c) Additional supervision needs required for the safety of the child or others which result from the child's disabilities; or

(d) Other costs to meet the child's needs as mutually agreed upon by the department and the adoptive parent.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0240, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0245 What specific department requirements apply to supplemental cash payments? (1) If the child was adopted on or after July 1, 1996 the child may

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be eligible for additional support through supplemental cash payments.

(2) For supplemental cash payments, the department must:

(a) Base the payments upon needs documented and identified by the adoptive parent, the child's social worker, and/or the other professionals who are providing services to the child;

(b) Review payments annually (or as specified in the agreement) to determine the level of continued payments;

(c) Continue or modify payments based upon documented needs and mutual agreement between the adoptive parent(s) and the department.

(3) Under no circumstances may the total amount of payment to the family exceed the amount of the foster care maintenance payment that would be paid for that child if that child were in foster care.

(4) The department will not authorize supplemental cash payments for services available through other departmental or community resources/services.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0245, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0250 What specific department requirements apply to medical services? (1) While an adoption support agreement remains in effect, the department's medical program rules apply to the adopted child.

(2) The department must make all medical payments according to established department procedures and directly to the child's physician(s) or service provider(s).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0250, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0255 What specific department requirements apply to outpatient counseling and/or mental health services not covered by Medicaid? When the department's adoption support program directly pays for a child's counseling and/or mental health services, the following conditions apply:

(1) The adoptive parent must obtain written authorization from the department's adoption support program before the service is rendered;

(2) The adoptive parents' primary health care coverage must be billed prior to billing the department's adoption support program;

(3) The department will pay the adoption support program's authorized rate minus any payment made by the primary (and other) insurer;

(4) The department may grant verbal authorization for no more than three counseling sessions prior to providing the required written authorization;

(5) The child's therapist or other treatment provider must submit a written treatment plan prior to authorization for continued treatment;

(6) The department may authorize counseling as follows:

(a) Up to six hours of outpatient counseling per month for up to twelve months; or

(b) Up to a total of twenty hours per quarter when critical need warrants;

(7) The department may extend the authorization for counseling (beyond the initial time period authorized) upon receipt of an updated treatment plan and documentation supporting the need for additional treatment from the treatment provider and a parent's request for continuing counseling (DSHS 10-214);

(8) The department may authorize this service for only one provider at a time unless a second provider is required for a different service.

(9) The department encourages adoptive parents to seek an annual assessment of the functioning of the adoptive child within the family to determine if there are mental health services needed to help maintain and/or strengthen the adoptive placement.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0255, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0260 If the adoptive parent requests residential placement services for the parent's adopted child, what department requirements apply? (1) The adoption support program must not pay for residential treatment placements. See RCW 74.13.080 and WAC 388-25-0025.

(2) If the adoptive parent requests residential treatment services for a child:

(a) For treatment of a mental illness, the department must refer the family to the local regional support network (RSN);

(b) If a diagnosis of physical, mental, developmental, cognitive or emotional disability is present, department staff must refer the child to the division of developmental disabilities (DDD) to determine eligibility of services for which the child might be eligible; or

(c) For reasons other than treatment of mental illness or developmental disabilities, department staff must refer the adoptive parent to the child welfare services intake at the local office of the division of children and family services (DCFS).

(3) The adoption support program manager may assist the adoptive parent in arranging residential service for the child but must not be responsible for the child's placement or for the payment of the residential service.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0260, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0265 What are the consequences of the department placing the adopted child in foster care, group care, or residential treatment? (1) If a child is on active status with Washington state's adoption support program and the department places the child in foster care, group care, or residential treatment, the department may report to the division of child support that good cause exists for not pursuing collection of support payments.

(2) The department must review the adoption support agreement and must discontinue any cash payments to the adoptive parent during the child's out-of-home placement unless the adoptive parent(s) documents continuing expenses directly related to the child's needs.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0265, filed 3/30/01, effective 4/30/01.]

[Title 388 WAC—p. 286]

WAC 388-27-0270 What department requirements apply to child care services? For children adopted on or after July 1, 1996 the adoption support program may authorize childcare. The following conditions must exist:

(1) In a two-parent home, both parents must be employed out of the home;

(2) In a single parent home, the parent must be employed out of the home;

(3) The department must make payment directly to the child care provider at the department rate for child care in that geographic area;

(4) The child must be less than twelve years of age;

(5) The childcare facility must have a valid license;

(6) The total (gross) income of the adoptive family must not exceed eighty-five percent of the state median income adjusted for family size (SMIAFS);

(7) The adoptive parent may be expected to participate in the cost of childcare, depending on individual circumstances; and

(8) If the family qualifies for the state childcare program the family must use that program first. The adoption support program may assist the family in making the co-payment to the state childcare program. The adoption support program must determine assistance with the co-payment on an individual case-by-case basis.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0270, filed 3/30/01, effective 4/30/01.]

Part F: Review

WAC 388-27-0275 When does the department review an adoption support agreement? (1) The adoption support program must review an agreement:

(a) At least once every five years; or

(b) When the adoptive parents request a change in the terms of the agreement.

(2) The department may review an adoption support agreement:

(a) Whenever variations in medical opinions, prognosis, or costs warrant a review; or

(b) At the department's request.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0275, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0280 What is involved in the review process? (1) The review process provides an opportunity for the adoptive parent to describe any changes in family circumstances or the child's condition and request a change in the terms of the adoption support agreement.

(2) The adoptive parent must provide supporting documentation upon department request.

(3) The department may request a copy of the adoptive parents' most recently filed IRS form 1040. If not required to file a federal tax return the adoptive parent(s) must submit a financial statement upon department request.

(4) The adoptive parent must request that the child's medical provider complete an EPSDT (early periodic screening, diagnosis and treatment) exam and submit a report of the results to the adoption support program.

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[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0280, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0285 What is the department's responsibility when the adoptive parent(s) requests a review of the adoption support agreement? The adoption support program must initiate a review of the adoption support agreement no later than thirty days after receiving the adoptive parents' request for review of the agreement.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0285, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0290 What if the department does not respond to a request for a review of an adoption support agreement within thirty days? If the department does not respond to an adoptive parent's request for a review of an adoption support agreement within thirty days, the adoptive parent has the right to an administrative hearing (see RCW 74.13.127).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0290, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0295 What requirements apply to the review of a support agreement? (1) The adoptive parent and the department must negotiate any changes in the agreement that result from a review;

(2) Changes in the terms of the agreement may be retroactive to the date the department received the written request; and

(3) If the department modifies the terms of the agreement, the adoptive parent and the department must sign a new agreement.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0295, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0300 After a review, what if the department and the adoptive parent cannot agree on the terms of the adoption support agreement? If the department proposes service changes without the adoptive parent's consent, the department must give written notification of those changes. In that notice, the department must clearly state the department's reasons for the proposed changes and inform the adoptive parent of the adoptive parent's right to an administrative hearing.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0300, filed 3/30/01, effective 4/30/01.]

Part G: Post-Finalization Requests for Assistance

WAC 388-27-0305 May an adoptive parent apply for adoption support services after the adoption has been finalized? Federal and state laws and rules require that a prospective adoptive parent must apply for adoption assistance prior to adopting a special needs child and that the prospective adoptive parent must have a valid adoption support agreement, signed by all parties, before the adoption is finalized.

However, both state and federal governments have recognized that in some situations there may have been extenu-

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ating circumstances that prevented the child from being placed on the adoption support program prior to adoption. For these situations separate remedies have been created depending on which eligibility criteria are met by the child.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0305, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0310 If a child met federal Title IV-E eligibility for adoption assistance before the adoption, but was not placed on the adoption support program, what may the adoptive parent do after adoption finalization to obtain adoption support services for the adopted child?

For a child who met the Title IV-E eligibility criteria for adoption assistance prior to adoption, federal rules allow for a possible finding of extenuating circumstances through an administrative hearing process. In these situations the adoptive parent must request a review by an administrative law judge or a review judge to obtain an order authorizing the department to enter into a post-adoption agreement to provide adoption support services to a special needs child.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0310, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0315 What constitutes "extenuating circumstances"? An administrative law judge or a review judge may make a finding of extenuating circumstances if one or more of the following situations exist:

(1) Relevant facts regarding the child, the biological family or child's background were known by the agency placing the child for adoption and not presented to the adoptive parents prior to the legalization of the adoption;

(2) The department denied adoption assistance based upon a means test of the adoptive family;

(3) Erroneous determination or advice by the department or private child placing agency that a child is ineligible for adoption assistance; or

(4) Failure by the placing agency to advise adoptive parents of the availability of adoption assistance.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0315, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0320 What is the effective date of an adoption support agreement that results from a finding of extenuating circumstances? The effective date of an adoption support agreement the department and the adoptive parent have entered into as a result of a finding of extenuating circumstances may not be before the date the department received the written request from the adoptive parent for participation in the adoption support program. Under no circumstances may the department back date an adoption support agreement more than two years from the date of an order of an administrative law judge or review judge authorizing the department to enter an adoption support agreement after finalization of the adoption.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0320, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0325 If a child did not meet federal Title IV-E eligibility for adoption assistance before the adoption, what may the adoptive parent do after adoption finalization to obtain adoption support services for the adopted child? For children ineligible for federal Title IV-E Adoption Assistance, the department may provide limited support through the state-funded adoption support reconsideration program.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0325, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0330 What is the adoption support reconsideration program? (1) The adoption support reconsideration program allows the department to register an eligible adopted child for limited state-funded support (see RCW 74.13.150).

(2) The reconsideration program provides for payment of medical and counseling services to address the physical, mental, developmental, cognitive, or emotional disability of the child that resulted in the child's eligibility for the program.

(3) There is a twenty thousand dollar per child lifetime cap on this program.

(4) The program requires the adoptive parent and the department to sign an adoption support reconsideration agreement specifying the terms, conditions, and length of time the child will receive limited support.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0330, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0335 How does a child qualify for the adoption support reconsideration program? To be eligible for the adoption support reconsideration program, a child must:

(1) Have resided, immediately prior to adoption finalization, in a department funded pre-adoptive placement or in department funded foster care;

(2) Have a physical or mental handicap or emotional disturbance that existed and was documented before adoption or was at high risk for future physical or mental handicap or emotional disturbance due to conditions to which the child was exposed before adoption;

(3) Reside in Washington state with an adoptive parent who lacks the financial resources to care for the child's special needs; and

(4) Be covered by a primary basic health insurance program.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0335, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0340 How does an adoptive parent apply for the adoption support reconsideration program? To apply, the adoptive parent must complete an application for adoption support reconsideration and attach:

(1) A written cost estimate of the child's proposed corrective-rehabilitative services;

(2) A current medical evaluation of the child including the cause(s) of the condition requiring corrective-rehabilitative services;

[Title 388 WAC—p. 288]

(3) A written statement explaining the child's current medical and counseling needs;

(4) A written statement giving the department permission to request and review pre-adoption information held by the adoption agency facilitating the child's adoption; and

(5) A copy of the adoptive parents' most recently filed IRS 1040 federal income tax form.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0340, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0345 What types of services does the department provide through the adoption support reconsideration program? The reconsideration program provides some support for counseling and medical services needed to treat the child's qualifying condition.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0345, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0350 What department requirements apply to adoption support reconsideration services? (1) The department must authorize, in writing, any services paid by the adoption support reconsideration program before the services are provided.

(2) The department must base the authorized level of service on the child's needs and must limit the level of service to established program rates.

(3) The department must limit medical services to those services that would be available to the child if the child were eligible for Medicaid coverage.

(4) The department must make no cash payments to the family.

(5) The department must make payment directly to the provider of the authorized service.

(6) The adoptive parents' basic health insurance must provide primary coverage and must be used before billing the reconsideration program. The adoption support reconsideration program must be the secondary insurer.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0350, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0355 Under what conditions or circumstances would a child become ineligible for the adoption support reconsideration program? (1) Eligibility for adoption support reconsideration services ends according to the terms of the adoption support reconsideration agreement or when the child:

(a) Reaches eighteen years of age;

(b) Is eligible for the federal Title IV-E adoption assistance program and has been placed on that program;

(c) Has received twenty thousand dollars in department paid medical, dental, and/or counseling services; or

(d) Is no longer the financial responsibility of the adoptive parent(s).

(2) If the parent dies, the reconsideration agreement becomes invalid. Neither the agreement nor the child's eligibility for the program are transferable to a subsequent adoption.

(3) The department may suspend services when the child:

(a) Resides outside the adoptive parents' home for more than thirty continuous days; or

(b) Is no longer covered by primary basic health insurance.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0355, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0360 What happens if the state no longer funds the adoption support reconsideration program? If the department no longer has funds available for the program, a child's participation in the program will cease. The department will terminate the adoption support reconsideration agreement.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0360, filed 3/30/01, effective 4/30/01.]

Part H: Appeal Rights

WAC 388-27-0365 Does an adoptive parent have the right to appeal department decisions regarding adoption support issues? (1) An adoptive parent has the right to an administrative hearing to contest the following department actions:

(a) Denial of a child's initial eligibility for the adoption support program or the adoption support reconsideration program;

(b) Failure to respond with reasonable promptness to a written application or request for services;

(c) Denial of a written request to modify the level of payment or service in the agreement;

(d) A decision to increase or decrease the level of the child's adoption support payments without the concurrence of the adoptive parent(s);

(e) Denial of a request for nonrecurring adoption expenses; or

(f) Termination from the program.

(2) The adoptive parent must submit a request for an administrative hearing to the office of administrative hearings within ninety days of receipt of the department's decision to deny a request or failure to respond to a request.

(3) The office of administrative hearings must apply the rules in WAC 388-27-0120 through 388-27-0390 as they pertain to the issues being contested.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0365, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0370 What information about adoption support agreements may be used in an administrative hearing? Adoption and adoption support files are confidential, and information contained in those files may not be disclosed without the consent of the person who is the subject of the file. By requesting an administrative hearing to challenge a department decision relating to adoption support the adoptive parent is agreeing that the department may release factual information about the case during the course of the proceedings. Actions taken by the department and decisions by administrative law judges or review judges in adoption support cases which do not directly involve the case being heard

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may not be cited or relied upon in any administrative proceeding (RCW 26.33.340 and 74.04.060).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0370, filed 3/30/01, effective 4/30/01.]

Part I: Nonrecurring Costs

WAC 388-27-0375 Will the department reimburse an adoptive parent for nonrecurring adoption expenses? The department will agree to reimburse some or all of an adoptive parent's nonrecurring adoption expenses if:

(1) The child has a qualifying factor or condition identified in WAC 388-27-0140(1);

(2) Washington state has determined that the child cannot or should not be returned to the home of the child's biological parent; and

(3) Except where it would be against the best interest of the child, the department or a child placing agency has made a reasonable but unsuccessful effort to place the child with appropriate adoptive parents without the benefit of adoption assistance; and

(4) The child has been placed for adoption according to applicable state and local laws or Tribal laws.

[Statutory Authority: RCW 74.13.109, 74.13.112, 74.13.130, and 2002 c 371. 03-02-059, § 388-27-0375, filed 12/27/02, effective 1/27/03. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0375, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0380 What types of nonrecurring adoption expenses will the department reimburse? The department may reimburse:

(1) Court costs directly related to finalizing an adoption;

(2) Reasonable and necessary adoption fees;

(3) Reasonable and necessary attorney fees directly related to finalizing an adoption; and

(4) Costs associated with an adoption home study, including:

(a) Health and psychological examination;

(b) Placement supervision before adoption;

(c) Transportation, lodging, and food costs incurred by the adoptive parent(s) and child during pre-placement visits; and

(d) Other costs directly related to finalizing the legal adoption of the child.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0380, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0385 Is there a limit to the amount of nonrecurring adoption expenses that the department will reimburse? Department reimbursement of nonrecurring adoption expenses must not exceed one thousand five hundred dollars per child.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0385, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0390 How does an adoptive parent get reimbursed for nonrecurring adoption expenses? (1) Before the adoption is finalized, the adoptive parent must sign an agreement with the department specifying the nature

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and amount of nonrecurring adoption expenses. This agreement may be part of an adoption support agreement or it may be a separate agreement specific to the reimbursement for nonrecurring adoption finalization costs. The department will make no reimbursement payments unless such an agreement exists.

(2) Upon finalization of the adoption, the adoptive parent may request reimbursement. A copy of the adoption decree and documentation supporting actual costs incurred must accompany the request for reimbursement.

(3) The department must reimburse documented actual costs or the amount specified in the signed agreement, whichever is less.

(4) The department will not reimburse nonrecurring adoption expenses that are reimbursable from other sources (for example: IRS, military, or the adoptive parent's employer).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0390, filed 3/30/01, effective 4/30/01.]

Chapter 388-32 WAC

CHILD WELFARE SERVICES TO PREVENT OUT-OF-HOME PLACEMENT AND ACHIEVE FAMILY RECONCILIATION

WAC

HOME SUPPORT SERVICES BY CHILDREN'S ADMINISTRATION

388-32-0005 What are home support services?
388-32-0010 What are the eligibility criteria for HSS?

HOME BASED SERVICES BY COMMUNITY PROVIDERS

388-32-0015 What are home based services and under what circumstances may the department provide the services to the child's parent or relative caregiver?

FAMILY RECONCILIATION SERVICES

388-32-0020 What is the purpose of the family reconciliation services program?
388-32-0025 Who may receive FRS services?
388-32-0030 What FRS services does the department provide?

HOME SUPPORT SERVICES BY CHILDREN'S ADMINISTRATION

WAC 388-32-0005 What are home support services?

The department's children's administration (CA) offers home support services (HSS), within available funds, to provide supportive, culturally appropriate, skill-building services in partnership with CA's client families. Only CA staff may provide the services in the family home or other appropriate setting and must provide the services as part of a comprehensive case plan. The department does not contract for this service.

(1) CA typically offers HSS during the normal work week but may provide HSS on weekends and beyond normal working hours.

(2) Child and family resource specialists (CFRS) have primary responsibility to provide HSS, which may include the following services:

(a) Teach and demonstrate basic physical and emotional care of children, including child development and developmentally appropriate child discipline;

(b) Teach homemaking and other life skills, including housekeeping, nutrition and food preparation, personal hygiene, financial budgeting, time management and home organization, with consideration given to the family's cultural environment;

(c) Help families obtain basic needs by networking families with appropriate supportive community resources; e.g., housing, clothing and food banks, health care services, and educational and employment services;

(d) Provide emotional support to families and build self-esteem in family members; aid family members in developing appropriate interpersonal and social skills;

(e) Provide client transportation/supervision of visits on a nonroutine, short-term basis;

(f) Observe family functioning, assisting the social worker to identify family strengths as well as areas needing intervention or improvement, providing reports and assessments to the assigned social worker on the family's progress in skill-building, family functioning, and other areas defined in the case plan;

(g) Participate in child protection teams, multi-disciplinary teams, interagency case staffings, and family intervention meetings;

(h) Provide court testimony when requested by the attorney representing DSHS or when subpoenaed.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0005, filed 3/30/01, effective 4/30/01.]

WAC 388-32-0010. What are the eligibility criteria for HSS? Children's administration uses the following criteria to determine eligibility for HSS, within available funding:

(1) The family must be a current recipient of CA services.

(2) The case plan for the family must document the need for teaching, skill-building, community networking, or visitation.

(3) HSS does not provide long-term maintenance for a family, is not a housekeeping service, and is not interchangeable with CHORE services, which are provided by the department's aging and adult services administration.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0010, filed 3/30/01, effective 4/30/01.]

HOME BASED SERVICES BY COMMUNITY PROVIDERS

WAC 388-32-0015 What are home based services and under what circumstances may the department provide the services to the child's parent or relative caregiver? (1) Home based services (HBS) are designed to prevent or improve conditions that may result in out-of-home placement. Children's administration (CA) provides these services in the context of a comprehensive case plan. CA purchases services from community providers within available funds for this purpose. Services may include:

(a) Basic goods and services; e.g., food, clothing, shelter, furniture, health care, utilities, transportation

(b) Paraprofessional services; e.g., parent aides;

(c) Parent training;

(e) In-home counseling or assistance to prevent out-of-home placement.

(2) For a family or individual to receive HBS, the following conditions must be met:

(a) The client has a case open for child protective services (CPS), child welfare services (CWS), or family reconciliation services (FRS);

(b) The department may provide services to the family of origin, relatives, or foster families when the intent of HBS is to maintain or reunify a permanent or long-term stable home for the child;

(c) The family is willing and able to cooperate with HBS services; and

(d) In the assigned social worker's judgment, the child may be safely maintained in the home or be safely returned to the home within the next three months with provision of HBS.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0015, filed 3/30/01, effective 4/30/01.]

FAMILY RECONCILIATION SERVICES

WAC 388-32-0020 What is the purpose of the family reconciliation services program? (1) The purpose of family reconciliation services (FRS) is to achieve reconciliation between the parent and child, to reunify the family, and to maintain and strengthen the family unit to avoid the necessity of out-of-home placement of children.

(2) The department provides these services, within available funds, to:

(a) Alleviate personal or family situations that present a serious and imminent threat to the health or stability of the child or family and that do not meet the definition of child abuse or neglect; and

(b) Maintain families intact whenever possible.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0020, filed 3/30/01, effective 4/30/01.]

WAC 388-32-0025 Who may receive FRS services?

(1) CA provides FRS to runaways and families in conflict. These populations are defined as follows:

"Families in conflict" means families in which personal or family situations present a serious and imminent threat to the health or stability of the child, which may include an at-risk youth, or family.

"Runaways" means youths who are absent from home for a period of time without parental permission. Services are to actual runaways and not to threatened runaways, unless the threatened runaways meet the definition of families in conflict.

(2) FRS is not provided for the following situations:

(a) Chronic or long-term multi-problem situations requiring long-term interventions;

(b) Custody and marital disputes unless the dispute creates a conflict between the child and parent with physical custody;

(c) Families currently receiving counseling services related to the parent-child conflict/relationship from other agencies;

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(d) Child abuse and neglect cases, unless those cases meet the definition of family in conflict;

(e) Youth receiving foster care or group care services or follow up to those services; and

(f) Post-adoption cases still under supervision of an agency, except when those cases meet the definition of families in conflict.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0025, filed 3/30/01, effective 4/30/01.]

WAC 388-32-0030 What FRS services does the department provide? The assigned social worker provides services to develop skills and supports within families to resolve family conflicts, achieve a reconciliation between parent and child, and to avoid out-of-home placement. The services may include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical care, or psychological, financial, legal, educational, or other social services, as appropriate to the needs of the child and family. Typically FRS is limited to a ninety-day period.

(1) The CA social worker provides intake/assessment services (IAS). The social worker must initiate these short-term counseling sessions within forty-eight hours of the family's request for services. These sessions are intended to defuse the immediate potential for violence, assess problems, and explore options leading to problem resolution.

(2) CA or its contractors may provide crisis counseling services for up to thirty days within a ninety-day period.

(3) Families eligible for thirty-day crisis counseling are those who, in the opinion of the family and the CA social worker, require more intensive services than those provided through IAS.

(4) Families must make a commitment to participate in the thirty-day crisis counseling service and must not be receiving similar family counseling services through other agencies or practitioners. At a minimum, there must be a parent and a child willing to participate.

(5) Thirty-day crisis counseling services may not exceed fifteen hours within thirty days. The assigned counselor helps the family develop skills and supports to resolve conflicts. The counselor may refer to resources including medical, legal, ongoing counseling and CPS for problem resolution.

(a) The CA supervisor may extend thirty-day crisis counseling for an additional thirty days and up to fifteen additional hours of service, subject to availability of funds and the family's continued progress toward resolving conflicts.

(b) The thirty-day crisis counseling is available a maximum of twice in a lifetime for any one child within a family.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0030, filed 3/30/01, effective 4/30/01.]

Chapter 388-39A WAC

CHILD WELFARE SERVICES—COMPLAINT RESOLUTION

WAC

- 388-39A-010 What definitions apply to the department's child welfare services complaint resolution process?
- 388-39A-030 How does the children's administration resolve complaints?
- 388-39A-035 What is the process for resolving complaints?

388-39A-040	What happens if the complaint is not resolved at the regional level?
388-39A-045	Does the complaint resolution process apply to all complaints?
388-39A-050	Is the complaint resolution process the only way to resolve a complaint?
388-39A-055	What rights do complainants have under the complaint resolution process?
388-39A-060	Do constituent relations staff only handle complaints?

WAC 388-39A-010 What definitions apply to the department's child welfare services complaint resolution process? "Children's administration" (CA) means the cluster of programs within the department of social and health services responsible for the provision of child welfare, child protective, child care licensing, and other services to children and their families.

"Complaints office" or **"constituent relations"** means the office within the children's administration responsible for handling complaints regarding child welfare services.

"Division of children and family services" (DCFS) means the division within the children's administration responsible for administering child welfare services programs.

"Division of licensed resources" (DLR) means the division within the children's administration responsible for licensing or certifying child care homes and facilities under the authority of chapter 74.15 RCW.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-010, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-030 How does the children's administration resolve complaints? Constituent relations staff assist clients, foster parents, and other affected individuals in resolving complaints and grievances regarding children's administration (CA) policies and procedures, or the application of a policy or procedure related to CA programs. Under RCW 74.13.045, constituent relations staff may inquire into, determine fact, and facilitate the resolution of disputes and complaints.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-030, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-035 What is the process for resolving complaints? (1) After making a reasonable effort to resolve a complaint with a social worker or licensor, a client, foster parent, or community member may contact the CA constituent relations office to request assistance.

(2) Constituent relations staff will assist the complainant in reviewing the complaint with the assigned social worker or licensor to arrive at a resolution.

(3) If the complaint cannot be resolved with the social worker or licensor, constituent relations staff will assist the complainant in reviewing it with the supervisor of the social worker or licensor for resolution.

(4) If the complaint cannot be resolved with the supervisor, constituent relations staff will assist the complainant in reviewing the complaint with the supervisor's area manager or regional manager for resolution.

(5) If the complaint cannot be resolved with the area manager or regional manager, constituent relations staff will

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assist the complainant in reviewing it with the area manager's regional administrator or the regional manager's office chief.

(6) If CA constituent relations staff determines at any time during the complaint resolution process that the administration's actions were consistent with agency policy and procedures based on complete and correct information regarding the complainant's situation, the constituent relations staff will terminate the resolution process and will close the complaint.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-035, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-040 What happens if the complaint is not resolved at the regional level? (1) When constituent relations staff and local CA staff have made a reasonable attempt to resolve the complaint, the regional administrator, the office chief, or the constituent relations supervisor may convene a panel to review the complaint and make recommendations to the CA assistant secretary for resolution.

(2) The regional administrator or office chief and the constituent relations supervisor will determine the membership of the panel.

(3) The panel must consist of the following members:

(a) The regional administrator's or office chief's designee who must not be from the administrative unit where the complaint originated;

(b) A constituent relations staff person;

(c) A person who is not a CA employee; and

(d) If the complainant is a foster parent, a foster parent who is not involved in the complaint.

(4) The panel may examine the complaint, the complainant's file, and any additional relevant information, including information from the complainant, CA staff, or others.

(5) The panel must submit written findings and recommendations to the CA assistant secretary who will issue a final, written decision.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-040, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-045 Does the complaint resolution process apply to all complaints? (1) The complaint resolution process does not apply to complaints for which the complainant has the right to seek resolution through judicial review or an adjudicative proceeding under Title 13, 26, or 74 RCW.

(2) The process also does not apply to contract rate setting, contested rate payments, exceptional cost rates, disputes or decisions regarding written personal service contracts, or financial agreements.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-045, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-050 Is the complaint resolution process the only way to resolve a complaint? Participation in the complaint resolution process does not affect the right of any person to seek other remedies.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-050, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-055 What rights do complainants have under the complaint resolution process? (1) Under RCW 74.13.045, the complaint resolution process does not create substantive or procedural rights for any person.

(2) Participation in the complaint resolution process does not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-055, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-060 Do constituent relations staff only handle complaints? In addition to complaint resolution, CA constituent relations staff also provide information about children's administration programs, policies, and procedures and information about other complaint resolution resources, including the office of the family and children's ombudsman.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-060, filed 3/5/01, effective 4/5/01.]

**Chapter 388-60 WAC
DOMESTIC VIOLENCE PERPETRATOR
TREATMENT PROGRAM STANDARDS**

WAC

DEFINITIONS

- 388-60-0015 What definitions apply to this chapter?
- 388-60-0025 What is the purpose of this chapter?
- 388-60-0035 Must domestic violence perpetrator treatment programs be certified?
- 388-60-0045 What must be the focus of a domestic violence perpetrator treatment program?
- 388-60-0055 What must be a treatment program's primary goal?

REQUIRED PROGRAM POLICIES AND PROCEDURES

- 388-60-0065 What steps must a treatment program take to address victim safety?
- 388-60-0075 What must a treatment program require of its participants?
- 388-60-0085 What requirements apply to group treatment sessions?
- 388-60-0095 May a participant be involved in more than one type of treatment while enrolled in a domestic violence perpetrator treatment program?
- 388-60-0105 What requirements does the department have for treatment programs regarding nondiscrimination?
- 388-60-0115 Does a program have the authority to screen referrals?
- 388-60-0125 What rights do participants in a treatment program have?

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- 388-60-0135 What information about the participant must the treatment program keep confidential?
- 388-60-0145 What releases must a program require a participant to sign?
- 388-60-0155 Must a treatment program keep information provided by or about the victim confidential?
- 388-60-0165 What information must the treatment program collect and discuss with the client during the intake process or assessment interview?
- 388-60-0175 Who may complete the intake process or conduct the assessment interview?
- 388-60-0185 Must the program compile a written document based on information gathered in the intake/assessment process?
- 388-60-0195 Must the treatment program develop an individual treatment plan for each participant?
- 388-60-0205 What must a treatment program consider when developing an individual treatment plan for a participant?
- 388-60-0215 Must a program require a participant to sign a contract for services with the treatment program?

- 388-60-0225 What must the treatment program include in the contract for each participant's treatment?
- 388-60-0235 Must a treatment program follow an educational curriculum for each participant?
- 388-60-0245 What topics must the treatment program include in the educational curriculum?
- 388-60-0255 What is the minimum treatment period for program participants?
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- 388-60-0325 Must a program notify the department when new direct treatment staff are added?
- 388-60-0335 Who is considered a trainee for domestic violence perpetrator treatment programs?
- 388-60-0345 May a trainee provide direct treatment services to participants?
- 388-60-0355 Do treatment programs need a supervisor?
- 388-60-0365 Who may provide supervision of direct treatment staff in a domestic violence perpetrator treatment program?
- 388-60-0375 Must a supervisor always be on the premises of the treatment program?
- 388-60-0385 Must the treatment program have staff supervision policies?
- 388-60-0395 What are the requirements for staff orientation?
- 388-60-0405 What are the continuing professional education requirements for all direct treatment program staff?
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- 388-60-0435 What is the process to apply for certification of a treatment program?
- 388-60-0445 What is the application fee for certification?
- 388-60-0455 What documentation must a program submit before the department may certify the program?
- 388-60-0465 What happens after a program turns in an application to the department?
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- 388-60-0495 What records must the department keep regarding certified domestic violence perpetrator programs?

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- 388-60-0505 How often must a domestic violence perpetrator treatment program reapply for certification?
- 388-60-0515 What must a program do to apply for recertification of their domestic violence perpetrator treatment program?
- 388-60-0525 What must the application packet for renewal of the certification of a domestic violence perpetrator program include?
- 388-60-0535 How does the department decide that a program should continue to be certified?
- 388-60-0545 Is there a formal process if a treatment program wishes to appeal a denial of certification or recertification?

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- 388-60-0555 Does the department have an advisory committee for domestic violence perpetrator treatment?
- 388-60-0565 What is the role of the advisory committee?
- 388-60-0575 Who are the advisory committee members and how are they chosen?
- 388-60-0585 How long is the appointed term for an advisory committee member?

388-60-0595	May advisory committee members be replaced before their term expires?		1/24/97. Statutory Authority: 1992 HB 1884. 93-10-024 (Order 3539), § 388-60-160, filed 4/28/93, effective 5/29/93.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-0605	Are expenses for advisory committee members reimbursed?		
COMPLAINTS AND THE INVESTIGATION OF COMPLAINTS			
388-60-0615	Does the department investigate complaints about domestic violence perpetrator treatment programs?	388-60-170	Cooperation with domestic violence victim programs. [Statutory Authority: 1992 HB 1884. 93-10-024 (Order 3539), § 388-60-170, filed 4/28/93, effective 5/29/93.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-0625	Who may request an investigation of a certified domestic violence perpetrator treatment program?		
388-60-0635	Does the department notify a treatment program that the department has received a complaint?	388-60-180	Knowledge of law and justice system practices. [Statutory Authority: 1992 HB 1884. 93-10-024 (Order 3539), § 388-60-180, filed 4/28/93, effective 5/29/93.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-0645	May DSHS begin an investigation of a treatment program without receiving a complaint?		
388-60-0655	What is included in an investigation?	388-60-190	Program certification process. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-190, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-0665	Is there a time limit for the department to complete its investigation of a complaint?		
RESULTS OF INVESTIGATIONS			
388-60-0675	Does the department put the results of the investigation in writing?	388-60-200	Certification maintenance. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-200, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-0685	What action may the department take regarding a program's certification if a complaint is founded?		
388-60-0695	Does DSHS notify a treatment program of its decision to take corrective action?	388-60-210	Advisory committee. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-210, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-0705	What information must the department give a program if it takes action that affects the program's certification status?		
388-60-0715	What happens if a treatment program refuses to remedy the problems outlined in the complaint findings?	388-60-220	Complaint. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-220, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-0725	What if the director of a domestic violence perpetrator treatment program disagrees with the corrective action decision?		
NOTIFICATION OF RESULTS OF AN INVESTIGATION			
388-60-0735	Does the department notify the person that made the complaint of the results of the investigation?	388-60-230	Investigation. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-230, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-0745	What must the treatment program do after notification that its certification has been suspended or revoked?	388-60-240	Results of investigation. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-240, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-0755	What happens if the program has other licenses or certificates?		
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
388-60-005	Scope. [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.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.	388-60-250	Notification of results. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-250, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-120	Treatment focus. [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.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.	388-60-260	Appeal. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-260, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
388-60-130	Treatment modality. [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.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.		
388-60-140	Program policies and procedures. [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.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.		
388-60-150	Treatment staff qualifications. [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.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.		
388-60-160	Orientation and continuing professional education requirements. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-160, filed 12/24/96, effective		

DEFINITIONS

WAC 388-60-0015 What definitions apply to this chapter? The following definitions are important to understand these rules:

"Corrective action" means the denial or suspension or revocation of certification, or the issuance of a written warning.

"Department" or **"DSHS"** means the department of social and health services.

"Participant" or **"perpetrator"** means the client enrolled in the domestic violence perpetrator treatment program. This client may be court-ordered to attend treatment or someone who chooses to voluntarily attend treatment.

"Program" or **"treatment program"** means a domestic violence perpetrator treatment program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0015, filed 3/30/01, effective 4/30/01.]

PURPOSE

WAC 388-60-0025 What is the purpose of this chapter? (1) This chapter establishes minimum standards for programs that treat perpetrators of domestic violence.

(2) These standards apply to any program that:

(a) Advertises that it provides domestic violence perpetrator treatment; or

(b) Defines its services as meeting court orders that require enrollment in and/or completion of domestic violence perpetrator treatment.

(3) These programs provide treatment only to perpetrators of domestic violence, including clients who are self-referred or those who are court-ordered to attend treatment.

(4) An agency may administer other service programs in addition to domestic violence perpetrator treatment services; however, the domestic violence perpetrator treatment program must be considered a separate and distinct program from all other services the agency provides.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0025, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0035 Must domestic violence perpetrator treatment programs be certified? All programs providing domestic violence perpetrator treatment services must:

(1) Be certified by the department; and

(2) Comply with the standards outlined in this chapter.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0035, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0045 What must be the focus of a domestic violence perpetrator treatment program? (1) A domestic violence perpetrator treatment program must focus treatment primarily on ending the participant's physical, sexual, and psychological abuse.

(2) The program must hold the participant accountable for:

(a) The abuse that occurred; and

(b) Changing the participant's violent and abusive behaviors.

(3) The program must base all treatment on strategies and philosophies that do not blame the victim or imply that the victim shares any responsibility for the abuse which occurred.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0045, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0055 What must be a treatment program's primary goal? The primary goal of a domestic violence perpetrator treatment program must be to increase the victim's safety by:

(1) Facilitating change in the participant's abusive behavior; and

(2) Holding the participant accountable for changing the participant's patterns of behaviors, thinking, and beliefs.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0055, filed 3/30/01, effective 4/30/01.]

(2003 Ed.)

REQUIRED PROGRAM POLICIES AND PROCEDURES

WAC 388-60-0065 What steps must a treatment program take to address victim safety? (1) Each treatment program must have written policies and procedures that adequately assess the safety of the victims of the perpetrators enrolled in the treatment program.

(2) The treatment program must take the following steps to protect victims:

(a) Notify the victim of each program participant within fourteen days of the participant being accepted or denied entrance to the program that the participant has enrolled in or has been rejected for treatment services;

(b) Inform victims of specific outreach, advocacy, emergency and safety planning services offered by a domestic violence victim program in the victim's community;

(c) Encourage victims to make plans to protect themselves and their children;

(d) Give victims a brief description of the domestic violence perpetrator treatment program, including the fact that the victim is not expected to do anything to help the perpetrator complete any treatment program requirements; and

(e) Inform victims of the limitations of perpetrator treatment.

(3) The program must document in writing the program's efforts to notify the victim of the above requirements.

(4) The program cannot invite or require the victims of participants to attend perpetrator treatment program counseling sessions or education groups which the program requires participants to attend as a condition of their contracts.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0065, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0075 What must a treatment program require of its participants? (1) All participants must attend consecutive, weekly group treatment sessions. A program may develop policies which allow excused absences to be made up with the program director's approval.

Exception: Another type of intervention may be approved for certain documented clinical reasons, such as psychosis or other conditions that make the individual not amenable to treatment in a group setting.

(2) The program must assign each participant to a home group and the participant must be required to attend the same scheduled group each week. The program's director must authorize any exceptions to this requirement and document the reason for the exception.

(3) Each participant must sign all releases of information required by the treatment program, including those specified in WAC 388-60-0145.

(4) Each participant must sign a contract for services with the treatment program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0075, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0085 What requirements apply to group treatment sessions? (1) The group sessions must be single gender.

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(2) The group size is limited to a maximum of twelve participants, and a minimum of two participants.

(3) Group sessions must be at least ninety minutes in length.

(4) Group sessions must be closed to all persons other than participants, group facilitators, and others specifically invited by the group leaders. Others specifically invited by group leaders may include:

(a) Professionals in related fields;

(b) Persons offering interpretation services for the deaf and/or hearing impaired or language translation/interpretation; and

(c) Others bringing specific information critical to the group.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0085, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0095 May a participant be involved in more than one type of treatment while enrolled in a domestic violence perpetrator treatment program? (1) A program may allow a client to participate in other types of therapy during the same period the client is participating in the required weekly group treatment sessions.

(2) Any other type of therapy must support the goal of victim safety by facilitating change in the participant's abusive behavior without blaming the victim for the perpetrator's abuse.

(3) The program must determine that the participant is stable in the participant's other treatments before allowing the participant to participate in treatment for domestic violence.

(4) Other therapies including the following list may not be substituted for the required domestic violence perpetrator treatment sessions:

(a) Individual therapy;

(b) Marital or couples' therapy;

(c) Family therapy;

(d) Substance abuse evaluations or treatment; or

(e) Anger management.

(5) A program may recommend marital or couples' therapy only after:

(a) The participant has completed at least six months of domestic violence perpetrator treatment services; and

(b) The victim has reported that the participant has ceased engaging in violent and/or controlling behaviors. However, this therapy may not take the place of domestic violence perpetrator treatment session.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0095, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0105 What requirements does the department have for treatment programs regarding non-discrimination? (1) A domestic violence perpetrator treatment program may not discriminate against any participant based on:

(a) Race;

(b) Age;

(c) Gender;

(d) Disability;

(e) Religion;

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(f) Marital status or living arrangements;

(g) Political affiliation;

(h) Educational attainment;

(i) Socio-economic status;

(j) Ethnicity;

(k) National origin; or

(l) Sexual orientation.

(2) Program materials, publications, and audio-visual materials must be culturally sensitive and nondiscriminatory.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0105, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0115 Does a program have the authority to screen referrals? (1) A treatment program has the authority to accept or reject any referral for its program.

(2) The program must base acceptance and rejection of a client on written criteria the program has developed to screen potential participants.

(3) A treatment program may impose any conditions on participants that the program deems appropriate for the success of treatment.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0115, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0125 What rights do participants in a treatment program have? (1) A treatment program must provide each participant with the highest quality of service.

(2) Treatment program staff must establish a climate where all relationships with colleagues and participants are respectful.

(3) Each participant enrolled in a program must have the assurance that the program staff will conduct themselves professionally, as specified in RCW 18.130.180.

(4) Staff, board members, and volunteers working for a treatment program must not engage in or tolerate sexual harassment or exploitation of an employee, a program participant, or a victim of any program participant.

(5) Each participant must have a written contract signed by the participant and the treatment program staff which specifies the participant's rights and responsibilities while enrolled in the program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0125, filed 3/30/01, effective 4/30/01.]

CONFIDENTIALITY

WAC 388-60-0135 What information about the participant must the treatment program keep confidential?

(1) Treatment programs must follow the confidentiality requirements contained in chapter 18.19 RCW for registered counselors and certified professionals.

(2) All program participants and guests must agree in writing not to disclose the identity of group participants or personal information about the participants.

(3) A treatment program must keep all communications between the participant and direct treatment staff confidential unless:

(a) The participant has signed a release of information; or

(b) The program is legally required to release the information.

(4) The treatment program may audio or video tape group sessions only when all participants grant written consent that gives details about the specific uses for the tape. The program must obtain an additional consent statement from each participant to permit use of the tape for any purpose other than the purposes specified in the original consent.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0135, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0145 What releases must a program require a participant to sign? For a treatment program to conduct case monitoring and periodic safety checks, the program must require all participants to sign the following releases which must remain in effect for the duration of the client's treatment:

(1) A release allowing the treatment program to notify the victim and/or the victim's community and/or legal advocates that the perpetrator has been accepted or rejected for treatment;

(2) A release allowing the program to provide the victim with periodic reports about the perpetrator's participation in the program;

(3) A release allowing the current domestic violence perpetrator treatment program access to information held by all prior and concurrent treatment agencies, including domestic violence perpetrator treatment programs, mental health agencies, and drug and alcohol treatment programs;

(4) A release allowing the treatment program to provide relevant information regarding the participant to each of the following entities:

- (a) Lawyers, including prosecutors;
- (b) Courts;
- (c) Parole officers;
- (d) Probation officers;
- (e) Child protective services, child welfare services, and other DSHS programs;
- (f) Court-appointed guardians ad litem;
- (g) DSHS certifying authorities; and
- (h) Former treatment programs that the participant has attended.

(5) A release for the program to notify any person whose safety appears to be at risk due to the participant's potential for violence and lethality. This includes, but is not limited to:

- (a) The victim;
- (b) Any children;
- (c) Significant others;
- (d) The victim's community and legal advocates; or
- (e) Police.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0145, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0155 Must a treatment program keep information provided by or about the victim confidential?

(1) A treatment program must treat all information the victim provides to the program as confidential unless the victim gives written permission for the program to release the information.

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(2) Information must be kept separate from any files for perpetrators.

(3) If a victim tells the treatment program that the participant has committed a new offense, the treatment program must encourage the victim to contact:

- (a) Appropriate law enforcement agency; and
- (b) The local domestic violence victim's program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0155, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0165 What information must the treatment program collect and discuss with the client during the intake process or assessment interview? (1) Treatment programs must conduct an individual, complete clinical intake and assessment interview with each perpetrator who has been accepted into the treatment program. The program staff must meet face-to-face with the program participant to conduct this intake and interview.

(2) During the intake interview, program staff must obtain the following information, at a minimum:

- (a) Current and past violence history;
- (b) A complete diagnostic evaluation;
- (c) A substance abuse screening;
- (d) History of treatment from past domestic violence perpetrator treatment programs;
- (e) History of threats of homicide or suicide;
- (f) History of ideation of homicide or suicide;
- (g) History of stalking;
- (h) Data to develop a lethality risk assessment;
- (i) Possession of, access to, plans to obtain, or a history of use of weapons;
- (j) Degree of obsessiveness and dependency on the perpetrator's victim;
- (k) History of episodes of rage;
- (l) History of depression and other mental health problems;
- (m) History of having sexually abused the battered victim or others;
- (n) History of the perpetrator's domestic violence victimization and/or sexual abuse victimization;
- (o) Access to the battered victim;
- (p) Criminal history and law enforcement incident reports;
- (q) Reports of abuse of children, elderly persons, or animals;
- (r) Assessment of cultural issues;
- (s) Assessment of learning disabilities, literacy, and special language needs; and
- (t) Review of other diagnostic evaluations of the participant.

(3) If the program cannot obtain the above information, the program client file must include documentation of the program's reasonable efforts to obtain the information.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0165, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0175 Who may complete the intake process or conduct the assessment interview? (1) Only treatment staff who meet the minimum qualifications for

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direct treatment staff stated in chapter 388-60 WAC may complete the intake process or conduct the assessment interview.

(2) A trainee may not have sole responsibility for conducting an intake or assessment. If the staff conducting the intake/assessment is a trainee, the trainee must work in conjunction with additional staff in their program, and the trainee's program supervisor must review and sign off on the trainee's work.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0175, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0185 Must the program compile a written document based on information gathered in the intake/assessment process? The program must compile a written document, which includes the information required to be gathered in the intake/assessment process.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0185, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0195 Must the treatment program develop an individual treatment plan for each participant? (1) The treatment program must develop a written treatment plan for each participant who is accepted into the domestic perpetrator treatment program.

(2) The treatment program must base the participant's treatment on the clinical intake/assessment which the program completed for the client.

(3) The treatment plan must adequately and appropriately address the needs of the individual participant.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0195, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0205 What must a treatment program consider when developing an individual treatment plan for a participant? (1) A treatment program must:

(a) Assess whether a participant should be required to engage in drug and alcohol, mental health, or other treatment services while they are participating in the treatment program;

(b) Decide which treatment gets priority for the participant if more than one treatment service is recommended;

(c) Determine the sequence of other services if concurrent treatment is not clinically appropriate; and

(d) Make appropriate referrals to outside agencies.

(2) A treatment program must consider issues relating to a participant's prior victimization when designing each treatment plan.

The program must consider the appropriateness of domestic violence victim services in lieu of perpetrator treatment for a participant who presents an extensive history of prior victimization.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0205, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0215 Must a program require a participant to sign a contract for services with the treatment program? A treatment program must require each participant to sign a formal contract for services.

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[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0215, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0225 What must the treatment program include in the contract for each participant's treatment? The contract between each participant and the treatment program must include the following elements:

(1) A statement regarding the treatment program's philosophy that:

(a) The victim may not be blamed for the participant's abuse;

(b) The perpetrator must stop all forms of abuse;

(c) An abuser is to be held accountable for the abusers actions; and

(d) The program's primary concern is for the safety of victims.

(2) A statement requiring the participant to:

(a) Cooperate with all program rules;

(b) Stop violent and threatening behaviors;

(c) Be nonabusive and noncontrolling in relationships;

(d) Develop and adhere to a responsibility plan;

(e) Comply with all court orders;

(f) Cooperate with the rules for group participation; and

(g) Sign all required releases of information.

(3) A policy on attendance and consequences for inadequate attendance;

(4) A requirement that the perpetrator must actively participate in treatment, including sharing personal experiences, values, and attitudes, as well as completing all group activities and assignments;

(5) A policy regarding other program expectations, such as completion of written exams, concurrent treatment requirements, and possession of weapons as described under chapters 388-861 and 388-875 WAC;

(6) Written criteria for completion of treatment;

(7) A statement that group members must honor the confidentiality of all participants;

(8) A statement that the treatment program has the duty to warn and protect victims, law enforcement, and third parties of any risk of serious harm the program determines the participant poses to them;

(9) Requirements that the participant must either:

(a) Provide the program with the participant's arrest records, criminal history, and any information regarding treatment services previously received; or

(b) Identify the existence of and location of all service records, and authorize release of all such records to the domestic violence treatment program.

(10) The program's policy regarding the use of drugs and alcohol, including a provision that the participant must attend treatment sessions free of drugs and alcohol; and

(11) Fees and methods of payment for treatment.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0225, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0235 Must a treatment program follow an educational curriculum for each participant? A treatment program must follow a specific educational curriculum for all participants in the program.

(2003 Ed.)

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0235, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0245 What topics must the treatment program include in the educational curriculum? The curriculum of the treatment program must include the following topics:

- (1) Belief systems that allow and support violence against women;
- (2) Belief systems that allow and/or support the use or threat of violence to establish power and control over an intimate partner;
- (3) Definitions of abuse, battering, and domestic violence;
- (4) Forms of abuse, including:
 - (a) Physical abuse;
 - (b) Emotional and sexual abuse;
 - (c) Economic manipulation or domination;
 - (d) Physical force against property or pets;
 - (e) Stalking;
 - (f) Terrorizing someone or threatening him or her; and
 - (g) Acts that put the safety of battered partners, children, pets, other family members, or friends at risk.
- (5) The impact of abuse and battering on children and the incompatibility of domestic violence and abuse with responsible parenting;
- (6) The fact that a participant is solely responsible for the participant's violent behavior, and must acknowledge this fact;
- (7) The need to avoid blaming a victim for the participant's abusive behavior;
- (8) Techniques to be nonabusive and noncontrolling;
- (9) Negative legal and social consequences for someone who commits domestic violence;
- (10) Why it is necessary to meet financial and legal obligations to family members;
- (11) Opportunities for a participant to develop a responsibility plan:
 - (a) The treatment program may assist the participant in developing the plan.
 - (b) In the plan, the participant must make a commitment to giving up power and control over the victim.
- (12) Education regarding individual cultural and family dynamics of domestic violence; and
- (13) Washington state laws and practices regarding domestic violence, as described in chapters 10.31, 10.99, and 26.50 RCW.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0245, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0255 What is the minimum treatment period for program participants? (1) The minimum treatment period is the time required for the participant to fulfill all conditions of treatment set by the treatment program. Satisfactory completion of treatment is not based solely on a perpetrator participating in the treatment program for a certain period of time or attending a certain number of sessions.

(2) The program must require participants to attend treatment and satisfy all treatment program requirements for at least twelve consecutive months.

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(3) The program must require the participant to attend:
(a) A minimum of twenty-six consecutive weekly same gender group sessions, followed by:

(b) Monthly sessions with the treatment provider until the twelve-month period is complete. These sessions must be conducted face-to-face with the participant by program staff who meet the minimum qualifications set forth in this chapter.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0255, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0265 What criteria must be satisfied for completion of treatment? (1) A treatment program must have written criteria for satisfactory completion of treatment.
(2) A program must require a participant to meet all of the following conditions in order for the program to state that the participant has completed treatment:

- (a) Attend treatment sessions for the minimum treatment period;
- (b) Attend all other sessions required by the program;
- (c) Cooperate with all group rules and program requirements throughout the duration of treatment services;
- (d) Stop the use of all violent acts or threats of violence;
- (e) Stop using abusive and controlling behavior;
- (f) Adhere to the participant's responsibility plan;
- (g) Comply with court orders; and
- (h) Comply with other conditions of the contract for treatment services, such as chemical dependency treatment.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0265, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0275 What must the treatment program do when a participant satisfactorily completes treatment? (1) A treatment program must notify the following people when a participant satisfactorily completes treatment:

- (a) The court having jurisdiction, if the participant has been court-mandated to attend treatment; and
 - (b) The victim, if feasible.
- (2) The program must document in writing its efforts to contact the victim.

(3) The program may specify only that the perpetrator has completed treatment based on adequate compliance with the participant's contract with the treatment program and any court order.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0275, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0285 Must a treatment program have policies regarding any reoffenses during treatment? A treatment program must establish and implement written policies that include consequences if a perpetrator reoffends during treatment or does not comply with program requirements.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0285, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0295 Does a program need guidelines for discharging participants who do not complete treatment? (1) A treatment program must have guidelines for dis-

charging participants who do not satisfactorily complete the program.

(a) Discharge decisions must be uniform and predictable.

(b) Discrimination may not occur against any participant.

(2) A program may terminate a participant from treatment prior to completion of the program if the participant has not complied with the requirements set forth in the participant's contract with the program.

(3) If a program discharges a participant who does not complete treatment, the treatment program must document in writing that the participant has not complied with:

(a) The participant's contract with the treatment program;

(b) A court order;

(c) A probation agreement; or

(d) Group rules.

(4) If a program chooses not to discharge a participant who has reoffended, committed other acts of violence or abuse, or has not complied with any of subsection (3)(a) through (d) of this section, the program must note the reoffense and/or noncompliance in the client's progress notes, reports to the court, and reports to the victim (if feasible).

(5) The program must state in the client's record the program's rationale for not terminating the participant, and state what corrective action was taken.

(6) A program may discharge a participant if the treatment program cannot provide adequate treatment services to the participant because of the treatment program's current development.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0295, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0305 Who must the program notify when the program discharges a participant because of failure to complete treatment? A treatment program must notify the following parties in writing when the program discharges a participant from the program because of failure to complete treatment:

(1) The court having jurisdiction, if the participant has been court-mandated to attend treatment;

(2) The participant's probation officer, if any;

(3) The victim of the participant, if feasible; and

(4) The program must notify the above parties within three days of terminating the client.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0305, filed 3/30/01, effective 4/30/01.]

TREATMENT STAFF QUALIFICATIONS

WAC 388-60-0315 What are the minimum qualifications for all direct treatment staff? (1) All staff with direct treatment contact with participants must be:

(a) Registered as counselors or certified as mental health professionals as required under chapter 18.19 RCW; and

(b) Free of criminal convictions involving moral turpitude.

(2) Each staff person providing direct treatment services to a participant must have a bachelor's degree.

[Title 388 WAC—p. 300]

(a) The department will review requests for an exception to this requirement on a case-by-case basis.

(b) In order to qualify for an exception, the employee must possess year-for-year professional level experience equivalent to a bachelor's degree. The department determines this equivalency at the discretion of the DSHS program manager responsible for monitoring domestic violence perpetrator treatment programs.

(3) Prior to providing any direct treatment services to program participants, each direct treatment staff person must have completed:

(a) A minimum of thirty hours of training about domestic violence from an established domestic violence victim program; and

(b) A minimum of thirty hours of training from an established domestic violence perpetrator treatment services program.

(i) If located within Washington state, the domestic violence perpetrator treatment program must be certified and meet the standards as outlined in this chapter.

(ii) If located out-of-state, the domestic violence perpetrator treatment program must meet the standards outlined in this chapter as well as chapter 26.50 RCW.

(4) All employees must complete all sixty hours of required training before the employee may begin to provide any direct services to group participants. Any work experience accrued prior to completion of the sixty hours of training will not count toward any requirement for work experience.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0315, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0325 Must a program notify the department when new direct treatment staff are added?

(1) At the time that the program adds new direct treatment staff, the program must submit documentation to DSHS which proves that the staff meets the minimum qualifications for all treatment staff stated in WAC 388-60-0315.

(2) Direct treatment staff may not provide services to perpetrators until the treatment staff's qualifications have been reviewed and approved by the DSHS program manager responsible for certification of domestic violence perpetrator treatment programs.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0325, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0335 Who is considered a trainee for domestic violence perpetrator treatment programs? A trainee is a direct treatment staff person who has not accrued at least two hundred fifty hours of experience providing services to domestic violence perpetrators and domestic violence victims.

(1) At least one hundred twenty-five hours of this requirement must have been provision of supervised, direct treatment services to domestic violence perpetrators.

(2) The remainder of this requirement must have been provision of domestic violence victim advocacy services.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0335, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0345 May a trainee provide direct treatment services to participants? (1) A trainee may serve as a co-facilitator of groups, but may not have sole responsibility for the group at any time.

(2) A trainee may not have sole responsibility for conducting an intake or assessment, or for terminating a participant from treatment.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0345, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0355 Do treatment programs need a supervisor? Each treatment program must have at least one person providing supervision to paid and volunteer direct treatment staff.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0355, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0365 Who may provide supervision of direct treatment staff in a domestic violence perpetrator treatment program? (1) In addition to possessing the basic qualifications required for all direct treatment staff, a program's supervisor must meet **all** of the following requirements:

(a) Have a minimum of three years of experience providing direct treatment services to perpetrators of domestic violence;

(b) Have a minimum of one year of experience providing victim advocacy services to domestic violence victims (this may be concurrent with (a) of this subsection);

(c) Have a minimum of one year of experience in facilitating domestic violence perpetrator treatment groups;

(d) Has completed at least five hundred hours of supervised direct treatment contact with both perpetrators and domestic violence victims:

(i) At least three hundred hours of this requirement must have been the provision of supervised, direct treatment services to domestic violence perpetrators.

(ii) The remainder of this requirement must have been the provision of domestic violence victim advocacy services.

(2) Each staff person providing supervision to direct treatment staff within a program must have a master's degree.

(a) The department's program manager [manager] will review requests for an exception to this requirement on a case-by-case basis.

(b) In order to qualify for an exception, the employee must possess year-for-year professional level experience equivalent to a master's degree. The department determines this equivalency at the discretion of the DSHS program manager responsible for monitoring domestic violence perpetrator treatment programs.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0365, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0375 Must a supervisor always be on the premises of the treatment program? A supervisor may be located either on or off-site unless direct treatment services are being provided only by employees who are considered trainees, as defined in these rules. If no other direct treatment staff besides the supervisor possesses at least two hun-

dred fifty hours of experience providing direct treatment services to perpetrators, the supervisor must be present at all times that direct treatment services are being provided.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0375, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0385 Must the treatment program have staff supervision policies? A treatment program must develop and follow policies, procedures, and supervision schedules that provide adequate supervision for all treatment staff.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0385, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0395 What are the requirements for staff orientation? (1) A treatment program must have an orientation for any new staff, whether the staff are paid or volunteer.

(2) The purpose of the orientation must be to provide the staff with the program's philosophy, organization, curriculum, policies, procedures, and goals.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0395, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0405 What are the continuing professional education requirements for all direct treatment program staff? (1) All staff having direct treatment contact with participants must complete a minimum of twenty hours of continuing professional education each year after the program is certified, or each year after the staff person is added to the staff list. No more than five of those hours may be obtained by attending "in-house" training.

(2) Each staff person's continuing professional education must include four or more hours of training per year on issues of sexism, racism, and homophobia and their relationship to domestic violence.

(3) Continuing education training may be in the fields of alcohol/drug abuse, mental health, or other issues but all training must be related to the treatment of domestic violence perpetrators.

(4) The treatment staff may obtain continuing professional education through classes, seminars, workshops, video or audiotapes, or other self-study programs when approved in writing by the program supervisor. No more than five hours of video, audiotapes, or self-study program may be used toward the requirement of twenty hours of continuing education requirement. This includes correspondence courses.

(5) The staff must document all continuing education hours on DSHS approved forms.

(a) The form must be accompanied by completion certificates, course/workshop outline, and supervisor signature.

(b) The program must submit the form and documentation to the department at the time the program applies for recertification.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0405, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0415 Is a treatment program required to cooperate with local domestic violence victim programs? A treatment program must establish and maintain cooperative relationships with domestic violence victim services programs located in their community.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0415, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0425 Does a treatment program need knowledge of the domestic violence laws and justice system practices? A treatment program must show evidence of an understanding of the laws pertaining to domestic violence and the operation of the justice system. At a minimum, a program must 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 offered 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: RCW 26.50.150. 01-08-046, § 388-60-0425, filed 3/30/01, effective 4/30/01.]

CERTIFICATION PROCESS

WAC 388-60-0435 What is the process to apply for certification of a treatment program? (1) Any program wishing to provide treatment to perpetrators of domestic violence must request certification by completing an application available from the department. To request an application by mail, write to:

Domestic Violence Perpetrator Treatment Program
Department of Social and Health Services (DSHS)
Children's Administration
P.O. Box 45710
Olympia, Washington 98504-5710.

(2) The program must submit the application, application fee, and all documentation needed to prove that the program meets the requirements set forth in these standards.

(3) A program may not provide direct treatment services to domestic violence perpetrators without being certified by the department.

(4) If approved, the department grants certification for a two year period.

(5) The department considers each geographical location of a program an individual program, and must certify each program separately.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0435, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0445 What is the application fee for certification? (1) Application fee for either initial certification or recertification of a domestic violence perpetrator treatment program is one hundred dollars.

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(2) The department publishes the application fee for certification of domestic violence perpetrator treatment programs in the application packet.

(3) If there is any change in the fee, the update will be done in July of each year.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0445, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0455 What documentation must a program submit before the department may certify the program? The program's director must submit the following documentation with the program's application:

(1) A written statement signed by the director that the program complies with the standards contained in this chapter;

(2) Results of current criminal history background checks conducted by the Washington state patrol for all current direct treatment program staff;

(3) A statement for each current paid or volunteer staff person whether or not the staff person has ever been a party to any civil proceedings involving domestic violence;

(4) Proof that each direct treatment staff is registered as a counselor or certified as a mental health professional with the department of health;

(5) Evidence that the program maintains cooperative relationships with agencies providing services related to domestic violence.

(a) This evidence must include, at a minimum:

(i) Three items of evidence that they have established and continue to maintain cooperative relationships with local domestic violence victim programs and other local agencies involved with domestic violence intervention.

(ii) Documentation that they have established a referral process between their program and the local domestic violence victim services programs.

(iii) Proof that they participate in a local domestic violence task force, intervention committee or workgroup if one exists in their community.

(b) The program may also submit evidence of the following:

(i) Participation in public awareness activities sponsored by the local domestic violence victim services agency.

(ii) Service agreements between the local domestic violence victim services agency(ies) and the treatment program.

(iii) Letters of support for the program from other agencies or parties involved in domestic violence intervention.

(6) Evidence that the program maintains cooperative relationships with agencies involved in domestic violence intervention.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0455, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0465 What happens after a program turns in an application to the department? (1) The department will review a certification application within thirty days after the application is received to decide if the domestic violence perpetrator program meets the program standards in this chapter.

(2) The department must notify the applicant whether or not the program meets these standards.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0465, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0475 Will a certificate be issued if the treatment program meets the standards? If a program meets the standards in this chapter, the department will issue the program a certificate of compliance.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0475, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0485 What happens if a treatment program does not meet the standards? (1) If a program does not meet the standards for certification or recertification, the department will provide the program with:

- (a) A copy of the standards;
- (b) A written notice containing the reasons for the determination of noncompliance; and
- (c) The program standards relied upon for making the decision.

(2) Treatment programs have the right to a hearing if the program is denied certification under this chapter (chapter 388-02 WAC).

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0485, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0495 What records must the department keep regarding certified domestic violence perpetrator programs? The department must maintain the following information:

- (1) A current record of all certified domestic violence perpetrator programs.
- (2) A current record of programs that:
 - (a) Are in the process of applying for certification;
 - (b) Have been denied certification;
 - (c) Have been notified that the department is revoking or suspending certification;
 - (d) Have had their certification revoked; and
 - (e) Are being investigated.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0495, filed 3/30/01, effective 4/30/01.]

RECERTIFICATION

WAC 388-60-0505 How often must a domestic violence perpetrator treatment program reapply for certification? Each program certified under this chapter must reapply for certification every two years.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0505, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0515 What must a program do to apply for recertification of their domestic violence perpetrator treatment program? In order to be recertified, a program must submit a completed application packet to the department at least forty-five days prior to the expiration date of the previous certification period.

(2003 Ed.)

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0515, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0525 What must the application packet for renewal of the certification of a domestic violence perpetrator program include? The packet must include the following:

- (1) A completed application form signed by the program director;
- (2) Payment of the application fee;
- (3) A listing of all direct treatment staff;
- (4) A statement of qualifications for any staff added since the last certification period;
- (5) Current results of criminal history background checks conducted by the Washington state patrol, and a statement regarding any involvement in civil proceedings involving domestic violence for each employee providing direct treatment services;
- (6) An update of continuing professional education hours for each direct treatment staff;
- (7) Evidence that the program maintains cooperative relationships with agencies providing services related to domestic violence.

(a) This evidence must include, at a minimum:

(i) Three items of evidence that they have established and continue to maintain cooperative relationships with local domestic violence victim programs and other local agencies involved with domestic violence intervention.

(ii) Documentation that they have established a referral process between their program and the local domestic violence victim services programs.

(iii) Proof that they participate in a local domestic violence task force, intervention committee or workgroup if one exists in their community.

(b) The program may also submit evidence of the following:

(i) Participation in public awareness activities sponsored by the local domestic violence victim services agency.

(ii) Service agreements between the local domestic violence victim services agency(ies) and the treatment program.

(iii) Letters of support for the program from other agencies or parties involved in domestic violence intervention.

(8) Evidence that the program maintains cooperative relationships with agencies involved in domestic violence intervention; and

(9) All documentation needed to prove that the program continues to meet the standards for certification.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0525, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0535 How does the department decide that a program should continue to be certified? The department will continue to certify a program, or will review its certification, if:

(1) The department determines, based on the completed application, that the program continues to meet the standards and qualifications as outlined in this chapter; and

(2) The department determines that any complaint investigations from the previous certification period have been satisfactorily resolved.

[Title 388 WAC—p. 303]

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0535, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0545 Is there a formal process if a treatment program wishes to appeal a denial of certification or recertification? If the department denies certification or recertification, the domestic violence perpetrator treatment program has a right to an administrative hearing under chapter 388-08 WAC.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0545, filed 3/30/01, effective 4/30/01.]

ADVISORY COMMITTEE

WAC 388-60-0555 Does the department have an advisory committee for domestic violence perpetrator treatment? The department will establish and appoint a volunteer group to serve as the Washington domestic violence perpetrator treatment program standards advisory committee.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0555, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0565 What is the role of the advisory committee? The role of the advisory committee is to:

- (1) Advise the department regarding recommended changes to the program standards; and
- (2) Provide technical assistance on program standards, implementation, and certification and recertification criteria.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0565, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0575 Who are the advisory committee members and how are they chosen? The advisory committee must include the following members:

- (1) Four persons representing the perspective of victims of domestic violence. They will be chosen with input from the Washington State Coalition Against Domestic Violence (WSCADV);
- (2) Four persons representing the perspective of state-certified domestic violence perpetrator treatment programs. They will be chosen with input from the Washington Association of Domestic Violence Intervention Professionals (WADVIP);
- (3) Four persons representing the perspective of adult misdemeanant probation and Washington state courts of limited jurisdiction. They will be chosen with input from the Misdemeanant Corrections Association and the Washington State District and Municipal Court Judges Association;
- (4) One person representing the department of corrections; and
- (5) One person representing the office of the administrator for the courts.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0575, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0585 How long is the appointed term for an advisory committee member? Advisory committee members are appointed for two-year terms.

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[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0585, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0595 May advisory committee members be replaced before their term expires? The department may replace committee members if the member misses two consecutive committee meetings.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0595, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0605 Are expenses for advisory committee members reimbursed? (1) If funds are available, the department will reimburse advisory committee members for travel and meal expenses related to service on the committee.

(2) Advisory committee members may not receive any other compensation for service on the committee.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0605, filed 3/30/01, effective 4/30/01.]

COMPLAINTS AND THE INVESTIGATION OF COMPLAINTS

WAC 388-60-0615 Does the department investigate complaints about domestic violence perpetrator treatment programs? DSHS investigates complaints regarding domestic violence perpetrator treatment programs.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0615, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0625 Who may request an investigation of a certified domestic violence perpetrator treatment program? Any person may submit a written complaint to DSHS if the person has the following concerns about a certified program:

- (1) The program has acted in a way that places victims at risk; or
- (2) The program has failed to follow standards in this chapter.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0625, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0635 Does the department notify a treatment program that the department has received a complaint? Once it receives a complaint about a certified program, the department will:

- (1) Determine that the complaint includes sufficient information to be deemed valid;
- (2) Notify the program within fourteen days of the complaint being determined valid that the department has received a complaint about the program; and
- (3) Notify the program that an investigation has been initiated.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0635, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0645 May DSHS begin an investigation of a treatment program without receiving a complaint? DSHS may begin an investigation of a domestic violence per-

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petrator treatment program without a written complaint if the department believes that the program:

- (1) Has placed victims at risk; or
- (2) Failed to follow the standards outlined in this chapter.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0645, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0655 What is included in an investigation? The investigation of a complaint against a domestic violence perpetrator treatment program may include:

- (1) Contact with:
 - (a) The person making the complaint;
 - (b) Other persons involved in the complaint; or
 - (c) The treatment program.
- (2) A request for written documentation of evidence; and/or
- (3) An on-site visit to the program to interview program staff.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0655, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0665 Is there a time limit for the department to complete its investigation of a complaint? The department must complete its investigation within forty-five days of beginning the investigation, unless circumstances warrant a longer period of time.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0665, filed 3/30/01, effective 4/30/01.]

RESULTS OF INVESTIGATIONS

WAC 388-60-0675 Does the department put the results of the investigation in writing? (1) The department will prepare written results of the complaint investigation.

(2) If the department decides that the treatment program behaved in a way that placed victims at risk or failed to meet the standards outlined in this chapter, the written results must include a decision regarding the status of the program's certification.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0675, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0685 What action may the department take regarding a program's certification if a complaint is founded? If the department determines that a complaint against a domestic violence perpetrator treatment program is founded, the department may:

- (1) Revoke the treatment program's certification;
- (2) Suspend the treatment program's certification; or
- (3) Send a written warning to the treatment program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0685, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0695 Does DSHS notify a treatment program of its decision to take corrective action? DSHS must send the written results of its investigation to the program by certified mail, return receipt requested, within twenty days after completing the investigation.

(2003 Ed.)

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0695, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0705 What information must the department give a program if it takes action that affects the program's certification status? (1) If DSHS revokes a program's certification, the department must provide the program with:

- (a) The specific reasons for the revocation;
 - (b) The WAC standards the revocation is based on; and
 - (c) The effective date of the revocation.
- (2) If DSHS suspends a treatment program's certification, DSHS must provide the treatment program with:
- (a) The specific reasons for the corrective action;
 - (b) The WAC standards that the suspension is based on;
 - (c) The effective date of the suspension;
 - (d) Any remedial steps which the program must complete to the satisfaction of the department before the department will reinstate the program's certification and lift the suspension; and
 - (e) The deadline for completion of any remedial steps.
- (3) If DSHS issues a written warning to a program, DSHS must provide the treatment program with:
- (a) The specific reasons for the written warning;
 - (b) The WAC standards that the written warning is based on; and
 - (c) Any remedial steps which the program must complete to the satisfaction of the department.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0705, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0715 What happens if a treatment program refuses to remedy the problems outlined in the complaint findings? If the treatment program refuses or fails to remedy the problems outlined in the written warning, DSHS may revoke or suspend the certification of the program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0715, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0725 What if the director of a domestic violence perpetrator treatment program disagrees with the corrective action decision? (1) When DSHS revokes or suspends a program's certification, issues a written warning, or imposes corrective action, the department will notify the program director in writing of the program's right to request a hearing.

(2) The program director may request an administrative hearing from the office of administrative hearings pursuant to chapter 388-02 WAC.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0725, filed 3/30/01, effective 4/30/01.]

NOTIFICATION OF RESULTS OF AN INVESTIGATION

WAC 388-60-0735 Does the department notify the person that made the complaint of the results of the investigation? DSHS will mail a copy of the written results of the

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investigation to the person who made the complaint against the domestic violence perpetrator treatment program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0735, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0745 What must the treatment program do after notification that its certification has been suspended or revoked? If DSHS revokes or suspends a program's certification, the program must:

(1) Take immediate steps to notify and refer current clients to other certified domestic violence perpetrator treatment programs;

Note: This must be done prior to the effective date of revocation or suspension.

(2) Cease accepting perpetrators of domestic violence into its treatment program;

(3) Notify victims, current partners of the participants, and any relevant agencies about the client referral; and

(4) Notify, in writing, the presiding judge and chief probation officer of each judicial district from which the treatment program receives court referrals.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0745, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0755 What happens if the program has other licenses or certificates? If a program also holds a license or certification from the state of Washington for other treatment modalities, DSHS may notify the appropriate licensing or certifying authority that the program's certification has been suspended or revoked.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0755, filed 3/30/01, effective 4/30/01.]

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 388-61A WAC SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE

(Formerly chapter 284-554 WAC)

WAC

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PURPOSE

WAC 388-61A-0005 What is the legal basis for the domestic violence shelter program? Chapter 70.123 RCW authorizes us to establish minimum standards for agencies that receive funding from the department of social and health services (DSHS) to provide domestic violence shelter and services.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0005, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0010 What is the purpose of having minimum standards for domestic violence shelters and services? The purpose of these rules is to have uniform statewide standards for domestic violence shelters and services funded by us. Minimum standards are necessary to provide rules for agencies that contract with us to provide shelter and services for domestic violence victims. These standards address issues such as adequate food, clothing, housing, safety, security, advocacy, and counseling for victims.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0010, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0015 Is DSHS required to provide funding to any domestic violence service that requests funding? We are not obligated to disburse funds to all domestic violence services that may comply with the minimum standards set forth in this chapter. The goal of this program is to provide funding and support for the statewide development, stability, and expansion of shelter and services for victims of domestic violence. In support of that goal, if an

agency applies to receive funding we will consider such things as:

- (1) Geographic location;
- (2) Population ratios;
- (3) Population need for services;
- (4) An agency's ability to provide services that comply with these minimum standards;
- (5) The availability of other domestic violence services in a community; and
- (6) The amount of funding we have available to support domestic violence services.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0015, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0020 What are the facility and service requirements for domestic violence services? In order for us to contract with an agency for domestic violence services, the agency must provide shelter and supportive services to victims of domestic violence. The agency must comply with the:

- (1) General facility requirements for shelters; and
- (2) Specific additional requirements for safe homes; or
- (3) Specific additional requirements for shelter homes; and
- (4) Requirements for supportive services and agency administration.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0020, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0025 What definitions apply to domestic violence shelters and services? "Advocacy-based counseling" means that the client is involved with an advocate counselor in individual, family, or group sessions with the primary focus on safety planning, empowerment, and education of the client through reinforcing the client's autonomy and self-determination.

"Advocate counselor" means a trained staff person who works in a domestic violence service and provides advocacy-based counseling, counseling, and supportive temporary shelter services to clients.

"Client" means a victim of domestic violence or dependent child of the victim.

"Cohabitant" means a person who is married or is living with a person as a husband or wife at the present time or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married or have lived together at any time, is considered a cohabitant.

"Department" means the department of social and health services (DSHS).

"Domestic violence" includes, but is not limited to, the criminal offenses defined in RCW 10.99.020 when committed by one cohabitant against another.

"Domestic violence service" means an agency that provides shelter, advocacy, and counseling for domestic violence clients in a safe, supportive environment.

"Lodging unit" means one or more rooms used for a victim of domestic violence including rooms used for sleeping or sitting.

"**Program**" means the DSHS domestic violence program.

"**Safe home**" means a shelter that has two or less lodging units and has a written working agreement with a domestic violence service.

"**Secretary**" means the DSHS secretary or the secretary's designee.

"**Shelter**" means a safe home or shelter home that provides temporary refuge and adequate food and clothing offered on a twenty-four hour, seven-day-per-week basis to victims of domestic violence and their children.

"**Shelter home**" means a shelter that has three or more lodging units and either is a component of or has a written working agreement with a domestic violence service.

"**Staff**" means persons who are paid or who volunteer services and are a part of a domestic violence service.

"**Victim**" means a cohabitant who has been subjected to domestic violence.

"**We, us and our**" refers to the department of social and health services and its employees.

"**You, I and your**" refers to the domestic violence service or shelter.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0025, filed 3/16/01, effective 4/16/01.]

GENERAL FACILITY REQUIREMENTS

WAC 388-61A-0030 What safety requirements is the shelter required to meet? You must keep your equipment and the physical structures in the shelter safe and clean for the clients you serve. You must:

(1) Maintain the shelter, premises, equipment, and supplies in a clean, safe and sanitary condition, free of hazards, and in good repair;

(2) Provide guard or handrails, as necessary, for stairways, porches and balconies used by clients;

(3) Maintain swimming pools, wading pools, bathtubs, hot tubs, spas, and bathing beaches in a safe manner and in such a way that does not present a health hazard, safety problem, or nuisance;

(4) Have a method for securing all windows, doors, and other building accesses to prevent the entry of intruders;

(5) Provide a way for staff to enter any area occupied by clients should there be an emergency; and

(6) Secure all unused refrigerators and freezers accessible to children in such a way that prevents them from climbing in and becoming trapped.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0030, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0035 What are the general requirements for bedrooms? Shelters must meet the following requirements for bedrooms:

(1) You must provide a bed in good condition, with a clean and comfortable mattress to shelter residents.

(2) If the shelter provides cribs or bassinets for infants, the shelter must follow each of these requirements:

(a) Cribs and bassinets must have clean, firm mattresses covered with waterproof material that is easily sanitized;

(b) Crib mattresses must fit snugly to prevent the infant from being caught between the mattress and crib side rails;

(c) Cribs must be made of wood, metal, or approved plastic with secure latching devices;

(d) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age; and

(e) Bumper pad ties must be no longer than twelve inches in length.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0035, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0040 What kind of diaper changing area must I provide? You must provide a sanitary diaper changing area. In addition, you must develop and provide to clients, hygiene procedures for handling and storing diapers and sanitizing the changing area.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0040, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0045 What are the kitchen requirements? The following are the minimum general requirements for kitchen facilities:

(1) A sink for dishwashing;

(2) A refrigerator or other storage equipment capable of maintaining a temperature of forty-five degrees Fahrenheit or lower;

(3) A range, stove, or hot plate;

(4) Covered garbage container;

(5) Eating and cooking utensils that are clean and in good repair; and

(6) Counter surfaces that are clean and resistant to moisture.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0045, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0050 Are there any restrictions on food preparation? Food and beverages prepared by and for clients must be prepared, served and stored safely and in a sanitary manner. You must not serve home-canned, low-acid foods (e.g., meats and vegetables) to clients residing in a shelter.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0050, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0055 What are the requirements for providing food and clothing to shelter residents? (1) The domestic violence service must provide appropriate food and beverages for the basic sustenance of shelter residents, unless other resources are immediately available.

(2) You should store appropriate food, including infant formula, at the shelter to provide to residents when other resources are not immediately available.

(3) Whenever possible, the shelter should provide food that is culturally appropriate.

(4) You must provide shelter residents with access to clean, adequate clothing. Clothing that you provide must be clean and have been stored in a sanitary manner.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0055, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0060 What are the requirements for toilets, sinks, and bathing facilities? You must meet these requirements for toilets, sinks, and bathing facilities.

(1) You must provide at least one indoor flush-type toilet, one nearby hand-washing sink with hot and cold running water, and a bathtub or shower facility. These facilities must be located within the shelter building premises.

(2) You must comply with all of the following requirements for toilet and bathing facilities:

(a) Toilet and bathing facilities must allow for privacy of shelter residents.

(b) Toilets, urinals, and hand-washing sinks must be the appropriate height for the children served, or have a safe and easily cleaned step stool or platform that is water resistant.

(c) Hand-washing and bathing facilities must be provided with hot and cold running water; the hot water must not exceed one hundred twenty degrees.

(d) Potty chairs and toilet training equipment for toddlers must be regularly maintained and kept in a sanitary condition. You must put potty chairs, when in use, on washable, water resistant surfaces.

(e) You must provide soap and clean washcloths and towels, disposable towels or other approved hand-drying devices to residents.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0060, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0065 What types of linen do I need to provide to clients? (1) You must provide the following to clients residing in shelter:

(a) Bed linen, towels and washcloths that are clean and in good repair. After use by a client, bed linen, towels and washcloths must be laundered prior to use by another client.

(b) A clean liner for a sleeping bag unless the bag is cleaned between use by different clients.

(2) Clients residing in shelter must be provided with changes of clean bed linen, towels and washcloths upon their request.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0065, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0070 What are the requirements for laundry facilities? We have specific requirements for laundry facilities at your shelter.

(1) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(2) You must handle and store laundry in a sanitary manner.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0070, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0075 Are there requirements for drinking water? Water supplies to be used for human consumption must be from an approved public water system. If it

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is an individual system, the local health department must approve it as safe for human consumption.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0075, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0080 What are the requirements for sewage and liquid wastes? You must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system, approved by the local health authority or department.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0080, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0085 What kind of heating system is required? (1) Rooms used by clients in a shelter must be equipped with a safe and adequate source of heat that can keep the room at a healthful temperature during the time the room is occupied.

(2) Gas-fired or oil-fired space heaters and water heaters must be safely vented to the outside.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0085, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0090 How must I ventilate the shelter? (1) You must ensure that your shelter is ventilated for the health and comfort of the shelter residents. A mechanical exhaust to the outside must ventilate toilets and bathrooms that do not have windows opening to the outside.

(2) Bedrooms and communal living areas must have a window or opening to the outdoors that can be locked or secured from the inside.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0090, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0095 How much lighting is required in the shelter? You must locate light fixtures and provide lighting that promotes good visibility and comfort for shelter residents.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0095, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0100 Are there any requirements about pets in the shelter? Pets are prohibited from the kitchen during food preparation.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0100, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0105 What first-aid supplies must I provide? You must keep first-aid supplies on hand for immediate use, including unexpired syrup of ipecac that is to be used only when advised by the poison control center. First-aid supplies must include at least the following: First-aid manual, band-aids, gauze, and adhesive tape.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0105, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0110 What are the requirements for storing medications? (1) All medications, including pet medications and herbal remedies, must be stored in a way that is inaccessible to children.

(2) Pet and human medications must be stored separately.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0110, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0115 What measures must I take for pest control? You must make reasonable attempts to keep the shelter free from pests, such as rodents, flies, cockroaches, fleas and other insects.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0115, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0120 What are the requirements for labeling and storing chemicals and toxic materials? (1) Containers of chemical cleaning agents and other toxic materials must:

(a) Be clearly labeled with the contents; and
(b) Bear the manufacturer's instructions and precautions for use.

(2) You must store the following items in a place that is not accessible to children:

- (a) Chemical cleaning supplies;
- (b) Toxic substances;
- (c) Poisons;
- (d) Aerosols; and
- (e) Items with warning labels.

(3) You must store chemical cleaning supplies and toxic substances separately from food items, clothing, and bedding in order to prevent contamination.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0120, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0125 Where do I keep firearms and other dangerous weapons? (1) You must keep firearms and other dangerous weapons in a locked storage container, gun safe, or another storage area made of strong, unbreakable material.

(2) If the storage cabinet has a glass or another breakable front, you must secure the firearms with a locked cable or chain placed through the trigger guards.

(3) You must store ammunition in a place that is separate from the firearms or locked in a gun safe.

(4) You must allow access to firearms, weapons and ammunition only to authorized persons.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0125, filed 3/16/01, effective 4/16/01.]

ADDITIONAL REQUIREMENTS FOR SAFE HOMES

WAC 388-61A-0130 What are the additional requirements for a safe home? Safe homes must meet the following additional requirements in order for a domestic violence service to contract with us:

(1) A safe home must complete a written application to a domestic violence service. The domestic violence service

must approve the application and give training to the safe home staff before the home may receive clients.

(2) The domestic violence service must maintain a written record of all safe homes. The record must include:

(a) The name and address of the person operating the safe home or an identification code for the safe home;

(b) A written safe home application;

(c) Documentation that the safe home complies with the general facility and additional requirements for safe homes; and

(d) Verification that safe home staff received initial basic training as outlined in this WAC by the domestic violence service.

(3) You must have at least one telephone at the safe home for incoming and outgoing calls. You must provide the following information to residents:

(a) Emergency telephone numbers; and

(b) Instructions on how residents can access domestic violence service staff.

(4) When clients are residing in a safe home at least one domestic violence service staff member must be on-call to go to the safe home twenty-four-hours a day, seven-days-per-week.

(5) Safe homes must comply with the following general fire safety requirements:

(a) Every room used by children in the safe home must have easy entry and exit, including one of these features:

(i) Two separate doors;

(ii) One door leading directly to the outside; or

(iii) A window that opens to the outside and is large enough for emergency escape or rescue.

(b) Every occupied area must have access to at least one exit that does not pass through rooms or spaces the can be locked or blocked from the opposite side.

(c) No space may be lived in by a client that is accessible only by a ladder, folding stairs, or a trap door.

(d) Every bathroom door used by clients must be designed to permit the opening of the locked door from the outside.

(e) Every closet door latch must be designed to be opened from the inside.

(f) Stoves or heaters must not block escape or exit routes.

(g) Flammable, combustible, or poisonous material must be stored away from exits and away from areas that are accessible to children.

(h) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(i) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause harm must have gates or protectors around them when in use.

(j) Multi-level dwellings must have a means of escape from an upper floor. If a fire ladder is needed to escape from an upper story window, it must be stored in a location that is easily accessible to the clients who may need it.

(k) You must place a smoke detector in good working condition in each bedroom or in areas close to where children sleep, such as a hallway. If the smoke detector is mounted on the wall, it must be twelve inches from the ceiling and a corner.

(l) If questions arise concerning fire danger, the local fire protection authority must be consulted.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0130, filed 3/16/01, effective 4/16/01.]

ADDITIONAL REQUIREMENTS FOR SHELTER HOMES

WAC 388-61A-0135 What are the additional requirements for a shelter home? Shelter homes must meet the following additional requirements in order for a domestic violence service to contract with us:

(1) When a shelter home is not a component of a domestic violence service, the shelter home and domestic violence service must have a written working agreement before the shelter home receives clients from the domestic violence service. The written working agreement must include:

(a) Confirmation that the domestic violence service has inspected the shelter home and that the shelter home complies with the general facility and additional requirements for shelter homes;

(b) How the domestic violence service will provide supportive services to shelter home residents; and

(c) Verification that shelter home staff received initial basic training as outlined in this rule by the domestic violence service.

(2) Shelter homes must provide at least one toilet, sink, and bathing facility for each fifteen clients or fraction of this number. The floors of all toilet and bathing facilities must be resistant to moisture.

(3) You must have at least one telephone at the shelter for incoming and outgoing calls. Next to the telephone in shelter homes you must post:

(a) Emergency telephone numbers; and

(b) Instructions on how residents can access domestic violence service staff.

(4) In shelter homes all bathrooms, toilet rooms, laundry rooms, and janitor closets containing wet mops and brushes must have natural or mechanical ventilation in order to prevent objectionable odors and condensation.

(5) When staff serve food to clients in shelter homes, the staff must prepare the food in compliance with WAC 246-215-190, Temporary food service establishment.

(6) Shelter homes must develop and post hygiene procedures for handling and storing diapers and sanitizing the changing area.

(7) Shelter homes must comply with the fire and life safety requirements as outlined in chapter 51-40 WAC.

(8) Shelter homes must meet the following requirements for bedrooms:

(a) Bedrooms must have a minimum ceiling height of seven and half feet;

(b) Bedrooms must provide at least fifty square feet of usable floor area per bed; and

(c) Floor area where the ceiling height is less than five feet cannot be considered as usable floor area.

(9) When clients are residing in a shelter home at least one domestic violence service staff member must be present or on-call to go to the shelter home twenty-four-hours a day, seven-days-per-week.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0135, filed 3/16/01, effective 4/16/01.]

SUPPORTIVE SERVICES

WAC 388-61A-0140 What supportive services are required to provide to clients? You must give clients an opportunity to receive supportive services and assistance during their stay in the shelter. Clients are not required to participate in these services as a condition of residing in the shelter. Supportive services must include:

(1) Twenty-four-hour, seven-day-per-week access to advocacy-based counseling;

(2) A safe, supportive environment that offers clients the opportunity to examine the events that led to the need for domestic violence services;

(3) A private area for counseling;

(4) Advocacy-based counseling with, and on behalf of, the client;

(5) Safety planning, problem solving and crisis intervention;

(6) Assistance with child care during individual and group counseling sessions;

(7) A minimum ratio of one group facilitator to eight group participants;

(8) Planned activities for children who are residents of the shelter;

(9) A day program or drop-in center to assist victims of domestic violence who have found other shelter but who have a need for supportive services; and

(10) Referrals to other appropriate services or domestic violence services when:

(a) Shelter homes or safe homes are full;

(b) A client must be transferred to another domestic violence service for reasons of safety of the client; or

(c) An inappropriate referral has been made to a domestic violence service; or

(d) The client has problems that require services of another agency or agencies before receiving domestic violence services.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0140, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0145 What is advocacy-based counseling? Advocacy-based counseling means the involvement of a client with an advocate counselor in an individual, family, or group session with the primary focus on safety planning and on empowerment of the client through reinforcing the client's autonomy and self-determination. Advocacy-based counseling uses nonvictim blaming problem-solving methods that include:

(1) Identifying the barriers to safety;

(2) Developing safety checking and planning skills;

(3) Clarifying issues;

(4) Providing options;

(5) Solving problems;

(6) Increasing self-esteem and self-awareness; and

(7) Improving and implementing skills in decision making, parenting, self-help, and self-care.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0145, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0150 What type of training is required for staff of the domestic violence service? All staff providing direct services to domestic violence clients, and supervisors of direct service staff, must meet the following minimum training requirements.

(1) A minimum of twenty hours of initial basic training that covers at least the following topics:

(a) Theory and implementation of advocacy-based counseling;

(b) The history of domestic violence;

(c) Legal, medical, social service, and systems advocacy;

(d) Confidentiality and ethics;

(e) Client safety assessment;

(f) Planning, problem-solving, and crisis intervention;

(g) Providing services and advocacy to individuals from diverse communities;

(h) Policies and procedures of the domestic violence service; and

(i) Referrals and shelter resident transfers.

(2) In the year following the year in which they received their initial basic training, and every year thereafter, staff providing direct services, and supervisors of direct service staff, must attend a minimum of thirty hours of continuing education as follows:

(a) At least fifteen hours of continuing education must be training on advocacy-based counseling directly related to serving victims of domestic violence and their children.

(b) At least five hours of continuing education must be training on services and advocacy to individuals from diverse communities.

(c) Staff must devote not more than ten hours to video, audiotapes, or self-study as part of the overall thirty-hour continuing education requirement.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0150, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0155 Must supervisors of domestic violence service staff have specific experience and training? Supervisors of staff providing direct services to domestic violence clients must meet the following minimum experience and training requirements.

(1) At least two years' counseling experience with a domestic violence service; and

(2) Fifty hours of training on domestic violence issues and advocacy-based counseling within three years prior to providing staff supervision.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0155, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0160 What written policies and procedures do you need to have? The domestic violence service must have written policies and procedures that cover the following issues:

(1) Victims in immediate danger or at risk will receive first priority for shelter;

(2) Confidentiality of client records and communication;

(3) Nondiscrimination relating to staff, clients, and provision of services;

(4) The provision of bilingual and interpreter services to clients;

(5) Recruitment, hiring, periodic performance evaluation, promotion and termination of staff. Agencies must recruit, to the extent feasible, persons who are former victims of domestic violence to work as paid or volunteer staff;

(6) Job descriptions for all staff positions including volunteers;

(7) Reporting of child abuse as legally mandated;

(8) Clients access to their files;

(9) Grievance procedures for staff and clients;

(10) Procedures for making referrals to other community resources such as medical, community service offices, pastoral care, legal representation, and client transfers to another domestic violence service for reasons of safety of the client;

(11) Emergency procedures for fire, disaster, first aid, medical and police intervention;

(12) Appropriate documentation of domestic violence services and client files;

(13) Protection of agency and client records;

(14) Records retention;

(15) Appropriate accounting procedures;

(16) Personnel policies and procedures; and

(17) Administrative policies and procedures.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0160, filed 3/16/01, effective 4/16/01.]

COMPLIANCE WITH STANDARDS

WAC 388-61A-0165 Will DSHS do an evaluation of the domestic violence service? (1) To measure compliance with our requirements we will conduct a biennial evaluation of each agency under contract with us to provide domestic violence service.

(2) We will inspect a random number of safe homes during biennial evaluations of domestic violence services to measure compliance with our requirements.

(3) If a lodging unit is occupied at the time of an evaluation, the domestic violence service must give the client an opportunity to leave the unit.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0165, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0170 What will happen if I am out of compliance with my contract? (1) If we find that the domestic violence service, safe home, or shelter home is out of compliance with the standards specified in this chapter or the contract, we will give you written notice of the deficiencies. You must correct the deficiencies according to a plan of correction we approve.

(2) We may suspend or revoke the funding of a domestic violence service where a safe home, shelter home, or the domestic violence service itself is out of compliance with this chapter or the DSHS contract.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0170, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0175 What will happen if there is a complaint to DSHS about the domestic violence service?

(1) If we receive a complaint that your domestic violence service is out of compliance with this chapter or the DSHS contract, we will notify you and we will initiate an investigation.

(2) If the investigation requires that we be on-site at your domestic violence service, you must give clients residing in lodging units an opportunity to leave the unit during the inspection.

(3) If we find that the domestic violence service, safe home, or shelter home has not complied with the standards specified in this chapter or the terms of the DSHS contract, we will give you written notice of the deficiencies. You must correct the deficiencies according to a plan of correction we approve.

(4) We may suspend or revoke the funding of a domestic violence service where a safe home, shelter home, or the service itself is out of compliance with this chapter or the DSHS contract.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0175, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0180 Can DSHS waive any of the minimum standards of this chapter? Under certain conditions we may waive some of the rules contained in this chapter if you submit a written request that satisfactorily demonstrates that:

(1) The waiver will not place the client's safety or health in jeopardy and that:

(a) The domestic violence service is unable to meet the requirements of this chapter without the waiver; or

(b) The absence of the waiver will have a detrimental effect on the provision of services.

(2) Any substitutions of procedures, materials, or equipment from those specified in this chapter are at least equivalent to those required.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0180, filed 3/16/01, effective 4/16/01.]

APPEAL PROCESS**WAC 388-61A-0185 What are my rights if DSHS suspends, revokes, or denies funding? If we suspend, revoke or deny funding you may request an agency hearing.**

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0185, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0190 Will I be notified if my funding has been suspended, revoked, or denied? We will notify you in writing if:

(1) Your funding has been suspended or revoked and we will state our reasons for making that decision; or

(2) Your request for funding has been denied and we will state our reasons for making that decision.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0190, filed 3/16/01, effective 4/16/01.]

(2003 Ed.)

WAC 388-61A-0195 How do I request an agency hearing? In order to request an agency hearing you must:

(1) Notify the office of administrative hearings within twenty-eight days from the date of the letter that notified you of our decision;

(2) Include in your letter a statement of your reasons why you disagree with our decision; and

(3) Attach a copy of our letter to your request for an agency hearing.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0195, filed 3/16/01, effective 4/16/01.]

Chapter 388-70 WAC**CHILD WELFARE SERVICES—FOSTER CARE—ADOPTION SERVICES—SERVICES TO UNMARRIED PARENTS****WAC**

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.
388-70-450	Adoptive planning for Indian children by department staff.
388-70-600	Local Indian child welfare advisory committee—Purpose.
388-70-610	Local Indian child welfare advisory committee—Membership.
388-70-615	Local Indian child welfare advisory committee—Subcommittees.
388-70-620	Local Indian child welfare advisory committee—Functions.
388-70-630	Local Indian child welfare advisory committee—Meetings.
388-70-640	Local Indian child welfare advisory committee—Confidentiality.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-70-010	Foster care—Legal basis. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-70-012	Foster care—Definitions. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-70-013	Authorization for foster care placement. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-040	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.
388-70-015	Foster care—Definition. [Order 623, § 388-70-015, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.	388-70-041	Payment standards—Foster family care. [Order 913, § 388-70-041, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-042	Payment standards—Regular foster family care. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-043	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.
388-70-018	Foster care—Duration of service. [Order 623, § 388-70-018, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.	388-70-044	Payment standards—Receiving home care—Standards for using. [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 1123, § 388-70-022, filed 6/7/76; Order 913, § 388-70-022, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-046	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.
388-70-020	Services offered. [Regulation 70.020, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.	388-70-047	Emergency foster care assistance. [Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-047, filed 9/1/78; Order 1052, § 388-70-047, filed 9/10/75.] Repealed by 85-13-062 (Order 2242), filed 6/18/85. Statutory Authority: RCW 74.08.090.
388-70-022	Payment of foster care. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-048	Payment standards—Specialized rate foster family care—Child with special needs. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-70-024	Payment of foster care—Effective date. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-049	Payment standards—Foster care in boarding school. [Order 913, § 388-70-049, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
388-70-025	Foster care—Eligibility. [Order 623, § 388-70-025, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.	388-70-050	Requests from parents. [Regulation 70.050, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
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.	388-70-051	Education related foster care. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-70-031	Foster parent liability fund. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-031, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-052	Overpayments of foster care. [Order 913, § 388-70-052, filed 3/1/74.] Repealed by Order 1186, filed 2/3/77.
388-70-032	Period of coverage. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-032, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-053	Payment standards—Incentive plan. [Statutory Authority: RCW 74.08.090. 80-12-005 (Order 1534), § 388-70-053, filed 8/22/80.] Repealed by 85-13-062 (Order 2242), filed 6/18/85. Statutory Authority: RCW 74.08.090.
388-70-033	Persons eligible for coverage. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-033, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-054	Temporary absence of child from foster care. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-70-034	Limits of coverage. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-034, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.		
388-70-035	Exclusions. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-035, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.		
388-70-036	Subrogation. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-036, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.		
388-70-037	Investigation of claims. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-037, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.		

- 388-70-055 Foster care—Responsibility of foster parents. [Order 623, § 388-70-055, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-056 Transportation and other expenses—Reimbursement. [Statutory Authority: RCW 74.08.090. 85-13-062 (Order 2242), § 388-70-056, filed 6/18/85; 78-09-098 (Order 1335), § 388-70-056, filed 9/1/78; Order 1123, § 388-70-056, filed 6/7/76; Order 965, § 388-70-056, filed 8/29/74; Order 913, § 388-70-056, filed 3/1/74.] Repealed by 87-09-027 (Order 2481), filed 4/9/87. Statutory Authority: Chapter 74.13 RCW.
- 388-70-058 Reimbursement for damage or loss caused by child in foster family care. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-060 Services to the child in his own home. [Regulation 70.060, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-062 Payment for foster care to family receiving public assistance. [Order 913, § 388-70-062, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-064 Payment for foster care to relative. [Statutory Authority: RCW 74.08.090. 82-24-068 (Order 1915), § 388-70-064, filed 12/1/82; 80-06-069 (Order 1504), § 388-70-064, filed 5/22/80; Order 913, § 388-70-064, filed 3/1/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-70-065 Foster care—Payment. [Order 623, § 388-70-065, filed 10/27/71.] Repealed by Order 825, filed 7/26/73.
- 388-70-066 Foster care out-of-state—Authorization—Payment. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-068 Earnings of foster child. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-069 Resources and unearned income of foster child. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-070 Referrals to juvenile court. [Regulation 70.070, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-075 Parents' obligation to support child in foster care. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-078 Standards for parental participation in cost of foster care—Minimum scale recommended to court. [Order 1123, § 388-70-078, filed 6/7/76; Order 918, § 388-70-078, filed 3/14/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-080 Referral of child in foster care to department's office of support enforcement. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-080 Foster care. [Regulation 70.080, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-082 Parents' foster care payments to be remitted to department. [Order 1123, § 388-70-082, filed 6/7/76; Order 918, § 388-70-082, filed 3/14/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-084 Assignment of child support judgment and limited power of attorney. [Order 1123, § 388-70-084, filed 6/7/76; Order 918, § 388-70-084, filed 3/14/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-085 Foster care—Determination of parents' financial ability to support child. [Order 623, § 388-70-085, filed 10/27/71.] Repealed by Order 918, filed 3/14/74.
- 388-70-090 Payment for foster care. [Regulation 70.090, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-100 Adoption services. [Regulation 70.100, filed 3/22/60.] Repealed by Order 1167, filed 10/27/76.
- 388-70-110 Services to unmarried parents. [Order 1020, § 388-70-110, filed 4/29/75; Order 689, § 388-70-110, filed 6/15/72; Regulation 70.110, filed 3/22/60.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-111 Services to unmarried parents—Duration of service. [Order 689, § 388-70-111, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-112 Services to unmarried parents—Persons eligible. [Order 1020, § 388-70-112, filed 4/29/75; Order 689, § 388-70-112, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-114 Services to unmarried parents—Payment. [Order 689, § 388-70-114, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-116 Services to unmarried parents—Parents' responsibility. [Order 689, § 388-70-116, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-118 Services to unmarried parents—Services available. [Order 689, § 388-70-118, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-120 Medical care. [Regulation 70.120, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-130 Foster homes. [Regulation 70.130, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-140 Interstate movement of children. [Regulation 70.140, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-150 Adoption studies for the superior court. [Regulation 70.150, filed 3/22/60.] Repealed by Order 1167, filed 10/27/76.
- 388-70-160 Guardianship of estate of child. [Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-160, filed 9/1/78; Order 965, § 388-70-160, filed 8/29/74; Order 913, § 388-70-160, filed 3/1/74; Regulation 70.160, filed 3/22/60.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-70-170 Veterans' benefits. [Order 913, § 388-70-170, filed 3/1/74; Regulation 70.170, filed 3/22/60.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 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.	388-70-300	(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.
388-70-201	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.	388-70-320	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.
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.	388-70-410	Adoption services for children—Legal basis—Purpose. [Order 1167, § 388-70-410, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-420	Definitions. [Order 1167, § 388-70-420, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-70-216	Contractual relationships. [Order 1123, § 388-70-216, filed 6/7/76.] Repealed by Order 1186, filed 2/3/77.	388-70-430	Eligibility for adoption service. [Order 1167, § 388-70-430, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-440	Adoption services for children. [Order 1167, § 388-70-440, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-460	Adoption services for families. [Order 1167, § 388-70-460, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-470	Interstate procedures. [Order 1167, § 388-70-470, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-480	Record confidentiality. [Order 1167, § 388-70-480, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-510	Adoption support for children—Legal basis—Purpose. [Statutory Authority: RCW 43.20A.550. 93-07-030 (Order 3524), § 388-70-510, filed 12/30/81; Order 1037, § 388-70-510, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-520	Adoption support for children—Definitions. [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.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-530	Adoption support for children—Eligible child. [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.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-540	Adoption support for children—Application. [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.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-550	Adoption support for children—Types and amounts of payments. [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.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-560	Adoption support for children—Criteria governing amount of payment. [Order 1037, § 388-70-560, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-570	Adoption support for children—Agreement for adoption support. [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.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
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.	388-70-580	Adoption support for children—Review of support payment. [Order 1037, § 388-70-580, filed 7/29/75.]
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.		

- 388-70-590 Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031. Adoption support for children—Appeal from secretary's decision—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.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-595 Reimbursement for nonrecurring adoption finalization costs. [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.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-700 Juvenile records. [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.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

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 over-

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come the problem that brought the child to the attention of the authorities and/or the department.

(3) In planning foster care placements for Indian children, demonstrable consideration shall be given to tribal membership, tribal culture and Indian religions. The case record shall document the reasons and circumstances of case-work decisions and consideration in those regards.

(4) The following resources for foster home placement of Indian children will be explored and followed in the following order: Relatives' homes, homes of other Indian families of same tribe, other Indian foster parents and non-Indian foster homes specifically recruited and trained in cooperation with the local Indian child welfare advisory committee to meet the special needs of Indian foster children and in the geographic proximity that will insure continuation of the parent-child relationship. The training of non-Indian foster parents shall be designed and delivered in cooperation with the above committee and/or persons designated by the committee.

(5) For each Indian child who will be in care for more than 30 days, including those for whom adoption is planned, the ESSO shall make documented effort to complete two copies of the "family ancestry chart" (except in those cases where parents specifically indicate in writing they do not want the child enrolled). One copy will be retained in the child's file; the other will be forwarded to the bureau of Indian affairs office or the department of Indian affairs agency in Canada serving that child's tribe or band. The BIA of the department of Indian affairs agency will review the chart for possible enrollment eligibility in conjunction with the enrollment committee of the appropriate tribe or urban Indian community.

(6) The ESSO shall develop its social resources and staff training programs designed to meet the special needs of Indian children through coordination with tribal, Indian health service, bureau of Indian affairs social service staff, appropriate urban Indian and Alaskan native consultants, national, state and local Indian welfare organizations and ESSO child welfare advisory committees.

(7) The ESSO shall make diligent and demonstrable efforts to recruit facilities and/or homes particularly capable of meeting the special needs of Indian children with the assistance of the local Indian child welfare advisory committees.

[Order 1167, § 388-70-093, filed 10/27/76.]

WAC 388-70-095 Foster care for Indian children—Serious injury, death, abandonment, child abuse, neglect, incarceration. When an Indian child in foster care dies, is seriously injured, abandoned or incarcerated, in addition to other appropriate notifications, the department shall promptly advise the ESSO Indian child welfare advisory committee and appropriate tribal council. WAC 388-15-131(4) provides for notification about child abuse/neglect incidents.

[Order 1255, § 388-70-095, filed 12/1/77; Order 1167, § 388-70-095, filed 10/27/76.]

WAC 388-70-450 Adoptive planning for Indian children by department staff. (1) Definitions: For the purposes

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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 388-70-600 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 depart-

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ment of social and health services has a responsibility shall be referred to a local Indian child welfare advisory committee on an ongoing basis according to procedures which recognize the privacy rights of the families.

The purposes of local Indian child welfare advisory committees are:

(1) To promote relevant social service planning for Indian children.

(2) To encourage the preservation of the Indian family, tribe, heritage, and identity of each Indian child served by the department of social and health services.

(3) To assist in obtaining participation by representatives of tribal governments and Indian organizations in departmental planning for Indian children for whom the department has a responsibility.

[Order 1167, § 388-70-600, filed 10/27/76.]

WAC 388-70-610 Local Indian child welfare advisory committee—Membership. Local Indian child welfare committees shall be established within each region. The number and locations of the local committees shall be mutually determined by the Indian tribal governments and urban Indian organizations served by that region and the DSHS regional administrator.

(1) The committee shall consist of representatives designated by tribal government and urban Indian organizations. The regional administrator shall appoint committee members from among those individuals designated by Indian authorities. These members should be familiar with and knowledgeable about the needs of children in general as well as the particular needs of Indian children residing in the service area.

(2) The committee may also include bureau of Indian affairs and/or Indian health service staff if approved by participating tribal councils and urban Indian organizations.

(3) The DSHS regional administrator and/or the ESSO administrator shall appoint a member of his child welfare supervisory staff as a liaison member of the committee.

(4) The local Indian child welfare advisory committee is an ad hoc advisory committee not specifically authorized by statute. As such its members are not entitled to per diem and travel expenses for the performance of advisory committee functions. This rule shall not be construed, however, to prohibit expense payments to members who are otherwise qualified for and perform services compensable under other programs such as the volunteer programs.

[Order 1167, § 388-70-610, filed 10/27/76.]

WAC 388-70-615 Local Indian child welfare advisory committee—Subcommittees. Each committee may appoint a subcommittee of permanent members to participate in reviewing the situation of an individual child or children for the purpose of recommending future planning actions.

[Order 1167, § 388-70-615, filed 10/27/76.]

WAC 388-70-620 Local Indian child welfare advisory committee—Functions. (1) The functions of the local Indian child welfare advisory committee are:

(a) Assistance to DSHS staff in cooperative planning for Indian children.

(b) Consultation to DSHS staff regarding the provision of adoption, foster care and child protective services on behalf of Indian children.

(c) Reviewing the situations of Indian children.

(d) Assisting in the implementation of recommended plans.

(e) Assisting in the recruitment of and making recommendations regarding the licensing of foster and adoptive homes for Indian children and providing culturally relevant services to Indian children.

(f) Requests the ESSO administrator to initiate reviews of casework decisions that the committee believes to be detrimental to the best interests of Indian children.

(g) Acts in an advisory capacity to the regional administrator and ESSO administrator regarding the department's implementation and monitoring of the rules related to foster care, child protection, and adoption services to Indian children and their families.

[Order 1167, § 388-70-620, filed 10/27/76.]

WAC 388-70-630 Local Indian child welfare advisory committee—Meetings. Each committee and the regional administrator and/or ESSO administrator will mutually agree as to time, place and frequency and conduct of official committee meetings.

[Order 1167, § 388-70-630, filed 10/27/76.]

WAC 388-70-640 Local Indian child welfare advisory committee—Confidentiality. The members of the local child welfare advisory committee shall agree to abide by RCW 74.04.060 and the rules of confidentiality binding the DSHS staff.

[Statutory Authority: RCW 74.15.030, 89-05-063 (Order 2743), § 388-70-640, filed 2/15/89; Order 1167, § 388-70-640, filed 10/27/76.]

Chapter 388-71 WAC

HOME AND COMMUNITY SERVICES AND PROGRAMS

WAC

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388-71-0700	What are the requirements for nursing facility eligibility, assessment, and payment?	388-71-0530	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, 43.20A.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.] Repealed by 02-10-117, filed 4/30/02, effective 5/31/02. Statutory Authority: Chapter 74.39A RCW and 2000 c 121.
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388-71-0800	What is PACE?		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, 43.20A.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.] Repealed by 02-10-117, filed 4/30/02, effective 5/31/02. Statutory Authority: Chapter 74.39A RCW and 2000 c 121.
388-71-0805	What services does PACE cover?		388-71-0545
388-71-0810	Who provides these services?		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? [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.] Repealed by 01-11-019, filed 5/4/01, effective 6/4/01. 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, 74.39.095.
388-71-0815	Where are these services provided?		388-71-0550
388-71-0820	How do I qualify for Medicaid-funded PACE services?		Are there other conditions under which the department/AAA may deny payment, or deny or terminate a contract to an individual 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, § 388-71-0550, filed 1/13/00, effective 2/13/00.] Repealed by 01-11-019, filed 5/4/01, effective 6/4/01. 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, 74.39.095.
388-71-0825	What are my appeal rights?		
388-71-0830	Who pays the PACE provider?		
388-71-0835	How do I enroll into the PACE program?		
388-71-0840	How do I disenroll from the PACE program?		
388-71-0845	What are my rights as a PACE participant?		
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388-71-0900	What is the intent of WAC 388-71-0900 through 388-71-0960?		
388-71-0905	What is private duty nursing (PDN) for adults?		
388-71-0910	Am I financially eligible for Medicaid-funded private duty nursing services?		
388-71-0915	Am I medically eligible to receive private duty nursing services?		
388-71-0920	How is my eligibility determined?		
388-71-0925	Am I required to pay participation toward PDN services?		
388-71-0930	Are PDN costs subject to estate recovery?		
388-71-0935	Who can provide my PDN services?		
388-71-0940	Are there limitations or other requirements for PDN?		
388-71-0945	What requirements must a home health agency meet in order to provide and get paid for my PDN?		
388-71-0950	What requirements must a private RN or LPN meet in order to provide and get paid for my PDN services?		

388-71-0555

When can the department/AAA summarily suspend an individual provider's contract? [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.] Repealed by 01-11-019, filed 5/4/01, effective 6/4/01. 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, 74.39.095.

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 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,

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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.

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(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.

(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 388-71-0194 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 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0194, filed 10/21/02, effective 11/21/02.]

WAC 388-71-0202 Long-term care services—Definitions. The department shall use the definition in 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.

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ited to nursing facility care and home and community services.

"**Aged person**" means a person sixty-five years of age or older.

"**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.

"**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.

"**Assessment**" or "**reassessment**" means an inventory and evaluation of abilities and needs based on an in-person interview in the client's own home or other place of residence.

"**Attendant care**" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

- (1) Assistance with personal care; or
- (2) 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.

"**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.

"**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.

"**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.

"**Categorically needy**" means the financial status of a person as defined under WAC 388-503-0310.

"**Client**" means an applicant for service or a person currently receiving services.

"**Community residence**" means:

- (1) The client's "**own home**" as defined in this section;
- (2) Licensed adult family home under department contract;
- (3) Licensed boarding home under department contract;
- (4) Licensed children's foster home;
- (5) Licensed group care facility, as described in chapter 388-148 WAC; or
- (6) Shared living arrangement as defined in this section.

"**Community spouse**" means a person as described under WAC 388-513-1365 (1)(b).

"**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.

"Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

"COPEs" means community options program entry system.

"Department" means the state department of social and health services.

"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 in **"personal care services"** below.

"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.

"Disabling condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.

"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 388-527-2742.

"Grandfathered client" means a chore personal care services client approved for either:

(1) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and

(2) Family care services provided under the chore personal care program when these services began before December 14, 1987; and

(3) The client was receiving the same services as of June 30, 1989.

"Home health agency" means a licensed:

(1) 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

(2) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

(a) Private duty nursing; or

(b) Skilled nursing services under an approved Medicaid waiver program.

"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.

"Income" means **"income"** as defined under WAC 388-500-0005.

"Individual provider" means a person employed by a community options program entry system (COPEs) or Medicaid personal care client when the person:

(1) Meets or exceeds the qualifications as defined under WAC 388-71-0500 through 388-71-0580;

(2) Has signed an agreement to provide personal care services to a client; and

(3) Has been authorized payment for the services provided in accordance with the client's service plan.

"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.

"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.

"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).

"Institutional spouse" means a person described under WAC 388-513-1365 (1)(e).

"Medicaid" means the federal aid Title XIX program under which medical care is provided to:

(1) Categorically needy as defined under WAC 388-503-0310; and

(2) Medically needy as defined under WAC 388-503-0320.

"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.

"Medical institution" means an institution defined under WAC 388-500-0005.

"Medically necessary" and **"medical necessity"** mean the same as defined under WAC 388-500-0005.

"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.

"Mental health professional" means a person defined under WAC 388-865-0150.

"Own home" means the client's present or intended place of residence:

(1) 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

(2) In a building the client owns; or

(3) In a relative's established residence; or

(4) 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.

"Personal care aide" means a person meeting the department's qualification and training requirements and pro-

viding 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.

"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 (1) through (17) 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.

(1) **"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.

(2) **"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.

(3) **"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:

(a) Foot care for clients who are diabetic or have poor circulation; or

(b) Changing bandages or dressings when sterile procedures are required.

(4) **"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.

(5) **"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.

(6) **"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.

(7) **"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.

(8) **"Laundry"** means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(9) **"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.

(10) **"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.

(11) **"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.)

(12) **"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.

(13) **"Supervision"** means being available to:

(a) Help the client with personal care tasks that cannot be scheduled, such as toileting, ambulation, transfer, positioning, some medication assistance; and

(b) Provide protective supervision to a client who cannot be left alone because of impaired judgment.

(14) **"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.

(15) **"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.

(16) **"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.

(17) **"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.

"Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

"Plan of care" means a **"service plan"** as described under WAC 388-71-205.

"Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

"Provider" or **"provider of service"** means an institution, agency, or person:

(1) Having a signed department agreement to furnish long-term care client services; and

(2) Qualified and eligible to receive department payment.

"Relative" means:

(1) For chore personal care service, a client's spouse, father, mother, son, or daughter;

(2) For Medicaid personal care service:

(a) **"Legally responsible relative"** means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.

(b) **"Nonresponsible relative"** means a parent caring for an adult child and an adult child caring for a parent.

"Service plan" means a plan for long-term care service delivery as described under WAC 388-71-205.

"Shared living arrangement" for purposes of Medicaid personal care means an arrangement where:

(1) A nonresponsible relative as defined in **"relative"** above is the personal care provider and resides in the same residence with common facilities, such as living, cooking, and eating areas; or

(2) A minor child age seventeen or younger lives in the home of a legally responsible relative as defined in **"relative"** above.

"SSI-related" means a person who is aged, blind, or disabled.

"Supervision" means a person available to a long-term care client as defined under **"personal care services."**

"Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

"Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance

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programs, e.g., nursing facility care, COPES, and Medicaid personal care home and community-based services.

"Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

"Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

[Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0202, filed 10/21/02, effective 11/21/02.]

WAC 388-71-0203 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 in the client's home. A case manager may request the assessment be conducted in private.

(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.

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(b) Bathing:

(i) Independent. The client can bathe self.

(ii) Minimal. The client requires oversight help or reminding only. The client can bathe without assistance or supervision, but must be reminded some of the time; or the client cannot get into the tub alone and physical help is limited to stand-by assist only.

(iii) Substantial. The client requires physical help in a large part of the bathing activity, for example, to lather, wash, and/or rinse own body or hair.

(iv) Total. The client is dependent on others to provide a complete bath.

(c) Body care:

(i) Independent. The client can apply ointment, lotion, change bandages or dressings, and perform exercises without assistance.

(ii) Minimal. The client requires oversight help or reminding only, or requires occasional assistance.

(iii) Substantial. The client requires limited physical help to apply ointment, lotion, or to perform dry bandage or dressing change.

(iv) Total. The client is dependent on others to perform all required body care.

(d) Dressing:

(i) Independent. The client can dress and undress without assistance or supervision.

(ii) Minimal. The client can dress and undress, but may need to be reminded or supervised to do so on some days; the client can assist dressing and undressing, but frequently or most of the time needs some physical assistance.

(iii) Substantial. The client always needs assistance to do parts of dressing and undressing.

(iv) Total. The client is dependent on others to do all dressing and undressing.

(e) Eating:

(i) Independent. The client can feed self, chew and swallow solid foods without difficulty, or can feed self by stomach tube or catheter.

(ii) Minimal. The client:

(A) Can feed self, chew and swallow foods, but needs reminding to maintain adequate intake;

(B) May need food cut up;

(C) Can feed self only if food is brought to the client.

(iii) Substantial. The client:

(A) Can feed self but needs standby assistance for occasional gagging, choking, or swallowing difficulty; or

(B) Needs reminders/assistance with adaptive feeding equipment; or

(C) Must be fed some or all food by mouth by another person.

(iv) Total. The client must be totally fed by another person and/or frequently gags or chokes due to difficulty in swallowing; or the client must be fed by another person by stomach tube or by venous access.

(f) Essential shopping:

(i) Independent. The client can drive and is licensed or the client is capable of using public transportation.

(ii) Minimal. The client can use available transportation and does not need assistance with shopping, but needs

instructions or physical assistance to get to or from transportation vehicle.

(iii) Substantial. The client is dependent on being accompanied or helped by others to access community shops and needs assistance with shopping.

(iv) Total. The client is totally dependent on others to do essential shopping.

(g) Housework:

(i) Independent. The client can perform essential housework.

(ii) Minimal. The client needs assistance or needs cuing or supervision in self-performance of essential housework one or two times per month in client use areas.

(iii) Substantial. The client needs weekly assistance of another with essential housework in client use areas.

(iv) Total. The client is dependent on others to do all housework in client use areas.

(h) Laundry:

(i) Independent. The client is capable of using available laundry facilities.

(ii) Minimal. The client is physically capable of using laundry facilities, but requires cuing and/or supervision.

(iii) Substantial. The client is not able to use laundry facilities without physical assistance.

(iv) Total. The client is dependent upon others to do all laundry.

(i) Meal preparation:

(i) Independent. The client can prepare and cook required meals.

(ii) Minimal. The client requires some instruction or physical assistance to prepare meals.

(iii) Substantial. The client can participate but needs substantial assistance to prepare meals.

(iv) Total. The client cannot prepare or participate in preparation of meals.

(j) Personal hygiene:

(i) Independent. The client can manage personal hygiene and grooming tasks on a regular basis.

(ii) Minimal. The client can manage their personal hygiene and grooming but must be reminded or supervised at least some of the time; the client regularly requires some limited assistance with both personal hygiene and grooming.

(iii) Substantial. The client regularly requires assistance with personal hygiene and grooming and cooperates in the process.

(iv) Total. The client is dependent on others to provide all personal hygiene and grooming.

(k) Positioning:

(i) Independent. The client can move to and from a lying position, position their body in bed, and get into and out of bed and chairs.

(ii) Minimal. The client can move to and from a lying position, turn from side to side, and position their body while in bed and chairs but requires assistance some of the time.

(iii) Substantial. The client needs occasional assistance to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(iv) Total. The client needs assistance most or all of the time to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(l) Self-medication:

(i) Independent. The client can take own medications or does not take medication.

(ii) Minimal. The client is physically able to take medications but requires another person to:

(A) Remind, monitor, or observe the taking of medications less than daily; or

(B) Open a container, lay out, or organize medications less than daily.

(iii) Substantial. The client can physically take medications, but requires another person to either remind, monitor, or observe the taking of medications daily; or the client can physically take medications if another person daily opens containers, lays out, organizes medications.

(iv) Total. The client cannot physically take medications and requires another person to assist and administer all medications.

(m) Toileting:

(i) Independent. The client can use the toilet without physical assistance or supervision; or the client can manage own closed drainage system if the system has a catheter or sheath; or the client uses and manages protective aids. The client may need grab bars or raised toilet seat.

(ii) Minimal. The client needs stand-by assistance for safety or encouragement. The client may need minimal physical assistance with parts of the task, such as clothing adjustment, washing hands, wiping, and cleansing. The client may need a protective garment and may or may not be aware of this need.

(iii) Substantial. The client cannot get to the toilet without assistance; or the client needs substantial physical assistance with part of the task; or the client needs someone else to manage care of a closed drainage system if it has a catheter or sheath. The client may or may not be aware of own needs.

(iv) Total. The client is physically unable to use toilet. Requires continual observation and total cleansing. The client may require protective garments or padding or linen changes. The client may or may not be aware of own needs.

(n) Transfer:

(i) Independent. The client can transfer without physical assistance.

(ii) Minimal. The client transfers without assistance most of the time, but needs assistance on occasion.

(iii) Substantial. The client can assist with own transfers, but frequently or most of the time needs assistance.

(iv) Total. The client transfers must be done by someone else.

(o) Travel to medical services:

(i) Independent. The client can drive and is licensed; or is capable of using available public transportation.

(ii) Minimal. The client cannot drive or can drive but should not; or public transportation is not available.

(iii) Substantial. The client requires physical assistance or supervision to both get into and out of a vehicle, but can use the transportation without assistance during the trip.

(iv) Total. The client is totally dependent on being accompanied or helped by others during the trip.

(p) Wood supply:

(i) Independent. The client does not rely on wood as the sole fuel source or is capable of splitting, stacking, or carrying wood for heating or cooking.

(ii) Minimal. The client can carry wood but needs occasional assistance with splitting or stacking wood.

(iii) Substantial. The client is not able to carry, split, or stack wood, but is able to use the wood supply once it is inside the residence.

(iv) Total. The client is dependent on another person to establish and maintain heat for cooking or residential heating.

(4) Scoring of functional abilities and supports.

(a) For each direct personal care service and household assistance task listed on the assessment form, the assessor shall determine:

(i) The client's ability to perform each activity;

(ii) Assistance available to the client through alternative resources, including families, friends, neighbors, community programs, and unpaid caregivers; and

(iii) Assistance needed from department programs after alternative resources have been taken into account.

(b) The assessor shall award points for each task based on the level of unmet need. The number of points allowable for each task are listed below under columns identified as 0 = none, M = minimal, S = substantial, and T = total:

TASK	0	M	S	T
Eating				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Toileting	0	5	10	15
Ambulation	0	4	7	10
Transfer	0	1	3	5
Positioning	0	1	3	5
Body care	0	5	10	15
Personal hygiene	0	1	3	5
Dressing	0	4	7	10
Bathing	0	4	7	10
Self-medication	0	2	4	6
Travel to medical services	0	1	2	3
Essential shopping	0	5	10	15
With client				
or				
For client	0	1	3	5
Meal preparation	0	4	7	10
Breakfast				
Light meal	0	4	7	10
Main meal	0	5	10	15
Laundry	0	1	2	3
Facilities in home				
or				
Facilities out of home	0	3	5	7
Housework	0	1	2	3
Wood supply		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 388-71-202; 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, and 74.39A.090. 02-21-098, § 388-71-0203, filed 10/21/02, effective 11/21/02.]

WAC 388-71-0205 Long-term care services—Service plan. (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;

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(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 74.39A.090. 02-21-098, § 388-71-0205, filed 10/21/02, effective 11/21/02.]

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 WAC 388-71-202; 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, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0410, filed 10/21/02, effective 11/21/02. 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;

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- (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

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WAC 388-71-0435 for COPES, WAC 388-71-0440 for MPC, or WAC 388-71-0445 for Chore. Functional eligibility for all three programs is determined through an assessment as provided under WAC 388-71-203. Your eligibility begins upon the date of the department's service authorization.

[Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0430, filed 10/21/02, effective 11/21/02. 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 388-71-202 and 388-71-203:

- (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.

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(5) You have a completed service plan, per WAC 388-71-205.

[Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0435, filed 10/21/02, effective 11/21/02. 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 388-71-0202; 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 74.08.090, 74.09.520, and 74.39A.090. 02-23-063, § 388-71-0440, filed 11/18/02, effective 12/19/02. 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 388-71-202;

(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: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0445, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 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 new assessment. The reassessment must be at least annually or more often if your functional, financial, or other significant circumstances change.

(2003 Ed.)

[Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0450, filed 10/21/02, effective 11/21/02. 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 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;

(2003 Ed.)

(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,

[Title 388 WAC—p. 331]

- (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 388-71-05952? A client/legal representative may choose an individual provider or a home care agency provider. The intent of WAC 388-71-0500 through 388-71-05952 is to describe the:

(1) Qualifications of an individual provider, as defined in WAC 388-71-202;

(2) Qualifications of a home care agency provider, as defined in WAC 388-71-202 and chapter 246-336 WAC;

[Title 388 WAC—p. 332]

(3) Conditions under which the department or the area agency on aging (AAA) will pay for the services of an individual provider or a home care agency provider;

(4) Training requirements for an individual provider and home care agency provider.

[Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090, 02-21-098, § 388-71-0500, filed 10/21/02, effective 11/21/02. Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-0500, filed 4/30/02, effective 5/31/02. 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, 74.39.095, 01-11-019, § 388-71-0500, filed 5/4/01, effective 6/4/01. 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.]

WAC 388-71-0505 How does a client hire an individual provider? The client, or legal representative:

(1) Has the primary responsibility for locating, screening, hiring, supervising, 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, 74.39.095, 01-11-019, § 388-71-0505, filed 5/4/01, effective 6/4/01. 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;

(a) Preliminary results may require a thumb print for identification purposes;

(b) An FBI fingerprint-based background check is required if the person has lived in the state of Washington less than three years.

(4) Sign a home and community-based service provider contract/agreement to provide services to a COPES or Medicaid personal care 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, 74.39.095, 01-11-019, § 388-71-0510, filed 5/4/01, effective 6/4/01. 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.]

(2003 Ed.)

WAC 388-71-0513 Is a background check required of a home care agency provider? In order to be a home care agency provider, a person must complete the department's criminal conviction background inquiry application, which is submitted by the agency to the department. This includes an FBI fingerprint-based background check if the home care agency provider has lived in the state of Washington less than three years.

[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, 74.39.095. 01-11-019, § 388-71-0513, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0515 What are the responsibilities of an individual provider or home care agency provider when employed to provide care to a client? An individual provider or home care agency provider must:

(1) Understand the client's service plan that is 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 388-71-202 and 388-71-203;

(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;

(8) Notify the department or 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) Complete and keep accurate time sheets that are accessible to the social worker/case manager; and

(11) Comply with all applicable laws and regulations.

[Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0515, filed 10/21/02, effective 11/21/02. 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, 74.39.095. 01-11-019, § 388-71-0515, filed 5/4/01, effective 6/4/01. 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 training requirements for an individual provider or a home care agency provider of an adult client? An individual provider or a home care agency provider for an adult client must meet the training requirements in WAC 388-71-05910 through 388-71-05952.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-0520, filed 4/30/02, effective 5/31/02. 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 388-71-0540 When will the department or AAA deny payment for services of an individual provider or home care agency provider? The department or AAA will deny payment for the services of an individual provider or home care agency provider who:

(1) Is the client's spouse, per 42 C.F.R. 441.360(g), except in the case of an individual provider for a Chore services client. Note: For Chore [e]spousal providers, the department pays a rate not to exceed the amount of a one-person standard for a continuing general assistance grant, per WAC 388-478-0030;

(2) Is the natural/step/adoptive parent of a minor client aged seventeen or younger receiving services under this chapter;

(3) Has been convicted of a disqualifying crime, under RCW 43.43.830 and 43.43.842 or of a crime relating to drugs as defined in RCW 43.43.830;

(4) Has abused, neglected, abandoned, or exploited a minor or vulnerable adult, as defined in chapter 74.34 RCW;

(5) 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;

(6) Does not successfully complete the training requirements within the time limits required in WAC 388-71-05910 through 388-71-05952;

(7) Is already meeting the client's needs on an informal basis, and the client's assessment or reassessment does not identify any unmet need; and/or

(8) Is terminated by the client (in the case of an individual provider) or by the home care agency (in the case of an agency provider).

(9) In addition, the department or AAA may deny payment to or terminate the contract of an individual provider as provided under WAC 388-71-0546, 388-71-0551, and 388-71-0556.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-0540, filed 4/30/02, effective 5/31/02. 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, 74.39.095. 01-11-019, § 388-71-0540, filed 5/4/01, effective 6/4/01. 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.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 388-71-0546 When can the department or AAA reject the client's choice of an individual provider? The department or AAA may reject a client's request to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the person will be unable to appropriately meet the client's needs. Examples of circumstances indicating an inability to meet the client's needs could include, without limitation:

- (1) Evidence of alcohol or drug abuse;
- (2) A reported history of domestic violence, no-contact orders, or criminal conduct (whether or not the conduct is disqualifying under RCW 43.43.830 and 43.43.842);
- (3) A report from the client's health care provider or other knowledgeable person that the requested provider lacks the ability or willingness to provide adequate care;
- (4) Other employment or responsibilities that prevent or interfere with the provision of required services;
- (5) Excessive commuting distance that would make it impractical to provide services as they are needed and outlined in the client's service plan.

[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, 74.39.095. 01-11-019, § 388-71-0546, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0551 When can the department or AAA terminate or summarily suspend an individual provider's contract? The department or AAA may take action to terminate an individual provider's contract if the provider's inadequate performance or inability to deliver quality care is jeopardizing the client's health, safety, or well-being. The department or AAA may summarily suspend the contract pending a hearing based on a reasonable, good faith belief that the client's health, safety, or well-being is in imminent jeopardy. Examples of circumstances indicating jeopardy to the client could include, without limitation:

- (1) Domestic violence or abuse, neglect, abandonment, or exploitation of a minor or vulnerable adult;
- (2) Using or being under the influence of alcohol or illegal drugs during working hours;
- (3) Other behavior directed toward the client or other persons involved in the client's life that places the client at risk of harm;
- (4) A report from the client's health care provider that the client's health is negatively affected by inadequate care;
- (5) A complaint from the client or client's representative that the client is not receiving adequate care;
- (6) The absence of essential interventions identified in the service plan, such as medications or medical supplies; and/or
- (7) Failure to respond appropriately to emergencies.

[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, 74.39.095. 01-11-019, § 388-71-0551, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0556 When can the department or AAA otherwise terminate an individual provider's contract? The department or AAA may otherwise terminate the individual provider's contract for default or convenience in accordance with the terms of the contract and to the extent that those terms are not inconsistent with these rules.

[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, 74.39.095. 01-11-019, § 388-71-0556, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0560 What are the 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 388-02 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.
- (3) The hearing rights afforded under this section are those of the client, not the individual 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, 74.39.095. 01-11-019, § 388-71-0560, filed 5/4/01, effective 6/4/01. 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 an 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.

[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, 74.39.095. 01-11-019, § 388-71-0580, filed 5/4/01, effective 6/4/01. 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.]

WAC 388-71-05910 What definitions apply to WAC 388-71-05911 through 388-71-05952? "Client" means an individual age eighteen or older, receiving in-home services through Medicaid personal care, COPES, or Chore programs. As applicable, the term client also means the client's legal guardian or other surrogate decision maker.

"Competency" means the minimum level of information and skill trainees are required to know and be able to demonstrate.

"DSHS" refers to the department of social and health services.

"Learning outcomes" means the specific information, skills and behaviors desired of the learner as a result of a specific unit of instruction, such as what they would learn by the end of a single class or an entire course. Learning outcomes are generally identified with a specific lesson plan or curriculum.

"Routine interaction" means contact with clients that happens regularly.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05910, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05911 What is orientation? Orientation provides basic introductory information appropriate to the in-home setting and population served. The department does not approve specific orientation programs, materials, or trainers for home care agencies. Department-developed orientation materials must be used for orientation of individual providers. No test is required for orientation.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05911, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05912 What content must be included in an orientation? Orientation may include the use of videotapes, audiotapes, and other media if the person overseeing the orientation is available to answer questions or concerns for the person(s) receiving the orientation. Orientation must include introductory information in the following areas:

- (1) The care setting;
- (2) The characteristics and special needs of the population served;
- (3) Fire and life safety, including:
 - (a) Emergency communication (including phone system if one exists);
 - (b) Evacuation planning (including fire alarms and fire extinguishers where they exist);
 - (c) Ways to handle client injuries and falls or other accidents;
 - (d) Potential risks to clients or providers (for instance, aggressive client behaviors and how to handle them); and
 - (e) The location of agency policies and procedures, when orientation takes place in a home care agency.
- (4) Communication skills and information, including:
 - (a) Methods for supporting effective communication among the client/guardian, the provider, and family members;
 - (b) Use of verbal and nonverbal communication;
 - (c) Review of written communications and/or documentation required for the job, including the client's service plan; and
 - (d) Whom to contact about problems and concerns.
- (5) Universal precautions and infection control, including:
 - (a) Proper hand washing techniques;
 - (b) Protection from exposure to blood and other body fluids;
 - (c) Appropriate disposal of contaminated/hazardous articles;
 - (d) Reporting exposure to contaminated articles, blood, or other body fluids; and
 - (e) What a provider should do if they are ill.
- (6) Client rights, including:
 - (a) The client's right to confidentiality of information about the client;
 - (b) The client's right to participate in decisions about the client's care, and to refuse care;
 - (c) The provider's duty to protect and promote the rights of each client, and assist the client to exercise his or her rights;
 - (d) How and to whom providers should report any concerns they may have about a client's decision concerning the client's care, including the client's case manager;
 - (e) Providers' duty to report any suspected abuse, abandonment, neglect, or exploitation of a client;
 - (f) Advocates that are available to help clients (LTC ombudsmen, organizations); and
 - (g) Complaint lines, hot lines, and client grievance procedures.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05912, filed 4/30/02, effective 5/31/02.]

(2003 Ed.)

WAC 388-71-05913 Is competency testing required for orientation? There is no competency testing required for orientation.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05913, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05914 Is there a challenge test for orientation? There is no challenge test for orientation.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05914, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05915 What documentation is required for orientation? The home care agency or individual provider must maintain documentation of completion of orientation, issued by the home care agency, area agency on aging, or DSHS office that provides the orientation, that includes:

- (1) The trainee's name;
- (2) A list of the specific information taught;
- (3) Signature of the person overseeing the orientation indicating completion of the required information;
- (4) The trainee's date of employment;
- (5) The location of the orientation; and
- (6) The date(s) of orientation.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05915, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05916 Who is required to complete orientation, and when must it be completed? (1) Home care agency providers must complete orientation before working with the agency's clients. Orientation must be provided by appropriate agency staff.

(2) Individual providers must complete orientation provided by DSHS or the area agency on aging (AAA) no later than fourteen calendar days after beginning to work with their first DSHS client. Individual providers who live and are providing care at a great distance from the DSHS or AAA office may be oriented by distance learning, with phone contact by the person overseeing the orientation to answer questions.

(3) Parents who are individual providers for their adult children are exempt from the orientation requirement.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05916, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05917 What is basic training? Basic training includes the core knowledge and skills that providers need to provide personal care services effectively and safely. Only the training curriculum developed by DSHS may be used for basic training.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05917, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05918 Is there an alternative to the basic training for some health care workers? Certain health care workers may complete the modified basic training instead of basic training if they meet the requirements in WAC 388-71-05929.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05918, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05919 What core knowledge and skills must be taught in basic training? The basic training knowledge and skills must include all of the learning outcomes and competencies published by the department for the following core knowledge and skills:

(1) Understanding and using effective interpersonal and problem solving skills with clients, family members, and other care team members;

(2) Taking appropriate action to promote and protect client rights, dignity, and independence;

(3) Taking appropriate action to promote and protect the health and safety of the client and the caregiver;

(4) Correctly performing required personal care tasks while incorporating client preferences, maintaining the client's privacy and dignity, and creating opportunities that encourage client independence;

(5) Adhering to basic job standards and expectations.

The basic training learning outcomes and competencies may be obtained from the DSHS Aging and Adult Services Administration.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05919, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05920 Is competency testing required for basic training? Competency testing is required for basic training as provided under WAC 388-71-05938 through 388-71-05944.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05920, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05921 Is there a challenge test for basic training? Individuals may take the DSHS challenge test instead of the required training. If a person does not pass a challenge test on the first attempt, they may not re-take the challenge test and must attend a class.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05921, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05922 What documentation is required for successful completion of basic training? Basic training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (1) The name of the trainee;
- (2) The name of the training;
- (3) The location of the training;
- (4) The instructor's name and signature; and
- (5) The date(s) of training.

The trainee must retain the original certificate. A home care agency must keep a copy of the certificate on file. An individual provider must give a copy of the certificate to DSHS or area agency on aging.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05922, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05923 Who is required to complete basic training, and when? Individual providers and home care agency providers must complete department-developed basic training and demonstrate competency within one hun-

dred twenty days after beginning to work with their first DSHS client.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05923, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05924 What is modified basic training? Modified basic training is a subset of the basic training curriculum designed for certain health care workers defined in WAC 388-71-05929, whose previous training includes many of the competencies taught in the full basic training. Only the training curriculum developed by DSHS may be used for modified basic training.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05924, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05925 What knowledge and skills must be included in modified basic training? Modified basic training must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

(1) Client rights, including mandatory reporting requirements;

(2) Medication assistance regulations;

(3) Nurse delegation regulations;

(4) Assessment and observations in home and community settings;

(5) Documentation in home and community settings;

(6) Service planning in home and community care settings;

(7) Resource information, including information on continuing education; and

(8) Self-directed care regulations.

The modified basic learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05925, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05926 Is competency testing required for modified basic training? Competency testing is required for modified basic training as provided under WAC 388-71-05938 through 388-71-05944.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05926, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05927 Is there a challenge test for modified basic training? Individuals may take the department's challenge test instead of the required training. If a person does not pass a challenge test on the first attempt, they may not re-take the challenge test and must attend the class.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05927, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05928 What documentation is required for successful completion of modified basic training? Modified basic training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (1) The name of the trainee;

- (2) The name of the training;
- (3) The location of the training;
- (4) The instructor's name and signature; and
- (5) The date(s) of training.

The trainee must retain the original certificate. A home care agency must keep a copy of their employees' certificates on file. An individual provider must give a copy to DSHS or area agency on aging.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05928, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05929 Who may take modified basic training instead of the full basic training? Modified basic training may be taken, instead of the full basic training, by a person who can document they have successfully completed training as a registered or licensed practical nurse, certified nursing assistant, physical therapist, occupational therapist, or Medicare-certified home health aide. In addition, modified basic training may be taken by a natural, step, or adoptive parent who is the individual provider for his or her adult child who is not receiving services through DSHS' division of developmental disabilities.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05929, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05930 What are the training requirements and exemptions for parents who are individual providers for their adult children receiving services through DDD? A natural, step, or adoptive parent who is the individual provider for his or her adult child who is receiving services through DSHS' division of developmental disabilities (DDD):

- (1) Must possess a certificate of successfully completing a six-hour DDD-approved training or a specially designed DSHS-approved training within one hundred eighty days of beginning employment; and
- (2) Is exempt from the orientation, basic training, and continuing education requirements if the parent provides care only for his or her own adult child.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05930, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05931 What are the training requirements and exemptions for parents who are individual providers for their adult children who do not receive services through DDD? A natural, step, or adoptive parent who is the individual provider for his or her adult child who is not receiving services through DSHS' division of developmental disabilities:

- (1) Must:
 - (a) Possess a certificate of successfully completing modified basic training or the modified basic challenge test within one hundred eighty days of beginning employment, and have documentation that the parent has received individualized or other specific instruction on the care of the adult child; or
 - (b) Possess a certificate of successfully completing basic training or the basic training challenge test.

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- (2) Is exempt from the orientation and continuing education requirements if the parent provides care only for his or her own adult child.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05931, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05932 What is continuing education? Continuing education is additional caregiving-related training designed to increase and keep current a person's knowledge and skills. DSHS does not pre-approve continuing education programs or instructors.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05932, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05933 How many hours of continuing education are required each year? (1) Individual providers and home care agency providers must complete at least ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training.

- (2) One hour of completed classroom instruction or other form of training (such as a video or on-line course) equals one hour of continuing education.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05933, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05934 What kinds of training topics are required for continuing education? Continuing education must be on a topic relevant to the care setting and care needs of clients, including but not limited to:

- (1) Client rights;
- (2) Personal care (such as transfers or skin care);
- (3) Mental illness;
- (4) Dementia;
- (5) Developmental disabilities;
- (6) Depression;
- (7) Medication assistance;
- (8) Communication skills;
- (9) Positive client behavior support;
- (10) Developing or improving client centered activities;
- (11) Dealing with wandering or aggressive client behaviors; and
- (12) Medical conditions.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05934, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05935 Is competency testing required for continuing education? Competency testing is not required for continuing education.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05935, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05936 May basic or modified basic training be completed a second time and used to meet the continuing education requirement? Re-taking basic or modified basic training may not be used to meet the continuing education requirement.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05936, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05937 What are the documentation requirements for continuing education? (1) The home care agency or individual provider must maintain documentation of continuing education including:

- (a) The trainee's name;
- (b) The title or content of the training;
- (c) The instructor's name or the name of the video, on-line class, professional journal, or equivalent instruction materials completed;
- (d) The number of hours of training; and
- (e) The date(s) of training.

(2) Home care individual providers must provide DSHS or the area agency on aging with documentation of completion of continuing education credits.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05937, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05938 What is competency testing? Competency testing, including challenge testing, is evaluating a trainee to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05938, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05939 What components must competency testing include? Competency testing must include the following components:

- (1) Skills demonstration of ability to perform and/or implement specific caregiving approaches, and/or activities as appropriate for the training;
- (2) Written evaluation to show knowledge of the learning outcomes included in the training; and
- (3) A scoring guide for the tester with clearly stated scoring criteria and minimum proficiency standards.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05939, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05940 What experience or training must individuals have to be able to perform competency testing? Individuals who perform competency testing must have documented experience or training in assessing competencies.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05940, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05941 What training must include the DSHS-developed competency test? Basic and modified basic training must include the DSHS-developed competency test.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05941, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05942 How must competency test administration be standardized? To standardize competency test administration, testing must include the following components:

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(1) An instructor for the course who meets all minimum qualifications for the course he or she teaches must oversee all testing; and

- (2) The tester must follow DSHS guidelines for:
 - (a) The maximum length of time allowed for testing;
 - (b) The amount and nature of instruction given to students before beginning a test;
 - (c) The amount of assistance to students allowed during testing;
 - (d) The accommodation guidelines for students with disabilities; and
 - (e) Accessibility guidelines for students with limited English proficiency.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05942, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05943 What form of identification must providers show a tester before taking a competency or challenge test? Providers must show a tester photo identification before taking a competency test (or challenge test, when applicable) for basic or modified basic training.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05943, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05944 How many times may a competency test be taken? (1) A competency test that is part of a course may be taken twice. If the test is failed a second time, the person must re-take the course before any additional tests are administered.

(2) If a challenge test is available for a course, it may be taken only once. If the test is failed, the person must take the classroom course.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05944, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05945 What are an instructor's or training entity's responsibilities? The instructor or training entity is responsible for:

- (1) Coordinating and teaching classes;
- (2) Assuring that the curriculum used is taught as designed;
- (3) Selecting qualified guest speakers where applicable;
- (4) Administering or overseeing the administration of DSHS competency and challenge tests;
- (5) Maintaining training records including student tests and attendance records for a minimum of six years;
- (6) Reporting training data to DSHS in DSHS-identified time frames; and
- (7) Issuing or reissuing training certificates to students.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05945, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05946 Must instructors be approved by DSHS or an AAA? (1) DSHS must approve any instructor under contract with DSHS to conduct basic or modified basic training classes using the training curricula developed by DSHS. DSHS may select contracted instructors using any applicable contracting procedures. Contractors must meet the minimum qualifications for instructors under this chapter and

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any additional qualifications established through the contracting procedure.

(2) DSHS contracts with area agencies on aging (AAA) or other entities to conduct orientation, basic, modified basic, and continuing education training programs for individual providers and home care agency providers. The training entity must approve any instructor under contract with the entity to conduct training programs. The entity's contractors must meet the minimum qualifications for instructors under this chapter and any additional qualifications established through the entity's contracting procedures.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05946, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05947 Can DSHS or the AAA deny or terminate a contact with an instructor or training entity?

(1) DSHS or an area agency on aging (AAA), as applicable, may determine not to accept an offer by a person or organization seeking a contract with DSHS or the AAA to conduct training programs. No administrative remedies are available to dispute DSHS' or the AAA's decision not to accept an offer, except as may be provided through the contracting process.

(2) DSHS or the AAA may terminate any training contract in accordance with the terms of the contract. The contractor's administrative remedies shall be limited to those specified in the contract.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05947, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05948 What is a guest speaker, and what are the minimum qualifications to be a guest speaker for basic training?

Guest speakers for basic training programs teach a specific subject in which they have expertise, under the supervision of the instructor. The guest speaker must have, as minimum qualifications, an appropriate background and experience that demonstrates that the guest speaker has expertise on the topic he or she will teach. The instructor must select guest speakers that meet the minimum qualifications, and maintain documentation of this background. DSHS does not approve guest speakers.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05948, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05949 What are the minimum qualifications for an instructor for basic or modified basic training? An instructor for basic or modified basic training must meet the following minimum qualifications:

(1) General qualifications:

(a) Twenty-one years of age;

(b) Has not had a professional health care or social services license or certification revoked in Washington state (however, no license or certification is required).

(2) Education and work experience:

(a) Upon initial approval or hire, must have:

(i) A high school diploma and one year of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting; or

(ii) An associate degree in a health field and six months of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting.

(3) Teaching experience:

(a) Must have one hundred hours of experience teaching adults on topics directly related to the basic training; or

(b) Must have forty hours of teaching while being mentored by an instructor who meets these qualifications, and must attend a class on adult education that meets the requirements of WAC 388-71-05951.

(4) The instructor must be experienced in caregiving practices and capable of demonstrating competency with respect to the course content or units being taught;

(5) Instructors who will administer tests must have experience or training in assessment and competency testing; and

(6) If required under WAC 388-71-05923 or 388-71-05929, instructors must successfully complete basic or modified basic training prior to beginning to train others.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-15-064, § 388-71-05949, filed 7/11/02, effective 8/11/02.]

WAC 388-71-05950 What must be included in a class on adult education? A class on adult education must include content, student practice, and evaluation of student skills by the instructor in:

(1) Adult education theory and practice principles;

(2) Instructor facilitation techniques;

(3) Facilitating learning activities for adults;

(4) Administering competency testing; and

(5) Working with adults with special training needs (for example, English as a second language or learning and literacy issues).

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05950, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05951 What physical resources are required for basic or modified basic classroom training and testing? (1) Classroom facilities used for basic or modified basic classroom training must be accessible to trainees and provide adequate space for learning activities, comfort, lighting, lack of disturbance, and tools for effective teaching and learning such as white boards and flip charts. Appropriate supplies and equipment must be provided for teaching and practice of caregiving skills in the class being taught.

(2) Testing sites must provide adequate space for testing, comfort, lighting, and lack of disturbance appropriate for the written or skills test being conducted. Appropriate supplies and equipment necessary for the particular test must be provided.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05951, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05952 What standard training practices must be maintained for basic or modified basic classroom training and testing? The following training standards must be maintained for basic or modified basic classroom training and testing:

- (1) Training, including all breaks, must not exceed eight hours within one day;
- (2) Training provided in short time segments must include an entire unit, skill or concept;
- (3) Training must include regular breaks; and
- (4) Students attending a classroom training must not be expected to leave the class to attend to job duties, except in an emergency.

[Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05952, filed 4/30/02, effective 5/31/02.]

RESIDENTIAL CARE SERVICES

WAC 388-71-0600 What are residential services?

The residential service program provides personal care services, as defined in WAC 388-71-202, 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 74.08.090, 74.09.520, and 74.39A.090, 02-21-098, § 388-71-0600, filed 10/21/02, effective 11/21/02. 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? (1) 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:

- (a) Community options program entry system (COPES), described in WAC 388-71-0435; or
- (b) Medicaid personal care funding (MPC), described in WAC 388-71-0440.

(2) If you are not eligible for services under one of the programs listed above, you may receive state-only funding for residential services if you meet eligibility requirements

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for general assistance unemployable, described in WAC 388-235-5000.

(3) If you are on:

(a) MPC, you can receive services in adult family homes and adult residential care facilities.

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.

(b) COPES, you can receive services in adult family homes, enhanced adult residential care facilities, and assisted living facilities.

(c) GAU, you can receive state-funded services in adult family homes and adult residential care facilities.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, and 74.08.090, 01-14-055, § 388-71-0605, filed 6/29/01, effective 7/30/01. 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 388-71-0613 For what days will the department pay the residential care facility? The department pays the residential care facility from the first day of service through the:

- (1) Last day of service when the Medicaid resident dies in the facility; or
- (2) Day of service before the day the Medicaid resident is discharged.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, and 74.08.090, 01-14-055, § 388-71-0613, filed 6/29/01, effective 7/30/01.]

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.

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[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.]

(2003 Ed.)

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 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.

[Title 388 WAC—p. 341]

[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 388-71-0435(4), titled Am I eligible for COPES-funded services? 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, and 74.09.520. 02-138, § 388-71-0820, filed 7/22/02, effective 8/22/02. 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

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(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.]

PRIVATE DUTY NURSING

WAC 388-71-0900 What is the intent of WAC 388-71-0900 through 388-71-0960? The intent of WAC 388-71-0900 through 388-71-0960 is to:

(1) Describe the eligibility requirements under which an adult age eighteen and older may receive private duty nursing (PDN) services through aging and adult services;

(2) Assist clients and families to support clients in their own homes; and

(3) Describe the requirements applicants/clients families, home health agencies, and privately contracted registered nurses (RNs) and licensed practical nurses (LPNs) must meet in order for services to be authorized for PDN.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0900, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0905 What is private duty nursing (PDN) for adults? Private duty nursing (PDN):

(1) Is an optional community-based Medicaid service for adults eighteen or older with complex medical needs who require at least four continuous hours of skilled nursing care on a day to day basis;

(2) Provides an alternative to institutionalization in a hospital or nursing facility; and

(3) Is a resource of last resort and is not intended to supplant or replace other means of providing the services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0905, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0910 Am I financially eligible for Medicaid-funded private duty nursing services? In order to be financially eligible for Medicaid-funded PDN, you must:

(1) Meet Medicaid requirements under the:

- (a) Categorically needy program; or
- (b) Medically needy program.

(2) Use private insurance as first payer, per Medicaid rules. Private insurance benefits which cover hospitalization and in-home services must be ruled out as the first payment source to PDN.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0910, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0915 Am I medically eligible to receive private duty nursing services? In order to be medically eligible for PDN, the community nurse consultant (CNC) must assess you and determine that you:

(1) Be assessed by a CNC as requiring care in a hospital or meeting nursing facility level of care, as defined in WAC 388-71-0435(4).

(2) Have a complex medical need that requires four or more hours of continuous skilled nursing care which can be safely provided outside a hospital or nursing facility; and

(3) Are technology-dependent daily, which means you require at least one of the following:

- (a) A mechanical ventilator or other respiratory support at least part of each day;
- (b) Tracheostomy tube care/suctioning;
- (c) Intravenous/parenteral administration of medications; and
- (d) Intravenous administration of nutritional substances.

(4) Require services that are medically necessary.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0915, filed 5/4/01, effective 6/4/01.]

(2003 Ed.)

WAC 388-71-0920 How is my eligibility determined?

In order to be eligible for Medicaid-funded PDN services:

(1) A CNC must use the comprehensive assessment (CA) to assess:

- (a) Unmet skilled care needs;
- (b) Informal supports; and
- (c) Other services paid for by the department.

(2) Your primary care physician must:

(a) Document your medical stability and appropriateness for PDN;

(b) Provide orders for medical services; and

(c) Document approval of the service provider's plan of care.

(3) You must also:

(a) Be able to supervise your care (provider) or your guardian must be available on the premises; and

(b) Have family or other appropriate support who is responsible for assuming a portion of your care.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0920, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0925 Am I required to pay participation toward PDN services? (1) Except as provided in subsection (2) of this section, you are not required to pay any participation toward PDN services.

(2) You may be required to pay participation if you are receiving home and community program services, as described in WAC 388-71-0405 and 388-71-0470.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 C.F.R. 440.80. 01-11-018, § 388-71-0925, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0930 Are PDN costs subject to estate recovery? If you are receiving PDN services, the cost of services is subject to estate recovery when you reach the age of fifty-five, per chapter 388-527 WAC.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0930, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0935 Who can provide my PDN services? In addition to a family member(s) or a personal aide providing self-directed care under RCW 74.39.050:

(1) A Washington state licensed and contracted home health provider can provide your PDN services.

(2) With an approved exception to policy (ETP), a private (nonhome health agency) registered nurse (RN) or licensed practical nurse (LPN) under the direction of the physician can provide your PDN services only when:

(a) The geographic location precludes a contracted home health agency from providing services to you; or

(b) No contracted home health agency is willing to provide PDN services to you.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0935, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0940 Are there limitations or other requirements for PDN? The limits to PDN services are:

(1) Your PDN cannot exceed sixteen hours a day. The hours are determined through a CA completed by a CNC;

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(2) Trained family must provide for any hours above your assessment determination, or you or your family must pay for these additional hours;

(3) In instances where your family is temporarily absent due to vacations, PDN must be:

(a) Paid for by you or your family; or

(b) Provided by other trained family. If this is not possible, you may need placement in a long-term care setting during their absence.

(4) You may use respite care if you and your unpaid family caregiver meet the eligibility criteria defined in WAC 388-71-1075.

(5) You may receive additional hours, up to thirty days only when:

(a) Your family is being trained in care and procedures;

(b) You have an acute episode that would otherwise require hospitalization;

(c) Your caregiver is ill or temporarily unable to provide care; or

(d) There is a family emergency.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0940, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0945 What requirements must a home health agency meet in order to provide and get paid for my PDN? A home health agency must:

(1) Be licensed and contracted by Washington state. A license is obtained through the department of health. A contract is obtained through aging and adult services administration;

(2) Have physician orders;

(3) Have a detailed service plan, including time sheets, that is reviewed at least every six months by the physician and CNC case manager;

(4) Submit timely and accurate invoices to the social services payment system (SSPS).

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0945, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0950 What requirements must a private RN or LPN meet in order to provide and get paid for my PDN services? In order to be paid by the department, a private RN or LPN must:

(1) Have a license in good standing;

(2) Complete a contract;

(3) Provide services according to the service plan under the supervision/direction of a physician;

(4) Complete a background inquiry application. This will require fingerprinting if the RN or LPN has lived in the state of Washington less than three years;

(5) Have no conviction for a disqualifying crime, as stated in RCW 43.43.830 and 43.43.842;

(6) Have no stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry with a finding of guilt for abuse, neglect, abandonment or exploitation;

(7) Complete time sheets monthly;

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(8) Document notes regarding your services provided per the service plan, which are reviewed at least every six months by the CNC case manager; and

(9) Submit timely and accurate invoices to SSPS.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0950, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0955 Can I receive PDN in a licensed adult family home (AFH)? You may be eligible to receive PDN in a licensed adult family home (AFH). In order for you to receive these services, the AFH provider must:

(1) Have an approved exception to policy;

(2) Possess a WA state registered nurse license;

(3) Sign a contract amendment stating they will ensure twenty-four-hour personal care and nursing care services pursuant to the Nurse Practice Act;

(4) Provide the PDN services to you. Your service plan cannot exceed a maximum of eight PDN care hours per day;

(5) Have a nursing service plan prescribed by your primary physician that allows you to reside in an AFH. The physician is responsible for:

(a) Overseeing your plan of care;

(b) Monitoring your medical stability; and

(c) Supervising the safety of the AFH's nursing care services.

(6) Keep records and have your service plan reviewed at least every six months.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0955, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0960 Can I receive services in addition to PDN? In addition to PDN services, you may be eligible to receive personal care and other household services through COPEs or Medicaid personal care (MPC), from a contracted home care agency or contracted individual provider (IP), for unmet personal care needs not performed by your family/informal support system.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0960, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0965 Can I choose to self-direct my care if I receive PDN? You may choose to self-direct your care, as outlined in RCW 74.39.050.

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0965, filed 5/4/01, effective 6/4/01.]

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.]

(2003 Ed.)

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;

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(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;

(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;

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(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

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(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;

(2003 Ed.)

(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.]

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.
- 388-76-59100 Does completion of this training substitute for any other required trainings? [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.] Repealed by 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.
- 388-76-59110 For the dementia and mental health specialties can providers take a test instead of attending the training? [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.] Repealed by 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.
- 388-76-59120 Are there any different training requirements for adult family homes providing services to persons with developmental disabilities? [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.] Repealed by 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.
- 388-76-640 Resident medications. [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.] Repealed by 02-20-005, filed 9/18/02, effective 10/19/02. Statutory Authority: RCW 70.128.040, 69.41.085.
- 388-76-765 Fire safety. [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.] Repealed by 02-20-004, filed 9/18/02, effective 10/19/02. Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140.

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, 18.88A.230, and 69.41.085.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-15-081, § 388-76-535, filed 7/15/02, effective 8/15/02. 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.

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"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 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 388-71-202, 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.

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"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 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-76-540, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-540, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-540, filed 6/19/96, effective 7/20/96.]

PART II ADULT FAMILY HOME LICENSE

WAC 388-76-545 License required. No person or entity shall operate an adult family home without a license under this chapter. An adult family home license is required to provide care to more than one but not more than six adults unrelated to the person(s) providing care in the home.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-545, filed 6/19/96, effective 7/20/96.]

WAC 388-76-550 License application. (1) All applications for adult family home licensure are subject to review under this chapter.

(2) Persons who have not held an adult family home license within the last twelve months must attend department orientation to receive an initial adult family home application.

(3)(a) To apply for an initial adult family home license, an applicant shall complete and submit the department application form.

(b) The applicant must provide all information requested, including information regarding any facilities and homes for the care or provision of services to children or vulnerable adults that the applicant is or has been affiliated with in the last ten years. This information is needed so the department can determine whether the applicant meets all applicable qualifications and requirements.

(c) An entity shall provide the information in (b) of this subsection with regard to any partner, officer, director, managerial employee, or owner of five percent or more of the entity.

(4)(a) An adult family home license is a nonexpiring license which means it does not need to be renewed every year.

(b) The adult family license remains valid unless:

(i) The department takes enforcement action to suspend or revoke the license in accordance with state law;

(ii) The provider voluntarily surrenders the license or closes the home; or

(iii) The provider fails to pay the annual licensing fee.

(5) All entity providers shall include their Unified Business Identifier (UBI) and Federal Employer Identification (FEI) numbers on the application.

(6) Married couples may not apply for separate adult family home licenses for each spouse.

(7)(a) Couples considered legally married under Washington state law are the only individuals who may apply jointly for an individual provider adult family home license.

(b) After the effective date of these rules two (or more) unmarried individuals applying for an initial adult family home license to be held jointly, must become an entity provider by forming a corporation, partnership, association, or limited liability company.

(8) The license applicant/provider shall be the person or entity ultimately responsible for the operation of the adult family home. The license applicant or the applicant's authorized representative shall sign the adult family home license application.

(9)(a) All entity providers shall designate an individual on their adult family home application who is responsible for the daily operation of the adult family home. This person is called the entity representative and is considered the department's primary contact person within the entity organization.

(b) For some entity providers one person may act as both the entity representative and the resident manager.

(c) Entity providers shall immediately notify their licensor when there is a change in the entity representative.

(10) An applicant who enters into a lease or contractual agreement with a landlord who takes an active interest in the operation of the adult family home, shall include the landlord's name and address on the license application. Active interest includes but is not limited to:

(a) The charging of rent as a percentage of the business;

(b) Assistance with start up and operational expenses;

(c) Collection of resident fees;

(d) Recruitment of residents;

(e) Management oversight;

(f) Assessment and negotiated care plan development for residents; or

(g) The provision of personal or special care to residents.

(11) The department shall not commence review of an incomplete license application, and incomplete applications shall become void sixty days following the department's written request for additional documentation or information to complete the application.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-550, filed 5/20/98, effective 7/1/98. Statutory Authority: 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 43.43.842;

(b) Convicted of a crime relating to financial exploitation as defined under RCW 43.43.830 or 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,

* An 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, as specified in WAC 388-112-0265 through 388-112-0285.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-065, § 388-76-570, filed 7/11/02, effective 8/11/02. 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

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services similar to those required for these persons (i.e., autism); and

(a) The condition was manifested before the person reached age twenty-two; and

(b) The condition is likely to continue indefinitely; and

(c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:

(i) Self-care;

(ii) Understanding and use of language;

(iii) Learning;

(iv) Mobility;

(v) Self-direction; and

(vi) Capacity for independent living.

Mental illness is defined as an Axis I or II diagnosed mental illness as outlined in volume IV of the Diagnostic and Statistical Manual of Mental Disorders (a copy is available for review through the aging and adult services administration).

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59020, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59050 What is required in order to obtain the specialty designation? The department will grant an adult family home a specialty designation for one or more of the three areas of specialty when:

(1) The individual provider or entity representative, and the resident manager, if there is a resident manager, have successfully completed one or more of the specialty care trainings; and

(2) The provider supplies the department with certification of successful completion of the required specialty care training or the challenge test; and

(3) The provider ensures that the specialty needs of the resident are identified and met, and that all caregivers in the home receive training regarding the specialty needs of the individual residents in the home. This training must cover the routine and changing care needs of the resident. The provider or a person knowledgeable about the specialty area may give this training.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59050, filed 5/29/98, effective 7/1/98.]

WAC 388-76-59060 Are adult family home providers required to obtain more than one specialty designation if an individual resident has more than one specialty need?

If an individual resident has needs that meet more than one of the definitions for developmental disability, mental illness, and dementia, described in WAC 388-76-59020, the provider must determine which one of the specialty trainings will most appropriately address the overall needs of the resident. The provider must then obtain the specialty training and designation that corresponds with this determination. The provider must ensure additional training of caregivers is obtained if needed to meet all of the resident's needs. This additional training may be the specialty designation training or another training chosen by the provider.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59060, filed 5/29/98, effective 7/1/98.]

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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 388-76-595 Inspections and ombudsman visits.

(1) The department shall conduct unannounced inspections and complaint investigations to determine the provider's compliance with this chapter and chapter 70.128 RCW.

(2) The provider shall ensure that department staff have access to the home, residents, and all resident records therein and shall not willfully interfere or fail to cooperate with department staff in the performance of official duties. Examples of willful interference or failure to cooperate include but are not limited to, not allowing department staff to talk to residents in private, not allowing department staff entrance into

the home, or not allowing department staff access to resident records.

(3) Department staff shall have access to relevant staff records which must be kept in the adult family home. Relevant staff records include: Criminal history background inquiries; tuberculosis test documentation; CPR-First-aid cards; department of health registration; fundamentals of caregiving, modified fundamentals of caregiving, nurse delegation and continuing education certificates; and any other special certificates.

(4) Within ten calendar days of the inspection of the adult family home, the department's inspection report will be mailed or hand delivered to the provider.

(5) Within ten calendar days of the completion of complaint investigation data collection, any department inspection report related to a complaint investigation will be mailed or hand delivered to the provider.

(6) A provider shall submit to the department the planned corrective measures for violations and/or deficiencies within ten calendar days of receipt of a statement of deficiencies or an inspection report.

(7) Upon request, the department will supply to the public copies of inspection reports and complaint investigation reports, as soon as they are completed.

(8) The department will include a copy of the provider's planned corrective measures with the inspection and complaint investigation reports, if a copy is available at the time of the request.

(9) Any written decision by the department to take an enforcement action will be immediately available to the public.

(10) Subsections (7) through (9) above are subject to applicable public disclosure and confidentiality requirements.

(11) The adult family home shall not willfully interfere with a representative of the Washington protection and advocacy system as defined under RCW 71A.10.080 or the long term care ombudsman in the performance of official duties, as defined under chapter 43.190 RCW, Long-term care ombudsman program, the state regulations for the long-term care ombudsman program, and under federal law. The department shall impose a penalty of not more than one thousand dollars for any such willful interference with a representative from the long-term care ombudsman program.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW, 98-11-095, § 388-76-595, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-595, filed 6/19/96, effective 7/20/96.]

PART III RIGHTS AND SERVICES

GENERAL RESIDENT RIGHTS

WAC 388-76-600 General resident rights.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-600, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-600, filed 6/19/96, effective 7/20/96.]

WAC 388-76-60000 What are resident rights? (1)

Under RCW 70.129.005 long-term care facility residents should have the opportunity to exercise reasonable control over life decisions.

(2) Long-term care residents should have privacy and choices to engage in religious, political, civic, recreational, and other social activities to foster a sense of self-worth and enhance the quality of life. (See chapter 70.129 RCW.)

(3) Long-term care residents should receive appropriate services, be treated with courtesy, and continue to enjoy their basic civil and legal rights. (See chapter 70.129 RCW.)

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272, 98-12-054, § 388-76-60000, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60010 Why do providers need to know resident rights? The legislature determined that residents of long term care facilities are entitled to certain rights. The provider is required to comply with all requirements of chapter 70.129 RCW, Long-term care resident rights. The provider must promote and protect the resident's exercise of all rights granted under that law.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272, 98-12-054, § 388-76-60010, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60020 Is the provider required to supply information to potential residents and current residents, or the resident's representative? RCW 70.128.007 (3) states that it is the goal of the legislature to "Encourage consumers, families, providers, and the public to become active in assuring their full participation in development of adult family homes that provide high quality and cost-effective care." The information that the provider supplies to potential residents and their families assists them to make informed choices about whether the individual adult family home will be able to provide appropriate high quality services, and what the costs will be for services.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272, 98-12-054, § 388-76-60020, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60030 When must this information be supplied? Before admitting any resident, the provider must supply information about the adult family home to the potential resident. This information must also be supplied to current residents at least every twenty four months. The information must be presented orally and in writing in a language understandable to the potential resident or resident, or the resident's representative, and acknowledged in writing.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272, 98-12-054, § 388-76-60030, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60040 Must the information be updated and supplied again in advance of changes? The provider must inform each resident or the resident's representative in writing thirty days in advance of changes in the availability or the charges for services, items, or activities, or of changes in the adult family home's rules. Except in emergencies, thirty days' advance notice must be given prior to the change. When there are substantial and continuing changes in the resident's condition necessitating substantially greater or

lesser services, items or activities, then the related charges may be changed with fourteen days' advance written notice.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272, 98-12-054, § 388-76-60040, filed 5/29/98, effective 7/1/98.]

WAC 388-76-60050 What information is the provider required to supply to potential residents and current residents? At a minimum, information supplied to the resident prior to admission must include:

(1) House rules and policies, including:

(a) A description of services, items, and activities regularly available in the home or arranged for by the home;

(b) House rules and policies governing resident conduct and responsibilities;

(c) A statement describing charges for all services, items and activities provided in the home. This must include a description of added charges for items, services or activities that are not covered by the home's per diem rate or applicable public benefit programs;

(d) The schedule for payment of fees expected of residents by the provider;

(e) The home's policy on refunds and deposits, which must be consistent with RCW 70.129.150;

(f) House policies governing resident conduct and responsibilities during the resident's stay in the adult family home;

(g) A statement indicating whether the provider will accept Medicaid or other public funds as a source of payment for services.

(2) Information about caregivers, including:

(a) The following information describing the licensed provider and the resident manager if there is a resident manager:

(i) Availability in the home, including a general statement about how often he or she is in the home;

(ii) Education and training relevant to resident caregiving;

(iii) Caregiving experience;

(iv) His or her primary responsibilities, including whether he or she makes daily general care management decisions;

(v) How to contact the provider or resident manager when he or she is not in the home.

(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.

(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;

(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.]

(2003 Ed.)

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 indi-

vidual's current place of residence, or, if due to such circumstances, harm to an individual has occurred. Under these circumstances the required assessment must be completed within five working days of the resident's admission.

(2) For individuals whose care is paid for fully or partially by the department, the provider must obtain the approval of the authorized department case manager prior to admission. If this approval is obtained verbally, the provider must document the time, the date, and the name of the case manager.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61060, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61070 Does the assessment have to be updated? The provider must ensure that the assessment is reviewed and updated to document the resident's ongoing needs and preferences according to the following criteria:

- (1) At least every twelve months;
- (2) When there is a significant change in the resident's physical or mental condition; and
- (3) At the resident's request or at the request of the resident's legal representative.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61070, filed 5/29/98, effective 7/1/98.]

WAC 388-76-61080 Who is qualified to update the assessment? Effective July 1, 1999, persons meeting the qualifications of an assessor are also qualified to update the assessment for an individual who will use private funds to pay for the adult family home.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61080, filed 5/29/98, effective 7/1/98.]

NEGOTIATED CARE PLAN

WAC 388-76-615 Negotiated care plan.

[Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-615, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128-130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-615, filed 6/19/96, effective 7/20/96.]

WAC 388-76-61500 What is a negotiated care plan?

A negotiated care plan is a written plan developed between the provider and the resident, or the resident's representative, if the resident has a representative. The provider is responsible to make sure that it is written and signed. This plan identifies:

- (1) The care and services to be provided;
- (2) Who will provide the care and services;
- (3) When and how the care and services will be provided;
- (4) The resident's activities preferences and how those preferences will be accommodated; and
- (5) Other preferences and choices regarding issues important to the resident (including, but not limited to, food, daily routine, grooming), and what efforts will be made to accommodate those preferences and choices;

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(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 thirty days of the resident's admission.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-15-081, § 388-76-61510, filed 7/15/02, effective 8/15/02. 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.

(2003 Ed.)

[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:

(2003 Ed.)

(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.

[Title 388 WAC—p. 363]

[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.]

RESIDENT MEDICATIONS

WAC 388-76-64005 Definitions. For purposes of this chapter, these definitions apply:

"Enablers" means a physical device used to facilitate a resident's self-administration of a prescribed or over-the-counter medication. Physical devices include, but are not limited to a medicine cup, glass, cup, spoons, bowl, pre-filled syringes, syringes used to measure oral liquids, specially adapted table surfaces, drinking straw, piece of cloth, and the resident's hand.

"Prescribed medication" refers to any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Medication organizer" is a container with separate compartments for storing oral medications organized in daily doses.

"Over-the-counter (OTC) medication" is any medication that can be purchased without a prescriptive order, including but not limited to vitamin, mineral, or herbal preparations.

"Practitioner" includes a physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant. Refer to chapter 69.41 RCW for a complete listing of practitioners.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64005, filed 9/18/02, effective 10/19/02.]

WAC 388-76-64010 What are the rules the provider must follow in all situations involving resident medications? (1) The provider must ensure that all prescribed and OTC medications are kept in locked storage.

(2) The provider must ensure that all prescribed and OTC medications are stored in the original containers with legible and original labels. When medication organizers are used, refer to WAC 388-76-64050.

(3) The resident always has the right to refuse any medications.

(4) When a resident who is receiving medication assistance or administration refuses or does not receive a prescribed medication, the provider must notify the prescribing practitioner unless the provider, acting within their scope of practice, is able to make a judgment about the significance of the resident's refusal.

(5) If a provider becomes aware that a resident who self-administers is refusing a prescribed medication, the provider must notify the prescribing practitioner unless the provider, acting within their scope of practice, is able to make a judgment about the significance of the resident's refusal.

(6) The provider must ensure that the negotiated care plan addresses how residents will get their medications when they are absent from the adult family home or when a family member assisting with medications is not available.

(7) The provider must have a policy addressing the disposition of resident prescribed medications that are unused, leftover, or remaining after the resident leaves the adult family home.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64010, filed 9/18/02, effective 10/19/02.]

WAC 388-76-64015 What defines the type of help a resident may need when taking their medication? (1) The resident assessment must identify the individual's functional level related to the management of medications as referenced in WAC 388-76-61020(9).

(2) Independent with self-administration is when the resident is able to directly apply prescribed and OTC medications by ingestion, inhalation, injection or other means and no assistance is required.

(3) Self-administration with assistance (as described in chapter 246-888 WAC, Medication assistance) is when a resident is independent with self-administration but requires assistance from a non-practitioner when taking prescribed or OTC medications. This assistance does not include injectable or intravenous medications as defined in WAC 246-888-020.

(4) Medication administration is required when a resident cannot safely perform independent self-administration or self-administration with assistance. Medication administration must be performed by a practitioner as defined in chapter 69.41 RCW or by nurse delegation (WAC 246-840-910 through 246-840-970), unless performed by a family member or surrogate decision maker as defined in RCW 7.70.065.

(5) If a resident's circumstances require a combination of independent with self-administration, self-administration with assistance, or medication administration, the reason(s) for this combination must be explained in the resident's negotiated care plan.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64015, filed 9/18/02, effective 10/19/02.]

WAC 388-76-64020 What must the provider include in the negotiated care plan for residents who are independent with self-administration? (1) Residents who are independent with self-administration:

(a) May administer their own prescribed and OTC medications unless otherwise stipulated in their negotiated care plan.

(b) May keep their prescribed and OTC medications securely locked in either their room or in a different area otherwise agreed upon and documented in their negotiated care plan.

(2) Residents who are independent with self-administration are not required to keep a daily medication log unless otherwise stipulated in their negotiated care plan.

(3) For purposes of emergency situations, the provider must maintain a current list of prescribed and OTC medications including name, dosage, frequency, and the name and phone number of the prescribing practitioner as needed. The provider must coordinate with the resident when there is a medication change or new order(s) and must document the changes in the resident's negotiated care plan.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64020, filed 9/18/02, effective 10/19/02.]

WAC 388-76-64025 How do a resident and provider initiate self-administration with assistance? (1) A resident or their representative and the provider consult with a practitioner to determine the appropriateness for self-administration with assistance.

(2) The practitioner, in consultation with the resident or their representative and the provider, considers such factors as the physical and mental limitations of the resident and the setting or environment where the resident lives.

(3) While no additional separate assessment or documentation of the resident's needs is required for initiating self-administration with assistance, the provider must amend the resident's negotiated care plan to reflect this service.

(4) The provider must contact the practitioner who will determine if a re-assessment is required when the resident has a change in the health status, medications, physical or mental limitations, or environment.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64025, filed 9/18/02, effective 10/19/02.]

WAC 388-76-64030 What must the provider monitor when implementing self-administration with assistance?

(1) The provider must ensure that self-administration with assistance is occurring when a resident needs assistance from a non-practitioner to safely facilitate self-administration of a medication.

(2) The resident must be able to put the prescribed or OTC medication into their own mouth or apply or instill the medications.

(3) The resident must be aware that they are receiving a prescribed or OTC medication, but does not necessarily need to be able to state the name of the medication, intended effects or side effects.

(4) Self-administration with assistance must occur immediately prior to the ingestion or application of a prescribed or OTC medication.

(5) Self-administration with assistance may include steadying or guiding a resident's hand while applying or instilling prescribed or OTC medications such as ointments, eye, ear and nasal preparations, but does not include the practice of "hand-over-hand" (total physical assistance) administration.

(6) Self-administration with assistance does not include direct assistance with intravenous and injectable medications, however, delivering a pre-filled syringe to the resident is allowed providing that the resident independently self-administers the injection per WAC 246-888-020.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64030, filed 9/18/02, effective 10/19/02.]

WAC 388-76-64035 What other situations must the provider monitor when self-administration with assistance occurs for a resident? A nonpractitioner may assist the resident to self-administer a prescribed or OTC medication through a gastrostomy or "g-tube" provided that:

(1) The prescription is written as an oral medication via "g-tube"; and

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(2) The resident meets the criteria for self-administration with assistance referenced in WAC 388-76-64015(3).

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64035, filed 9/18/02, effective 10/19/02.]

WAC 388-76-64040 What must the provider do when there is a need to alter medications during self-administration with assistance?

(1) If the prescribed or OTC medication is altered, the provider must have documentation for the appropriateness of the alteration by the approving practitioner or pharmacist including date, time, and name of who provided the consultation.

(2) Alteration of a prescribed or OTC medication for self-administration with assistance includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing powdered medications with food or liquids.

(3) Residents must be aware that the prescribed or OTC medication is being altered and/or added to their food.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64040, filed 9/18/02, effective 10/19/02.]

WAC 388-76-64045 What other types of assistance can a nonpractitioner provide?

Prescribed or OTC medication can be transferred from one container to another for the purpose of an individual dose such as pouring a liquid medication from the medication container to a calibrated spoon or medication cup.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64045, filed 9/18/02, effective 10/19/02.]

WAC 388-76-64050 Who can fill medication organizers and what is required? (1) A registered nurse (RN), licensed practical nurse (LPN), the resident, or the resident's family members may fill medication organizers.

(2) Prescribed medications being placed into an organizer for the resident must have already been dispensed by a pharmacist and are being removed from an original container that has been labeled for the resident by a pharmacist or pharmacy service.

(3) The medication organizer must allow prescribed and OTC medications to be readily identifiable by residents, caregivers, and the RN and LPN.

(4) Medication organizers must carry a label that clearly identifies the following information:

- (a) Name of the resident;
- (b) Name of the medication(s);
- (c) Dosage and dosage frequency.

(5) The name and phone number of the prescribing practitioner must be available when the resident takes a medication organizer out of the adult family home.

(6) When a resident has a change in medications by the prescribing practitioner, the person filling the medication organizers must replace labels with required updated information immediately.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64050, filed 9/18/02, effective 10/19/02.]

WAC 388-76-64055 What documentation is the provider required to include in the resident's daily medication log? (1) The provider must ensure that every resident (unless WAC 388-76-64015(2) applies) has a daily medication log that includes the following information:

(a) A listing of all prescribed and OTC medications, the frequency, and the dosage; and

(b) The time the medication is scheduled to be taken by the resident.

(2) The provider must ensure that the person who assisted or administered prescribed or OTC medication to the resident initials the daily medication log within one hour after the medication was taken or refused.

(3) The provider must ensure that if the prescribed or OTC medication is taken outside the scheduled time, the time the medication was taken must be recorded on the medication log.

(4) If a resident refuses to take prescribed medications, the requirements in subsection (2) of this section apply including a note indicating the resident's refusal.

(5) When the prescribing practitioner makes a change to any current medications, the provider must:

(a) Ensure that the change and the date of the change are immediately documented on the daily medication log;

(b) Request from the prescribing practitioner written verification of the change by mail, facsimile, other electronic means, or a new original labeled container from the pharmacy;

(c) The provider must ensure that the changed medication is received from the pharmacy to begin the change consistent with the new order.

[Statutory Authority: RCW 70.128.040, 69.41.085, 02-20-005, § 388-76-64055, filed 9/18/02, effective 10/19/02.]

WAC 388-76-645 Resident activities. (1) The resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the adult family home.

(2) The provider shall provide and promote opportunities for the resident to participate in activities of the resident's choice which are consistent with identified resident needs and functional capacity.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230, 96-14-003 (Order 3984), § 388-76-645, filed 6/19/96, effective 7/20/96.]

WAC 388-76-650 Food services. The provider shall:

(1) Ensure that food served to the resident meets the nutritional needs of the resident, and takes into consideration the resident's:

(a) Preferences;

(b) Caloric need;

(c) Cultural and ethnic background; and

(d) Any physical condition making food intake difficult;

(2) Provide a minimum of three nutritious meals in each twenty-four hour period, at regular times comparable to normal meal times in the community;

(3) Make nutritious snacks available to residents between meals and in the evening;

(4) Obtain input from residents in meal planning and scheduling;

(5) Serve nutrient concentrates, supplements, and modified diets only on the written approval of the resident's physician;

(6) Use only pasteurized milk;

(7) Ensure any home-canned foods are processed according to the latest guidelines of the county cooperative extension service;

(8) Serve meals in the home where the residents live; and

(9) When meals are prepared at a separate kitchen facility, ensure that persons preparing food have a food handler's permit and that the food is transported in airtight containers to prevent contamination. The provider or resident manager shall ensure that the food is transported and served at the appropriate and safe temperature.

[Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230, 96-14-003 (Order 3984), § 388-76-650, filed 6/19/96, effective 7/20/96.]

PART IV ADMINISTRATION

WAC 388-76-655 General management and administration. (1) The provider shall not admit or retain any resident whose needs the provider cannot meet.

(2) The provider shall ensure all of the following:

(a) That staff are competent and receive necessary training, including but not limited to any training required under chapter 388-112 WAC 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; and

(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 home's 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 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-76-655, filed 7/11/02, effective 8/11/02. 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. Adult family home individual providers, entity representatives, resident managers, and caregivers must meet the training requirements under chapter 388-112 WAC.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-76-660, filed 7/11/02, effective 8/11/02. 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.

(2003 Ed.)

(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

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operated by the same provider, the department may impose remedies on those other homes.

[Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW, 98-11-095, § 388-76-705, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-705, filed 6/19/96, effective 7/20/96.]

WAC 388-76-710 Notice, hearing rights, and effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 70.128 RCW, except that orders of the department imposing license suspension, stop placement, or conditions on a license are effective immediately upon notice and shall continue pending a final administrative decision on the merits.

(2) Civil monetary penalties shall become due twenty-eight days after the provider or the owner or operator of an unlicensed adult family home is served with a notice of the penalty unless the provider requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest shall accrue beginning thirty days after the department serves the provider with notice of the penalty at a rate of one percent per month in accordance with RCW 43.20B.695.

(3) A person contesting any decision by the department to impose a remedy shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the board of appeals at the mailing address contained in WAC 388-02-0030; 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 388-02 WAC. If any provision in this section conflicts with chapter 388-02 WAC, the provision in this section governs.

[Statutory Authority: RCW 70.128.040, 69.41.085. 02-15-081, § 388-76-710, filed 7/15/02, effective 8/15/02. 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.

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(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.

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(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.]

EMERGENCY EVACUATION AND SAFETY REQUIREMENTS

WAC 388-76-76505 What physical structure requirements must the provider ensure that the home meets? (1) Each adult family home must meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family dwelling.

(2) It is the responsibility of the provider to check with local authorities to ensure all local codes are met.

(3) Effective July 1, 2001, the following must meet requirements in WAC 51-40-0310.14 Requirements for group R occupancies, adult family homes as established by the Washington state building code council:

(a) Any single-family dwelling that has been newly constructed meeting all current applicable building codes, that has never been occupied, and that has a pending adult family home license application with the department;

(b) Any single-family dwelling being converted for use as an adult family home.

(4) WAC 51-40-0310 does not apply to adult family homes licensed before July 1, 2001, that are being sold or transferred for the purpose continuing the operation of a licensed adult family home under new ownership.

(5) Windows in every room used by residents must be free of obstructions.

(6) When resident bedroom windows are fitted with storm windows, the provider must equip the storm windows with release mechanisms that are easily opened from the inside without the use of a key or special knowledge or effort.

(7) The provider must ensure that every occupied area used by residents receiving care and services has access to one or more exit and must not pass through a room, garage, or other space subject to being locked or blocked from the opposite side.

(8) Every occupied area used by residents must not be accessible only by ladder, folding stairs, or trap door.

(9) The provider must ensure that every bathroom door lock opens from the outside in an emergency.

(10) The provider must ensure that every closet door opens from the inside and outside.

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(11) The provider must ensure that exit doors leading to the outside will open from the inside without the use of a key or any special knowledge or effort.

[Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. 02-20-004, § 388-76-76505, filed 9/18/02, effective 10/19/02.]

WAC 388-76-76510 What are the resident emergency evacuation requirements that providers must address? (1) Before a resident is admitted, the provider must disclose in writing and in a language understood by the prospective resident and/or their representative the following information:

(a) Whether or not the resident bedrooms in the home comply with current building code including evacuation standards;

(b) The source of and plan for on-site fire protection if the home is located outside a public fire district;

(c) All residents must participate in at least one household emergency evacuation drill per year involving a full evacuation from the home to a safe location.

(2) The resident's preliminary service plan (WAC 388-76-61030) and negotiated care plan (WAC 388-76-61500) must identify the resident's level of evacuation capability as defined by the following:

(a) Level 1: The resident is physically and mentally capable of self-preservation and walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

(b) Level 2: The resident is 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 person.

(c) Level 3: The resident physically or mentally is unable to walk or traverse a normal path to safety without the physical assistance of another person.

(3) The provider must ensure that residents who have an evacuation capability of Level 2 or Level 3 have their bedroom located on a grade level floor of the home. This grade level floor must have no less than two means of egress that do not require the use of stairs, elevator, or platform lift to exit.

(4) The provider must not admit or retain any residents who cannot be safely evacuated according to the provider's evacuation plan required under WAC 388-76-76520.

(5) For residents who are hearing and/or visually impaired, the provider must ensure that alternative emergency evacuation protections appropriate for hearing and/or visually impaired are installed as needed.

[Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. 02-20-004, § 388-76-76510, filed 9/18/02, effective 10/19/02.]

WAC 388-76-76515 What fire safety and emergency requirements must the provider have in the home? (1) The provider must 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.

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(2) The provider must ensure that each required fire extinguisher is inspected and serviced annually by a qualified inspector.

(3) If the home is not located in a public fire district, the provider must have written verification of adequate fire protection from the county fire authority.

(4) Every adult family home must have an approved automatic smoke detector in the following locations of the home:

(a) Every bedroom used by a resident;

(b) In proximity to the area where any resident or caregiver sleeps; and

(c) On every level of a home that is multi-level.

(5) Smoke detectors must be installed in such a manner so that the fire warning may be audible in all parts of the home upon activation of a single detector.

(6) The provider must ensure that all smoke detectors are maintained and in working condition at all times.

(7) The provider must not locate a stove or heater where the stove or heater blocks a resident's escape.

(8) Portable oil, gas, kerosene, and electric space heaters must not be used in the home except in the case of a power outage and the portable space heater is the home's only safe source of heat.

(9) The location of the adult family home must be accessible at all times for emergency vehicles.

(10) The provider must report to the department any fire and/or emergency evacuation in the adult family home in accordance with WAC 388-76-675 (4)(a).

[Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. 02-20-004, § 388-76-76515, filed 9/18/02, effective 10/19/02.]

WAC 388-76-76520 What is required of the provider for emergency evacuation drills? (1) The provider must develop a plan for emergency evacuation that reasonably ensures safe evacuation of all residents. The provider will determine the length of time necessary to safely evacuate all residents; however, the length of time shall not exceed five minutes. This emergency plan shall be written and posted and be operational at all times.

(2) All staff, caregivers and residents must be instructed in emergency evacuation procedures at the time of hire or admission.

(3) The provider must ensure that all residents participate in at least one household emergency evacuation drill every calendar year involving full evacuation from the home to a safe location.

(4) The provider must ensure that emergency evacuation drills are conducted at least every two months.

(5) The provider must document emergency evacuation drills recording the following information:

(a) Names of residents and staff involved including the person conducting the drill;

(b) Date and time of the drill; and

(c) The length of time required for evacuating all residents.

[Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. 02-20-004, § 388-76-76520, filed 9/18/02, effective 10/19/02.]

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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.]

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.]

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, Colum-
bia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lin-
coln, 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

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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 infirmary 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 ensure that the administrator and staff complete any training required under chapter 388-112 WAC.

(3) 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.

(4) 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.

(5) 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.

(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 but not limited to 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 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-78A-050, filed 7/11/02, effective 8/11/02. 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.

[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.]

(2003 Ed.)

WAC 388-78A-110 Garbage and refuse disposal. The licensee shall:

(1) Provide an adequate number of garbage containers to store refuse generated by the boarding home:

(a) Located in a storage area convenient for resident and staff use;

(b) Constructed of nonabsorbent material;

(c) Cleaned and maintained to prevent:

(i) Entrance of insects, rodents, birds, or other pests;

(ii) Odors; and

(iii) Other nuisances;

(2) Provide only noncombustible waste containers in common use areas;

(3) Assure garbage and waste containers are emptied frequently to prevent hazards and nuisances;

(4) Use safe and sanitary garbage collection and disposal practices; and

(5) Use appropriate containers and collection/disposal services if infectious wastes are generated.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-110, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-110, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-110, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-090, filed 4/14/89; 83-13-068 (Order 264), § 248-16-090, filed 6/16/83; Order 147, § 248-16-090, filed 6/29/77; Regulation .16.090, effective 3/11/60.]

WAC 388-78A-120 Lighting. The licensee shall maintain electric light fixtures and lighting necessary for the comfort and safety of residents, with minimum intensities of:

(1) Five foot-candles of light measured thirty inches from the floor in all areas;

(2) Thirty foot-candles of light measured at reading, work, and recreation surfaces in any room or area used by residents for reading, work, or recreation; and

(3) Ten foot-candles of light measured thirty inches from the floor in toilet rooms and bathrooms.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-120, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-120, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-120, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-105, filed 4/14/89; 83-13-068 (Order 264), § 248-16-105, filed 6/16/83.]

WAC 388-78A-130 Heating—Temperature. The licensee shall:

(1) Equip each resident-occupied building with an approved heating system which maintains a minimum temperature of:

(a) Sixty degrees Fahrenheit during sleeping hours; and

(b) Sixty-eight degrees Fahrenheit during waking hours, except when:

(i) A room is designated for activities requiring physical exertion; or

(ii) Residents can control temperature in their own units, independent from other areas;

(2) Equip each resident-occupied building with a mechanical air cooling system or equivalent in communities where the design dry bulb temperature exceeds eighty-five degrees Fahrenheit for one hundred seventy-five hours per

year or two percent of the time, as specified in the latest edition of "*Recommended Outdoor Design Temperatures—Washington State*," published by Puget Sound chapter of *American Society of Heating, Refrigeration, and Air-Conditioning Engineers*; and

(3) Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-130, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-130, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-130, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-110, filed 4/14/89; 83-13-068 (Order 264), § 248-16-110, filed 6/16/83; Order 147, § 248-16-110, filed 6/29/77; Regulation .16.110, effective 3/11/60.]

WAC 388-78A-140 Ventilation. The licensee shall:

- (1) Ventilate rooms to:
 - (a) Provide adequate air circulation without drafts;
 - (b) Prevent excessive odors or moisture; and
 - (c) Remove smoke;
- (2) Designate and ventilate smoking areas, if smoking is permitted in the boarding home, to prevent air contamination throughout the boarding home;
- (3) Provide sixteen mesh screens on operable windows and openings used for ventilation; and
- (4) Prohibit screens that may restrict or hinder escape or rescue through emergency exit openings.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-140, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-140, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-140, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-115, filed 4/14/89; 83-13-068 (Order 264), § 248-16-115, filed 6/16/83.]

WAC 388-78A-150 Resident room—Room furnishings—Storage. (1) The licensee shall provide each resident sleeping room or area, except as permitted in subsection (3) of this section, with:

- (a) Eighty or more square feet of usable floor space in a one-person room or area;
- (b) Seventy or more square feet of usable floor space per individual in a room occupied by two or more individuals;
- (c) A minimum ceiling height of seven feet six inches over all square footage considered usable floor space;
- (d) A maximum room occupancy of:
 - (i) Four individuals if the boarding home was licensed before July 1, 1989, and licensed continuously thereafter; and
 - (ii) Two individuals if the boarding home applied for initial licensure or to increase the number of resident sleeping rooms after June 30, 1989;
- (e) Room identification and resident capacity consistent with the licensed room list;
- (f) Unrestricted direct access to a hallway, living room, outside, or other common-use area;
- (g) One or more outside windows with:
 - (i) A total clear glass area equal to at least one-tenth of the room area;
 - (ii) Minimum area of ten square feet;

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(iii) Window sills no more than three feet eight inches from the floor; and

(iv) Window sills at or above grade, with grade extending horizontally ten or more feet from the building;

(v) Easy operation if necessary for fire exit or ventilation; and

(vi) Adjustable curtains, shades, blinds, or equivalent for visual privacy;

(h) One or more duplex electrical outlets per bed if the boarding home was initially licensed after July 1, 1983;

(i) A light control switch located by the entrance for a light fixture in the room;

(j) Lighting at bedside when requested by a resident;

(k) One or more noncombustible waste containers, and no combustible waste containers;

(l) An individual towel and washcloth rack or equivalent;

(m) When requested by the resident, a lockable drawer, cupboard or other secure space measuring at least one-half cubic foot with a minimum dimension of four inches;

(n) Storage facilities in or immediately adjacent to the resident's sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

(o) A comfortable bed, thirty-six or more inches wide, appropriate for size, age and physical condition of the resident and room dimensions, including but not limited to:

(i) Standard household bed;

(ii) Studio couch;

(iii) Hide-a-bed;

(iv) Day bed; or

(v) Water bed, if structurally and electrically safe;

(p) A bed mattress which:

(i) Fits the bed frame;

(ii) Is in good condition; and

(iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety;

(q) Beds spaced at least three feet from other beds unless otherwise requested by all affected residents;

(r) One or more comfortable pillows;

(s) Bedding, in good repair, changed weekly or more often as necessary to maintain cleanliness;

(t) Clean towels and washcloths provided weekly or more often as necessary to maintain cleanliness; and

(u) A sturdy, comfortable chair, appropriate for the age and physical condition of the resident.

(2) The licensee shall not allow the use of a resident room for a passageway or corridor.

(3) The licensee may, upon a resident's request, permit the resident to use personal furniture and furnishings when such usage does not jeopardize the health and safety of any resident.

(4) The licensee shall:

(a) Document the functional ability of each resident to use cooking facilities safely; and

(b) Limit access to cooking facilities by any resident deemed by the licensee unable to cook safely.

(5) The licensee may use or allow use of carpets and other floor coverings when:

(a) Securely fastened to the floor or provided with non-skid backing; and

(b) Kept clean and free of hazards such as curling edges or tattered sections.

(6) The licensee shall, prior to the purchase and installation of carpeting, submit samples to the department for approval in accordance with WAC 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

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(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. Statu-

tory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-170, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-141, filed 4/14/89.]

WAC 388-78A-180 Day rooms. (1) The licensee shall provide one or more day room areas for residents to participate in social and recreational activities. Day room areas include, but are not limited to:

- (a) Solariums;
- (b) Enclosed sun porches;
- (c) Recreation rooms;
- (d) Dining rooms; and
- (e) Living rooms.

(2) The licensee shall provide a total minimum floor space for day room areas of:

(a) One hundred fifty square feet, or ten square feet per resident, whichever is larger, in boarding homes licensed on or before December 31, 1988; or

(b) One hundred fifty square feet, or twenty square feet per resident, whichever is larger, in boarding homes licensed after December 31, 1988.

(3) The licensee shall provide day room areas with comfortable furniture and furnishings meeting resident needs.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-180, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-180, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-180, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-150, filed 4/14/89; 83-13-068 (Order 264), § 248-16-150, filed 6/16/83; Order 147, § 248-16-150, filed 6/29/77; § 248-16-150, filed 10/3/67; Emergency Regulation, filed 8/4/67; Regulation .16.150, effective 3/11/60.]

WAC 388-78A-190 Laundry. (1) The licensee shall provide laundry and linen services on the premises or by commercial laundry and appropriate handling, cleaning, and storage of linen and washable goods.

(2) A licensee washing boarding home laundry and residents' laundry in a single load or more than one resident's laundry in a single load, shall provide, maintain and equip a laundry room with:

- (a) Washing machines with hot water intake temperature of one hundred forty degrees Fahrenheit for each load; and
 - (b) A means of separating clean and soiled items.
- (3) A licensee or resident washing a resident's personal laundry, separate from other laundry, may wash at temperatures below one hundred forty degrees Fahrenheit.

(4) The licensee shall ventilate, to the outside, laundry rooms and areas.

(5) The licensee shall locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

[Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-190, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-190, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-190, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-160, filed 4/14/89; 83-13-068 (Order 264), § 248-16-160, filed 6/16/83; Regulation .16.160, effective 3/11/60.]

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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;

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(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.

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(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 provide delegated nursing services pursuant to chapter 18.79 RCW and chapter 246-840 WAC.

(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 18.79 and 18.88A 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 18.20.090, 02-17-027, § 388-78A-265, filed 8/12/02, effective 9/12/02. 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.

(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.

(2003 Ed.)

(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:

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(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 services or limited nursing services in accordance with chapter 70.02 RCW; and

(e) Retain each resident health record at least five years after the resident moves from the boarding home.

[Statutory Authority: RCW 18.20.240. 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.

(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 388-96 WAC

NURSING FACILITY MEDICAID PAYMENT SYSTEM

WAC

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- 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?
- 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 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?
- 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?
- 388-96-731 When will the department reduce all nursing facilities capital and/or noncapital portion(s) of their rates?
- 388-96-732 How will the department determine whether its notice pursuant to WAC 388-96-724 was timely?
- 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?
- 388-96-740 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?

388-96-741	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?	388-96-100	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.
388-96-742	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?	388-96-101	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.
388-96-744	How will the department set the therapy care rate and determine the median cost limit per unit of therapy?	388-96-103	Skilled nursing care patients. [Order 1168, § 388-96-103, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.
388-96-746	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?	388-96-104	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.
388-96-747	Constructed, remodeled or expanded facilities.	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.
388-96-748	Financing allowance component rate allocation.	388-96-109	Intermediate care facility patients. [Order 1168, § 388-96-109, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.
388-96-757	Payment for veterans' homes.	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.
388-96-760	Upper limits to the payment rate.	388-96-112	Minimum licensed personnel requirements for intermediate care facilities. [Order 1168, § 388-96-112, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.
388-96-762	Allowable land.	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.
388-96-766	Notification of rates.	388-96-116	Provider classification. [Order 1169, § 388-96-116, filed 11/10/76.] Repealed by Order 1257, filed 12/21/77.
388-96-767	Appraisal values.	388-96-118	Exception to dual contract. [Order 1168, § 388-96-118, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.
388-96-771	Receivership.	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.
388-96-776	Add-ons to the payment rate—Capital improvements.	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.
388-96-777	Add-ons to the prospective rate—Initiated by the department.	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.
388-96-779	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.		
388-96-802	May the nursing facility (NF) contractor bill the department for a Medicaid resident's day of death, discharge, or transfer from the NF?		
388-96-803	When a nursing facility (NF) contractor becomes aware of a change in the Medicaid resident's income and/or resources, must he or she report it?		
388-96-901	Disputes.		
388-96-904	Administrative review—Adjudicative proceeding.		
388-96-905	Case mix accuracy review of MDS nursing facility resident assessments.		
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
388-96-015	Phase-in of other definitions. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-015, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.		
388-96-023	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), § 388-96-029, filed 9/16/83; Order 1262, § 388-96-029, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.		
388-96-032	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.		

- 388-96-134 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.
- 388-96-229 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.	388-96-387	Illustration of final settlement form. [Order 1114, § 388-96-387, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-300	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.	388-96-400	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.
388-96-302	Report dates. [Order 1205, § 388-96-302, 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.
388-96-303	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.	388-96-406	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.
388-96-305	Approval required for extensions. [Order 1205, § 388-96-305, 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.
388-96-306	Short-period report procedure. [Order 1114, § 388-96-306, 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.
388-96-308	Late reports. [Order 1205, § 388-96-308, 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.
388-96-309	Incorrect or false report. [Order 1114, § 388-96-309, 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.
388-96-311	Forms. [Order 1205, § 388-96-311, 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.
388-96-312	Amended annual or semiannual report. [Order 1114, § 388-96-312, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.	388-96-424	Multifacility provider. [Order 1114, § 388-96-424, 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.	388-96-427	Uniform system of accounting. [Order 1114, § 388-96-427, 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.	388-96-430	Separate and distinct SNF and/or ICF. [Order 1114, § 388-96-430, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-317	Certification of reports. [Order 1205, § 388-96-317, 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.
388-96-318	Reporting requirements. [Order 1114, § 388-96-318, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.	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.
388-96-320	False reports. [Order 1205, § 388-96-320, filed 4/13/77.] 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.
388-96-321	Extensions. [Order 1114, § 388-96-321, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.	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.
388-96-323	Amendments. [Order 1205, § 388-96-323, filed 4/13/77.] 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.
388-96-324	Delinquent semiannual or annual reports. [Order 1114, § 388-96-324, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.	388-96-448	Medical recipient rates by level of care. [Order 1114, § 388-96-448, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-325	Abbreviated reporting period. [Order 1205, § 388-96-325, filed 4/13/77.] 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.
388-96-326	Retention of records. [Order 1205, § 388-96-326, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.	388-96-454	Prospective rate—Inadequate data. [Order 1114, § 388-96-454, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-327	Determination of prospective daily payment rate. [Order 1114, § 388-96-327, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-457	Prospective rate revision. [Order 1114, § 388-96-457, 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.	388-96-458	Prospective rate—Projected (budgeted) cost increases. [Order 1114, § 388-96-458, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-333	Annual report settlement. [Order 1114, § 388-96-333, 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.
388-96-336	Contested annual settlement. [Order 1114, § 388-96-336, 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.
388-96-339	Final settlement date. [Order 1114, § 388-96-339, 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.
388-96-342	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.	388-96-470	Prospective rate—Change in ownership—Armslength transaction. [Order 1114, § 388-96-470, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-345	Uniform statistical reporting. [Order 1114, § 388-96-345, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.	388-96-473	Final daily settlement rate. [Order 1114, § 388-96-473, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-348	Method of accounting. [Order 1114, § 388-96-348, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.	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.
388-96-351	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.	388-96-479	Adjustments, errors, or omissions. [Order 1114, § 388-96-479, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-354	Final settlement report. [Order 1114, § 388-96-354, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-500	Provider billing instructions—Nursing home statement. [Order 1114, § 388-96-500, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-357	Provider records. [Order 1114, § 388-96-357, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.		
388-96-360	Audits by the department. [Order 1114, § 388-96-360, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-363	Report certification. [Order 1114, § 388-96-363, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.		

- 388-96-501 Allowable costs. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-501, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-501, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-501, filed 6/1/78; Order 1262, § 388-96-501, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-503 Substance prevails over form. [Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-503, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-503, filed 2/25/81; Order 1262, § 388-96-503, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-507 Costs of meeting standards. [Statutory Authority: RCW 74.09.120. 91-22-025 (Order 3270), § 388-96-507, filed 10/29/91, effective 11/29/91; 81-22-081 (Order 1712), § 388-96-507, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-507, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-507, filed 6/1/78; Order 1262, § 388-96-507, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-508 Travel expenses for members of trade association boards of directors. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-508, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-508, filed 5/30/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-509 Boards of directors fees. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-509, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-509, filed 5/30/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-510 Billing period. [Order 1114, § 388-96-510, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-513 Limit on costs to related organizations. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-513, filed 9/14/93, effective 10/15/93; 81-06-024 (Order 1613), § 388-96-513, filed 2/25/81; Order 1262, § 388-96-513, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-520 Suspension of reimbursement formula. [Order 1114, § 388-96-520, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-521 Start-up costs. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-521, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-521, filed 9/16/83; Order 1262, § 388-96-521, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-523 Organization costs. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-523, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-523, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-523, filed 2/25/81; Order 1262, § 388-96-523, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-529 Total compensation—Owners, relatives, and certain administrative personnel. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-529, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-529, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-529, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-529, filed 2/25/81; Order 1262, § 388-96-529, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-531 Owner or relative—Compensation. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-531, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-531, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-531, filed 2/25/81; Order 1262, § 388-96-531, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-533 Maximum allowable compensation of certain administrative personnel. [Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-533, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-533, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-533, filed 12/21/88. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-533, filed 12/23/87. Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-533, filed 5/7/86, effective 7/1/86; 84-12-039 (Order 2105), § 388-96-533, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-533, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-533, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-533, filed 2/25/81. Statutory Authority: RCW 74.09.120. 80-06-122 (Order 1510), § 388-96-533, filed 5/30/80, effective 7/1/80. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-533, filed 6/1/78; Order 1262, § 388-96-533, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-537 Temporary contract labor. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-537, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.
- 388-96-539 Allowable interest. [Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-539, filed 9/16/83; 83-05-007 (Order 1944), § 388-96-539, filed 2/4/83; 81-22-081 (Order 1712), § 388-96-539, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-539, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-539, filed 6/1/78; Order 1262, § 388-96-539, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.
- 388-96-541 Offset of interest income. [Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-541, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-541, filed 2/25/81; Order 1262, § 388-96-541, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.
- 388-96-543 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, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.
- 388-96-549 Rental expense paid to related organizations. [Order 1262, § 388-96-549, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.
- 388-96-555 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.	388-96-628	Partial change of ownership interest. [Order 1114, § 388-96-628, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-567	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.	388-96-630	Donated assets. [Order 1114, § 388-96-630, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-569	Retirement of depreciable assets. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-569, filed 9/14/93, effective 10/15/93; 91-22-025 (Order 3270), § 388-96-569, filed 10/29/91, effective 11/29/91; 81-06-024 (Order 1613), § 388-96-569, filed 2/25/81; Order 1262, § 388-96-569, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-632	Capitalization vs. expense. [Order 1114, § 388-96-632, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-571	Handling of gains and losses upon retirement of depreciable assets settlement periods prior to 1/1/81 and rate periods prior to 7/1/82. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-571, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-571, filed 6/1/78; Order 1262, § 388-96-571, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-634	Construction in process. [Order 1114, § 388-96-634, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-573	Recovery of excess over straight-line depreciation. [Statutory Authority: RCW 74.09.120. 83-05-007 (Order 1944), § 388-96-573, filed 2/4/83; Order 1262, § 388-96-573, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-636	Amortization expense of leasehold improvements. [Order 1114, § 388-96-636, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-587	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.	388-96-638	Leased facilities and equipment. [Order 1114, § 388-96-638, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-600	Reasonable costs. [Order 1114, § 388-96-600, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-640	Interest expense. [Order 1114, § 388-96-640, 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.	388-96-642	Interest rate. [Order 1114, § 388-96-642, 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.	388-96-644	Recovery of interest income. [Order 1114, § 388-96-644, 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.	388-96-646	Interest expense—Related organization. [Order 1114, § 388-96-646, 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.	388-96-648	Construction interest expense. [Order 1114, § 388-96-648, 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.	388-96-650	In-service educational activities. [Order 1114, § 388-96-650, 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.	388-96-652	Owner-administrator compensation and/or allowances. [Order 1114, § 388-96-652, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-614	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.	388-96-654	Relatives of owner compensation and/or allowances. [Order 1114, § 388-96-654, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-616	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.	388-96-656	Owner-administrator of multiple facilities (groups). [Order 1114, § 388-96-656, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-618	Guideline lives and methods of depreciation. [Order 1114, § 388-96-618, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-658	Owner allowances. [Order 1114, § 388-96-658, 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.	388-96-660	Preopening expenses. [Order 1114, § 388-96-660, 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.	388-96-662	Discretionary allowance. [Order 1114, § 388-96-662, 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.	388-96-664	Costs of related organization. [Order 1114, § 388-96-664, 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.	388-96-666	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.

"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, elimination, or withdrawal 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;

- (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; or

- (g) A nursing facility ceases to operate.

- (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., subject 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. When the nursing facility under chapter 70.38 RCW reinstates or reduces the number of licensed beds, then under WAC 388-96-708 or 388-96-709 the number of licensed beds after reinstatement or reduction will be used. 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 ser-

vice 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: RCW 74.46.800. 01-12-037, § 388-96-010, filed 5/29/01, effective 6/29/01. 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

(2003 Ed.)

10/1/98. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-026, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-026, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-026, filed 12/21/88. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-026, filed 9/16/83; Order 1262, § 388-96-026, filed 12/30/77.]

WAC 388-96-107 Requests for extensions. (1) A contractor may request in writing an extension for submitting cost reports. Contractor requests shall:

(a) Be addressed to the manager, residential rates program;

(b) State the circumstances prohibiting compliance with the report due date; and

(c) Be received by the department at least ten days prior to the due date of the report.

(2) The department may grant two extensions of up to thirty days each, only if the circumstances, stated clearly, indicate the due date cannot be met and the following conditions are present:

(a) The circumstances were not foreseeable by the provider; and

(b) The circumstances were not avoidable by advance planning.

[Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-107, filed 12/21/88. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-107, filed 9/16/83; Order 1262, § 388-96-107, filed 12/30/77.]

WAC 388-96-108 Failure to submit final reports. (1)

If a nursing facility's contract is terminated or assigned, and the nursing facility does not submit a final cost report as required by RCW 74.46.040, the nursing facility shall return to the department all payments made to the terminating or assigning contractor relating to the period for which a report has not been received within sixty days after the terminating or assigning contractor receives a written demand from the department.

(2) Effective sixty days after the terminating or assigning contractor receives a written demand for payment, interest will begin to accrue payable to the department on any unpaid balance at the rate of one percent per month.

[Statutory Authority: RCW 74.46.040 and 74.46.050 as amended by 1998 c 322 §§ 3 and 4. 98-20-023, § 388-96-108, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-108, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-108, filed 9/16/83. Statutory Authority: RCW 74.08.090. 82-21-025 (Order 1892), § 388-96-108, filed 10/13/82.]

WAC 388-96-117 Certification requirement. Each required report shall be accompanied by a certification signed on behalf of the contractor responsible to the department during the report period. If the contractor files a federal income tax return, the certification shall be executed by the person normally signing this return. The certification shall also be signed by the licensed administrator of the nursing home. If the report is prepared by someone other than an employee of the contractor, a separate statement shall be included with the certification signed by the individual preparing the report and

indicating his or her status with the contractor. The certification of the cost report shall be submitted in original.

[Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-117, filed 8/19/85; Order 1262, § 388-96-117, filed 12/30/77.]

WAC 388-96-119 Reports—False information. (1) If a contractor knowingly or with reason to know files a report containing false information, such action constitutes good cause for termination of its contract with the department.

(2) In accordance with RCW 74.46.531, the department will make adjustments to payment rates because a false report was filed.

(3) Contractors filing false reports may be referred for prosecution under applicable statutes.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 19(11) and 31 and RCW 74.46.800. 98-20-023, § 388-96-119, filed 9/25/98, effective 10/1/98; Order 1262, § 388-96-119, filed 12/30/77.]

WAC 388-96-122 Amendments to reports. (1) For the purpose of determining allowable costs, the department shall consider an amendment to an annual report only if filed by the provider before the receipt by the provider of the notification scheduling the department's audit. The contractor may file an amendment subsequent to such notification and pursuant to the provisions of RCW 74.46.531 to adjust a payment rate allocation because of an error or omission. When the provider files an amendment, the department shall consider it only if significant errors or omissions are discovered. The department shall deem errors or omissions "significant" when the errors or omissions would mean a net difference of two cents or more per patient day or one thousand dollars or more in reported costs, whichever is higher, in any component rate allocation. To file an amendment, only those cost report pages where changes appear need to be filed, together with the certification required by WAC 388-96-117.

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department shall refuse to consider an amendment resulting in a more favorable settlement or payment rate allocation to a contractor if the amendment is not the result of circumstances beyond the control of the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question.

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

[Statutory Authority: Chapter 74.46 as amended by 1998 c 322 §§ 19(11) and 31 and RCW 74.46.800. 98-20-023, § 388-96-122, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-122, filed 5/7/86, effective 7/1/86; 84-12-039 (Order 2105), § 388-96-122, filed 5/30/84. Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-122, filed 5/14/82; 79-03-021 (Order 1370), § 388-96-122, filed 2/21/79; Order 1262, § 388-96-122, filed 12/30/77.]

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.

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(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:

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(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) As part of the cost report, the proposed settlement report is due in accordance with RCW 74.46.040. 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) The department will:

(i) Review the proposed settlement report for accuracy; and

(ii) 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) When the department receives the proposed settlement report:

(i) By the due date, it will issue the preliminary settlement report within one hundred twenty days of the due date; or

(ii) After the due date, it will issue the preliminary settlement report within one hundred twenty days of the date received.

(c) In its discretion, the department may designate a date later than the dates specified in subsection (2)(b)(i) and (ii) of this section to issue preliminary settlements.

(d) 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 expi-

ration 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: RCW 74.46.800. 01-12-037, § 388-96-218, filed 5/29/01, effective 6/29/01. 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 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.

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(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 home and community services office of the department that serves the area when the amount in the account of any Title XIX Med-

icaid 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. 01-12-037, § 388-96-369, filed 5/29/01, effective 6/29/01. 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.

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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

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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 cashiers 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.

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(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 home and community services office in the area.

(b) If the resident cannot be located after ninety days, the nursing facility shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The nursing facility shall deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(3) Prior to the sale or other transfer of ownership of the nursing facility business, the facility operator shall:

(a) Provide each resident or resident representative with a written accounting of any personal funds held by the facility;

(b) Provide the new operator with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new operator.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-384, filed 5/29/01, effective 6/29/01. 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 contractor's normal billing for care services; except, the department shall not deduct from the allowable costs of a nonprofit facility unrestricted grants, gifts, and endowments, and interest therefrom.

(2) The contractor shall reduce allowable costs for hold-bed revenue in the support services, operations and property rate components only. In the support services rate compo-

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ment, 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.

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(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

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(b) "Implementation date" is the date the facility will begin or began incurring joint facility costs.

(4) The department shall determine the acceptability of the JCAD methodology not later than December 31 of each year for all JCADs received by September 30th.

(a) The effective date of an acceptable JCAD that was received by September 30th is January 1st.

(b) The effective date of an acceptable JCAD that was received after September 30th shall be ninety days from the date the JCAD was received by the department.

(5) The contractor shall submit to the department for approval an amendment or revision to an approved JCAD methodology at least thirty days prior to the implementation date of the amendment or revision. For amendments or revisions received less than thirty days before the implementation date, the effective date of approval will be thirty days from the date the JCAD is received by the department.

(6) When a contractor, who is not currently incurring joint facility costs, begins to incur joint facility costs during the calendar year, the contractor shall provide the information required in subsections (1) and (2) of this section at least ninety days prior to the implementation date. If the JCAD is not received ninety days before the implementation date, the effective date of the approval will be ninety days from the date the JCAD is received by the department.

(7) Joint facility costs not disclosed, allocated, and reported in conformity with this section are nonallowable costs. Joint facility costs incurred before the effective dates of subsections (4), (5), and (6) of this section are unallowable. Costs disclosed, allocated, and reported in conformity with a department-approved JCAD methodology must undergo review and be determined allowable costs for the purposes of rate setting and audit.

[Statutory Authority: RCW 74.46.270. 97-17-040, § 388-96-534, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-534, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-534, filed 5/26/94, effective 6/26/94. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-534, filed 12/23/87. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-534, filed 9/16/83; 80-09-083 (Order 1527), § 388-96-534, filed 7/22/80.]

WAC 388-96-535 Management agreements, management fees, and central office services. (1) The contractor shall disclose to the department the nature and purpose of the management agreement, including an organizational chart showing the relationship between the contractor, management company and all related organizations. The department may request additional information or clarification.

(2) Acceptance of a management agreement may not be construed as a determination that all management fees or costs are allowable in whole or in part. Management fees or costs not disclosed or approved in conformity with chapter 74.46 RCW and this section are unallowable. When necessary for the health and safety of medical care recipients, the department may waive the sixty-day or thirty-day advance notice requirement of RCW 74.46.280 in writing.

(3) Management fees are allowable only for necessary, nonduplicative services that are of the nature and magnitude that prudent and cost-conscious management would pay. Costs of services, facilities, supplies and employees fur-

nished 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 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 ICAD 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

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(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

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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 WAC 388-96-561, 388-96-565, chapter 388-96 WAC, and chapter 74.46 RCW. Where the straight-line or sum-of-the-years digits method of depreciation is used the contractor:

(i) May deduct salvage values from historical costs for each cloth based item, e.g., mattresses, linen, and draperies; and

(ii) Shall deduct salvage values from historical costs of at least:

(A) Five percent of the historical value for each noncloth item included in moveable equipment; and

(B) Twenty-five percent of the historical value for each vehicle.

(2) Unless otherwise provided or limited by this chapter or by chapter 74.46 RCW, the department shall, in determining the total depreciation base of a depreciable real or personal asset owned or leased by the contractor, deduct depreciation relating to all periods subsequent to the more recent of:

(a) The date such asset was first used in the medical care program; or

(b) The most recent date such asset was acquired in an arm's-length purchase transaction which the department is required to recognize for Medicaid cost reimbursement purposes.

No depreciation shall be deducted for periods such asset was not used in the medical care program or was not used to provide nursing care.

(3) The department may have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington if:

(a) The department challenges the historical cost of an asset; or

(b) The contractor cannot or will not provide the historical cost of a leased asset and the department is unable to determine such historical cost from its own records or from any other source.

The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal.

If an appraisal is conducted, the depreciation base of the asset and cost basis of land will not exceed the fair market value of the asset. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious.

(4) If the land and depreciable assets of a newly constructed nursing facility were never used in or as a nursing facility before being purchased from the builder, the cost basis and the depreciation base shall be the lesser of:

(a) Documented actual cost of the builder; or

(b) The approved amount of the certificate of need issued to the builder.

When the builder is unable or unwilling to document its costs, the cost basis and the depreciation base shall be the approved amount of the certificate of need.

(5) For leased assets, the department may examine documentation in its files or otherwise obtainable from any source to determine:

(a) The lessor's purchase acquisition date; or

(b) The lessor's historical cost at the time of the last arm's-length purchase transaction.

If the department is unable to determine the lessor's acquisition date by review of its records or other records, the department, in determining fair market value as of such date, may use the construction date of the facility, as found in the state fire marshal's records or other records, as the lessor's purchase acquisition date of leased assets.

(6) For all rate periods past or future, where depreciable assets or land are acquired from a related organization, the contractor's depreciation base and land cost basis shall not exceed the base and basis the related organization had or would have had under a contract with the department.

(7) If a contractor cannot or will not provide the lessor's purchase acquisition cost of assets leased by the contractor and the department is unable to determine historical purchase cost from another source, the appraised asset value of land, building, or equipment, determined by or through the department of general administration shall be adjusted, if necessary, by the department using the *Marshall and Swift Valuation Guide* to reflect the value at the lessor's acquisition date. If an appraisal has been prepared for leased assets and the assets subsequently sell in the first arm's-length transaction since January 1, 1980, under subsection (9) of this section, the *Marshall and Swift Valuation Guide* will be used to adjust, if necessary, the asset value determined by the appraisal to the sale date. If the assets are located in a city for which the *Marshall and Swift Valuation Guide* publishes a specific index, or if the assets are located in a county containing that city, the city-specific index shall be used to adjust the appraised value of the asset. If the assets are located in a city or county for which a specific index is not calculated, the *Western District Index* calculated by Marshall and Swift shall be used.

(8) For new or replacement building construction or for substantial building additions requiring the acquisition of land and which commenced to operate on or after July 1, 1997, the department shall determine allowable land costs of the additional land acquired for the new or replacement construction or for substantial building additions to be the lesser of:

(a) The contractor's or lessor's actual cost per square foot; or

(b) The square foot land value as established by an appraisal that meets the latest publication of the *Uniform Standards of Professional Appraisal Practice (USPAP)* and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). The department shall obtain a USPAP appraisal that meets FIRREA first from:

(i) An arms'-length lender that has accepted the ordered appraisal; or

(ii) If the department is unable to obtain from the arms'-length lender a lender-approved appraisal meeting USPAP and FIRREA standards or if the contractor or lessor is unable or unwilling to provide or cause to be provided a lender-approved appraisal meeting USPAP and FIRREA standards, then:

(A) The department shall order such an appraisal; and

(B) The contractor shall immediately reimburse the department for the costs incurred in obtaining the USPAP and FIRREA appraisal.

(9) Except as provided for in subsection (8) of this section, for all rates effective on or after January 1, 1985, if depreciable assets or land are acquired by purchase which were used in the medical care program on or after January 1, 1980, the depreciation base or cost basis of such assets shall not exceed the net book value existing at the time of such acquisition or which would have existed had the assets continued in use under the previous Medicaid contract with the department; except that depreciation shall not be accumulated for periods during which such assets were not used in the medical care program or were not in use in or as a nursing care facility.

(10)(a) Subsection (9) of this section shall not apply to the most recent arm's-length purchase acquisition if it occurs ten years or more after the previous arm's-length transfer of ownership nor shall subsection (9) of this section apply to the first arm's-length purchase acquisition of assets occurring on or after January 1, 1980, for facilities participating in the Medicaid program before January 1, 1980. The depreciation base or cost basis for such acquisitions shall not exceed the lesser of the fair market value as of the date of purchase of the assets determined by an appraisal conducted by or through the department of general administration or the owner's acquisition cost of each asset, land, building, or equipment. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious. Should a contractor request a revaluation of an asset, the contractor must document ten years have passed since the most recent arm's-length transfer of ownership. As mandated by Section 2314 of the Deficit Reduction Act of 1984 (P.L. 98-369) and state 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: RCW 74.46.800. 01-12-037, § 388-96-559, filed 5/29/01, effective 6/29/01. 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 guidelines 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;

(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

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(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.]

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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 Medicaid payment rate allocations using the greater of actual days from the cost report period on which the rate is based or days calculated by multiplying the new number of licensed beds times eighty-five percent times the number of calendar days in the cost report period on which the rate being recalculated is based.

(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.

(6) After the department recalculates the contractor's prospective Medicaid component rate allocations using the increased number of licensed beds, the department will use the increased number of licensed beds in all post unbanking rate settings, until under chapter 74.46 RCW and/or this

chapter, the post unbanking number of licensed beds changes.

[Statutory Authority: RCW 74.46.800, 01-12-037, § 388-96-708, filed 5/29/01, effective 6/29/01. 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 recalculate 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 when the contractor complies with subsection (1)(a) and (b) of this section and the effective date of the licensed bed reduction falls:

(a) 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

(b) 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.

(4) The department will recalculate a nursing facility's prospective Medicaid payment rate allocations using the greater of actual days from the cost report period on which the rate is based or days calculated by multiplying the new number of licensed beds times eighty-five percent times the number of calendar days in the cost report period on which the rate being recalculated is based.

(5) After the department recalculates the contractor's prospective Medicaid component rate allocations using the decreased number of licensed beds, the department will use the decreased number of licensed beds in all post banking rate settings, until under chapter 74.46 RCW and/or this chapter, the post banking number of licensed beds changes.

[Statutory Authority: RCW 74.46.800, 01-12-037, § 388-96-709, filed 5/29/01, effective 6/29/01. 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 will 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 will take effect as of the effective date of the contract, except as provided in this section, and will 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) will 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 will 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 will:

(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 will 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 will be multiplied by the Medicaid average case mix index per WAC 388-96-740. The product will be the new contractor's direct care rate under case mix; and

(C) The department will not apply RCW 74.46.506 (5)(k) to any direct care rate established under subsection (5)(e) or (f) of this section. When the department establishes a new contractor's direct care rate under subsection (5)(e) or (f) of this section, the new contractor 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 will use for direct care, therapy care, support services and operations rate allocations those 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 will 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) will be established under subsections (3) and (4) of this section. If the WAC 388-96-026 (1)(a) or (b) contractor's initial rate is set:

(a) Between July 1, 2000 and June 30, 2001, the department will set the new contractor's rates for:

(i) July 1, 2001 using the July 1, 2001 rates for direct care, therapy care, support services, and operations of the sample facilities used to set the initial rate under subsections (3) and (4) of this section.

(A) Property and financing allowance component rates will remain the same as set for the initial rate.

(B) Variable return component rate using the rates determined under subsection (5)(a)(i) of this section;

(ii) July 1, 2002 rate using 2001 cost report data; and

(iii) All July 1 rates following July 1, 2002 in accordance with this chapter and chapter 74.46 RCW;

(b) Between July 1, 2001, and June 30, 2002, the department will set the new contractor's rates for:

(i) July 1, 2002 using July 1, 2002 rates for direct care, therapy care, support services, and operation of the sample facilities used to set the initial rate under subsections (3) and (4) of this section.

(A) Property and financing allowance component rates will remain the same as set for the initial rate.

(B) Variable return component rate using the rates determined under subsection (5)(b)(i) of this section;

(ii) July 1, 2003 rate by rebasing using 2002 cost report data in accordance with this chapter and chapter 74.46 RCW; and

(iii) All July 1 rates following July 1, 2003 in accordance with this chapter and chapter 74.46 RCW; or

(c) Between July 1, 2002, and June 30, 2003, the department will set the contractor's rates for:

(i) July 1, 2003 using July 1, 2003 rates for direct care, therapy care, support services, and operation of the sample facilities used to set the initial rate under subsection (3) and (4) of this section.

(A) Property and financing allowance component rates will remain the same as set for the initial rate.

(B) Variable return component rate using the rates determined under subsection (5)(c)(i) of this section;

(ii) July 1, 2004 by rebasing using 2003 cost report data; and

(iii) All July 1 rates following July 1, 2004 in accordance with this chapter and chapter 74.46 RCW.

(6) For the WAC 388-96-026 (1)(c) new contractor, the initial prospective payment rate will 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 is set:

(a) Between October 1, 1998 and June 30, 1999, the department will not rebase the contractor's rate for:

(i) July 1, 1999; and

(ii) July 1, 2000;

(b) Between July 1, 1999 and June 30, 2000, the department will for:

(i) July 1, 2000 not rebase the new contractor's rate;

(ii) July 1, 2001 rebase the new contractor's rate using twelve months of cost report data derived from the old contractor's and the new contractor's 1999 cost reports; and

(iii) July 1, 2002 not rebase the new contractor's rate; and

(iv) July 1, 2003 not rebase the new contractor's rate;

(c) Between July 1, 2000 and June 30, 2001, the department will for:

(i) July 1, 2001 rebase the new contractor's rate using the old contractor's 1999 twelve month cost report;

(ii) July 1, 2002 not rebase the new contractor's rate;

(iii) July 1, 2003 not rebase the new contractor's rate; or

(d) Between July 1, 2001 and June 30, 2002, the department will for:

(i) July 1, 2002 not rebase the new contractor's rate;

(ii) July 1, 2003 not rebase the new contractor's rate; and

(iii) July 1, 2004 rebase the new contractor's rate using the new contractor's 2002 cost report containing at least six month's data.

(7) A prospective payment rate set for all new contractors will be subject to adjustments for economic trends and conditions as authorized and provided in this chapter and in chapter 74.46 RCW.

(8) For a WAC 388-96-026 (1)(a), (b) or (c) new contractor, the Medicaid case mix index and facility average case mix index will be determined in accordance with this chapter and chapter 74.46 RCW.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-710, filed 5/29/01, effective 6/29/01. 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. The department will calculate any limit, lid, and/or median only when it rebases each nursing facility's July 1 Medicaid payment rate in accordance with chapter 74.46 RCW and this chapter.

(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.

(4) In setting rates, the department will use the greater of actual days from the cost report period on which the rate is based or days calculated at eighty-five percent occupancy.

[Statutory Authority: RCW 74.46.800, 01-12-037, § 388-96-713, filed 5/29/01, effective 6/29/01; 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, for rate determinations through March 2000 only, 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 deter-

mine 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) For rate determinations through March 2000 only, 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: RCW 74.46.800. 01-12-037, § 388-96-714, filed 5/29/01, effective 6/29/01. 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 condi-

tions; 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 quarterly 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: RCW 74.46.800. 01-12-037, § 388-96-723, filed 5/29/01, effective 6/29/01. 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.]

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

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tal 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.]

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 PFR(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.

[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 388-96-732 How will the department determine whether its notice pursuant to WAC 388-96-724 was timely? The department will deem the contractor to have received the department's notice five calendar days after the date on 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 will be used to determine timeliness of the notice.

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[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-732, filed 5/29/01, effective 6/29/01.]

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 will use one as the Medicaid case mix index.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-740, filed 5/29/01, effective 6/29/01. 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.]

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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 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.]

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WAC 388-96-746 How much therapy consultant expense for each therapy type will the department allow to be added to the total allowable one-on-one therapy expense? (1) The department will multiply the actual patient days when greater than eighty-five percent or patient days at eighty-five percent occupancy by both:

(a) A nursing facility's adjusted therapy consulting costs per patient day; and

(b) The median adjusted therapy consulting cost plus ten percent.

The lesser of (a) or (b) of this subsection will be reasonable therapy consulting costs that the department shall add to the total allowable one-on-one therapy expense used to calculate the therapy care rate.

(2) To determine the median adjusted therapy consulting cost per type of therapy, the department shall:

(a) Divide Medicaid nursing facilities in the state into two peer groups:

(i) Those facilities located within a metropolitan statistical area; and

(ii) Those not located in a metropolitan statistical area. Metropolitan statistical areas and nonmetropolitan statistical areas shall be as determined by the United States Office of Management and Budget or other applicable federal office.

(b) Array the facilities in each peer group from highest to lowest based on their therapy consulting cost per patient day for each type of therapy.

(c) Determine the median total cost for therapy consulting per patient day costs by MSA and non-MSA peer group and add ten percent to that median cost.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 26 and RCW 74.46.800. 98-20-023, § 388-96-746, filed 9/25/98, effective 10/1/98.]

WAC 388-96-747 **Constructed, remodeled or expanded facilities.** (1) When a facility is constructed, remodeled, or expanded after obtaining a certificate of need or exemption from the requirements for certificate of need for the replacement of existing nursing home beds pursuant to RCW 70.38.115 (13)(a), the department shall determine actual and allocated allowable land cost and building construction cost. Payment for such allowable costs, determined pursuant to the provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections (2) and (7) of this section. The department shall determine construction class and types through examination of building plans submitted to the department and/or on-site inspections. The department shall use definitions and criteria contained in the Marshall and Swift Valuation Service published by the Marshall and Swift Publication Company. Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

(2) Construction costs shall be final labor, material, and service costs to the owner or owners and shall include:

(a) Architect's fees;

(b) Engineers' fees (including plans, plan check and building permit, and survey to establish building lines and grades);

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- (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.

(2003 Ed.)

[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. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-771, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.120. 88-06-085 (Order 2602), § 388-96-771, filed 3/2/88.]

WAC 388-96-776 Add-ons to the payment rate—Capital improvements. (1) The department shall grant an add-on to a payment rate for any capitalized additions or replacements made as a condition for licensure or certifica-

tion; 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)(a) No rate add-on shall take effect more than sixty days before the office of rates management receives the initial written request and no earlier than the first of the month in which the physical plant improvements are completed and fully utilized.

(b) The following table indicates the effective date of an approved rate add-on in relation to the month in which the sixtieth day falls and the month that the project is completed and fully utilized:

The sixtieth day before the initial written request falls in:	The project is completed and fully utilized:	The effective date of the approved rate add-on:
(i) Any month before the month in which the project is completed and fully utilized.	In any month following the month in which the sixtieth day falls.	(A) When the project is completed and fully utilized before the sixteenth of the month, the effective date is the first of that month; or

The sixtieth day before the initial written request falls in:	The project is completed and fully utilized in:	The effective date of the approved rate add-on:
		(B) When the project is completed and fully utilized after the fifteenth of the month, the effective date is the first of the month following the month in which the project is completed and fully utilized.
(ii) Any month after the month in which the project is completed and fully utilized.	In any month before the month in which the sixtieth day falls.	The first of the month following the month in which the sixtieth day falls unless the sixtieth day falls on the first of the month, then apply subsection (9)(b)(i)(A) and (B).
(iii) The same month in which the project is completed and fully utilized.	In the same month in which the sixtieth day falls.	The first of the month following the month in which the sixtieth day falls, unless the sixtieth day falls on the first of the month, then apply subsection (9)(b)(i)(A) and (B).

(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: RCW 74.46.800. 01-12-037, § 388-96-776, filed 5/29/01, effective 6/29/01. 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 residential care 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,

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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. 01-12-037, § 388-96-777, filed 5/29/01, effective 6/29/01; 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:

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- (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 or the department approved functional assessment measure to determine whether the exceptional therapy care rate continues to be necessary. The department will terminate the exceptional therapy care rate for a Medicaid resident who has:

(i) Made no measurable improvement in rehabilitation as demonstrated by his/her assessments; or

(ii) Not participated in a rehabilitation program averaging a minimum of two hours per day, five days per week.

(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 calendar days per episode. After one hundred calendar days per episode, the department will pay for any therapy treatment the Medicaid resident may receive under RCW 74.46.511.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-780, filed 5/29/01, effective 6/29/01. 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 388-96-802 May the nursing facility (NF) contractor bill the department for a Medicaid resident's day of death, discharge, or transfer from the NF? No, the NF contractor may bill the department for the first day of a Medicaid resident's stay but not the last day.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-802, filed 5/29/01, effective 6/29/01.]

WAC 388-96-803 When a nursing facility (NF) contractor becomes aware of a change in the Medicaid resident's income and/or resources, must he or she report it? Yes, within seventy-two hours of becoming aware of a change in the Medicaid resident's income and/or resources, the NF contractor will report the change in writing to the home and community services office serving the area in which the NF is located. When reporting the change, the NF contractor will include copies of any available documentation of the change in the Medicaid resident's income and/or resources.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-803, filed 5/29/01, effective 6/29/01.]

WAC 388-96-901 Disputes. (1) If a contractor wishes to contest the way in which a statute or department rule relating to the nursing facility Medicaid payment system was applied to the contractor by the department, the contractor shall pursue the administrative review process prescribed in WAC 388-96-904.

(a) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW subject to administrative

review under WAC 388-96-904 include but are not limited to:

- (i) Determining a nursing facility payment rate;
- (ii) Calculating a nursing facility settlement;
- (iii) Imposing a civil fine on the nursing facility;
- (iv) Suspending payment to a nursing facility; or
- (v) Refusing to contract with a nursing facility.

(b) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW not subject to administrative review under WAC 388-96-904 include but are not limited to those taken under the authority of RCW 74.46.421 and sections of this chapter implementing RCW 74.46.421.

(2) The administrative review process prescribed in WAC 388-96-904 shall not be used to contest or review unrelated or ancillary department actions, whether review is sought to obtain a ruling on the merits of a claim or to make a record for subsequent judicial review or other purpose. If an issue is raised that is not subject to review under WAC 388-96-904, the presiding 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 of federal laws, regulations, or policies;

(d) Challenges to the legal validity of a statute or regulation;

(e) Issues relating to case mix accuracy review of minimum data set (MDS) nursing facility resident assessments, which shall be limited to separate administrative review under the provisions of WAC 388-96-905;

(f) Quarterly rate updates to reflect changes in a facility's resident case mix;

(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;

(h) Issues relating to exceptional therapy care and exceptional direct care programs codified at WAC 388-96-779 through 388-96-782; and

(i) Department actions taken under WAC 388-96-218 (2)(c).

(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, 01-12-037, § 388-96-901, filed 5/29/01, effective 6/29/01. 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. 84-05-040 (Order 2076), § 388-96-904, filed 2/17/84. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-904, filed 10/13/82; Order 1262, § 388-96-904, filed 12/30/77.]

WAC 388-96-905 Case mix accuracy review of MDS nursing facility resident assessments. (1) The department shall perform periodic nursing facility on-site accuracy reviews of minimum data set (MDS) assessments of nursing facility residents, for the purpose of verifying the accuracy of facility case mix data used to establish and update Medicaid payment rates, and for other purposes the department may deem appropriate.

(2) Contractors, their representatives, and authorized nursing facility personnel may ask questions and raise concerns with the quality assurance nurse (QAN) or other designated department representative at the time a case mix accuracy review is conducted. Contractors, their representatives and authorized nursing facility personnel should attempt to resolve any differences and provide additional documentation, information or clarification prior to the case mix accuracy review exit conference.

(3) Upon completing a case mix accuracy review, the QAN shall hold an exit conference to inform the facility of the QAN's observations and preliminary findings. MDS inaccuracies, if any, will be identified and the findings that substantiate these inaccuracies shall be described.

(4) Within five working days after the case mix accuracy review exit conference is held, the nursing facility district manager (DM) for the facility's district shall send the case mix accuracy review decision letter to the nursing facility administrator at the facility address. The case mix accuracy review decision letter shall be sent certified mail, return receipt requested, shall describe in detail the QAN's findings, and shall identify the:

- (a) Resident assessments that were reviewed;
- (b) RUG-III or other applicable case mix grouping that was determined for the resident assessments reviewed;
- (c) Changes in assigned classification, if any, that were made for residents whose assessments were reviewed;
- (d) Right of the contractor to appeal any disagreement with the case mix accuracy review decision to the department's case mix accuracy review administrator or his or her delegate:

- (i) Where to send an appeal request; and
- (ii) The time limit for requesting an appeal.

(5) If the contractor intends to appeal the DM's case mix accuracy review decision letter, the appeal request must be in writing and mailed to the department's case mix accuracy administrator within ten calendar days after receipt of the case mix accuracy review decision letter. The appeal request letter shall:

- (a) Be signed by the contractor or by a partner, officer, or authorized employee of the contractor;
- (b) State the particular issue(s) raised, including any explanation or basis for disagreeing with the department's findings or actions.

(6) Prior to the informal administrative hearing, the case mix accuracy review administrator shall have no involvement in the case mix accuracy review decision.

(7) Upon receiving a timely appeal request, the administrator shall review any documentation and information submitted with the request, and contact the contractor by telephone to schedule an informal administrative hearing. The purpose of this informal hearing is to give the contractor one opportunity to present information which might warrant modification or deletion of resident-specific accuracy findings resulting from the case mix accuracy review. The scope of the informal administrative hearing shall be limited to clinical issues of resident need and assessment. Nonclinical issues beyond the scope of appeal include, but are not limited to:

- (a) Any remedies or negative actions imposed by the department to rectify practices or inaccuracies;
- (b) Alleged inconsistencies in the accuracy review process;
- (c) Challenges to the authority or adequacy of the case mix accuracy review process; and
- (d) Payment rate issues or other adverse actions subject to review under WAC 388-96-904.

(8) On or before the informal hearing date, the contractor must submit all necessary supporting documentation or other information to the case mix accuracy review administrator. The administrator may request additional information or documentation from the contractor at any time before issuing the final, informal hearing decision. The contractor shall provide all information or documentation within the time limits established by this section, or by the administrator. In the event that the contractor fails to submit the required documentation for a claim or issue within the specified time limits, the accuracy review administrator shall dismiss the claim or issue with prejudice.

(9) The informal case mix accuracy review administrative hearing shall be conducted in person, unless both the contractor and the department agree that it can be conducted by telephone.

(10) Within ten days after the informal administrative hearing or within ten days after receipt of any additional information or documentation requested, whichever is later, the case mix accuracy review administrator shall send the appeal decision in writing to the nursing facility administrator at the facility address. The appeal decision letter shall be sent regular mail and shall:

- (a) Be the final agency decision of the department;
- (b) Be based on the independent judgment of the case mix accuracy review administrator who conducted the informal administrative hearing and reviewed all information and documentation; and

(c) Recite the right of the contractor to seek judicial review under the state's Administrative Procedure Act (chapter 34.05 RCW).

(11) A contractor dissatisfied with the final agency decision issued by the case mix accuracy review administrator may file a petition for judicial review pursuant to RCW 34.05.570(3) or other applicable authority.

[Statutory Authority: RCW 74.46.780 as amended by 1998 c 322 § 41 and RCW 74.46.800. 98-20-023, § 388-96-905, filed 9/25/98, effective 10/1/98.]

Chapter 388-97 WAC
NURSING HOMES

WAC

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388-97-630	Remedies.	388-97-095	Dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-095, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-635	Criteria for imposing optional remedies.		
388-97-640	Severity and scope of deficiencies.		
388-97-645	Separate deficiencies—Separate remedies.		
388-97-650	Stop placement.		
388-97-655	Amount of civil fine.	388-97-100	Discharge planning. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-100, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-660	Civil fine accrual and due dates and interest.		
388-97-665	Civil penalty fund.		
388-97-670	Temporary management.		
388-97-675	Receivership.		
388-97-680	Temporary managers and receivers—Application.	388-97-105	Relocation due to decertification, license revocation closure, evacuation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-105, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-685	Temporary managers and receivers—Considerations before appointment.		
388-97-690	Duties and powers of temporary manager and receiver.		
388-97-695	Termination of temporary management and receivership.	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.
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
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.
388-97-015	License—Qualification. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-015, filed 9/15/94, effective 10/16/94.] 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.
388-97-020	Nursing home fees. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-020, filed 9/15/94, effective 10/16/94.] 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.
388-97-022	Medical eligibility for nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-022, filed 2/24/00, effective 3/26/00.] Repealed by 00-22-018, filed 10/20/00, effective 10/31/00. Statutory Authority: RCW 74.39A.040, 74.42.056.	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.
388-97-025	License capacity. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-025, filed 9/15/94, effective 10/16/94.] 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.
388-97-030	Change of ownership. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-030, filed 9/15/94, effective 10/16/94.] 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.
388-97-035	Change in administrator or director of nursing services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-035, filed 9/15/94, effective 10/16/94.] 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.
388-97-040	Name of nursing home. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-040, filed 9/15/94, effective 10/16/94.] 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.
388-97-045	License relinquishment upon closure. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-045, filed 9/15/94, effective 10/16/94.] 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.
388-97-050	License denial, modification, nonrenewal, revocation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-050, filed 9/15/94, effective 10/16/94.] 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.
388-97-070	Resident rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-070, filed 9/15/94, effective 10/16/94.] 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
388-97-080	Quality of life. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-080,		

**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).

"Administrative hearing" is a formal hearing proceeding before a state administrative law judge that gives a licensee an opportunity to be heard in disputes about licensing actions, including the imposition of remedies, taken by the department.

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

"Administrator" means a nursing home administrator, licensed under chapter 18.52 RCW, must be in active administrative charge of the nursing home, as that term is defined in the board of nursing home administrator's regulations.

"Advanced registered nurse practitioner (ARNP)" means a registered nurse currently licensed in Washington under RCW 18.79.050 or successor laws.

"Applicant" means an individual, partnership, corporation, or other legal entity seeking a license to operate a nursing home.

"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.

"Civil fine" is a civil monetary penalty assessed against a nursing home as authorized by chapters 18.51 and 74.42 RCW. There are two types of civil fines, "per day" and "per instance."

(1) "Per day fine" means a fine imposed for each day that a nursing home is out of compliance with a specific requirement. Per day fines are assessed in accordance with WAC 388-97-660(1); and

(2) "Per instance fine" means a fine imposed for the occurrence of a deficiency.

"Condition on a license" means that the department has imposed certain requirements on a license and the licensee

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.

cannot operate the nursing home unless the requirements are observed.

"Deficiency" is a nursing home's failed practice, action or inaction that violates any or all of the following:

(1) Requirements of chapters 18.51 or 74.42 RCW, or the requirements of this chapter; and

(2) In the case of a Medicare and Medicaid contractor, participation requirements under Title XVIII and XIX of the Social Security Act and federal Medicare and Medicaid regulations.

"Deficiency citation" or **"cited deficiency"** means written documentation by the department that describes a nursing home's deficiency(ies); the requirement that the deficiency(ies) violates; and the reasons for the determination of noncompliance.

"Deficient facility practice" or **"failed facility practice"** means the nursing home action(s), error(s), or lack of action(s) that provide the basis for the deficiency.

"Dementia care" means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

"Denial of payment for new admissions" is an action imposed on a nursing home (facility) by the department that prohibits payment for new Medicaid admissions to the nursing home after a specified date. Nursing homes certified to provide Medicare and Medicaid services may also be subjected to a denial of payment for new admissions by the federal Centers for Medicare and Medicaid Services.

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

"Department on-site monitoring" means an optional remedy of on-site visits to a nursing home by department staff according to department guidelines for the purpose of monitoring resident care or services or both.

"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 in accordance with the requirements under RCW 43.43.834. The statement should include a disclosure of whether or not the individual has been convicted of certain crimes or has been 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.

"Emergency closure" is an order by the department to immediately close a nursing home.

"Emergency transfer" is an order by the department to immediately transfer residents from a nursing home to safe settings.

"Entity" means any type of firm, partnership, corporation, company, association, or joint stock association.

"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.

"Highest practicable physical, mental, and psychosocial well-being" means that the nursing home must provide each resident with the necessary individualized care and services to assist the resident to achieve or maintain the highest possible health, functional and independence level in accordance with the resident's comprehensive assessment and plan of care. Care and services provided by the nursing home must be consistent with all requirements in this chapter, chapter 74.42 and 18.51 RCW, and the resident's informed choices. For Medicaid and Medicare residents, care and services must also be consistent with Title XVIII and XIX of the Social Security Act and federal Medicare and Medicaid regulations.

"Informal department review" is a dispute resolution process that provides an opportunity for the licensee or administrator to informally present information to a department representative about disputed, cited deficiencies. Refer to WAC 388-97-620.

"Inspection" or **"survey"** means the process by which department staff evaluate the nursing home licensee's compliance with applicable statutes and regulations.

"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.

"License revocation" is an action taken by the department to cancel a nursing home license in accordance with RCW 18.51.060 and WAC 388-97-570.

"License suspension" is an action taken by the department to temporarily revoke a nursing home license in accordance with RCW 18.51.060 and this chapter.

"Licensee" means an individual, partnership, corporation, or other legal entity licensed to operate a nursing home.

"Licensed practical nurse" means an individual licensed under chapter 18.79 RCW;

"Mandated reporter" as used in this chapter means any employee of a nursing home, any health care provider subject to chapter 18.130 RCW, the Uniform Disciplinary Act, and any licensee of a nursing home. Under RCW 74.34.020, mandated reporters also include any employee of the department of social and health services, law enforcement officers, social workers, professional school personnel, individual providers, employees and licensees of boarding home, adult family homes, soldiers' homes, residential habilitation centers, or any other facility licensed by the department, employees of social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agencies,

county coroners or medical examiners, or Christian Science practitioners.

"Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money.

"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 to a resident; 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 a resident with the goods and services necessary to avoid physical harm, mental anguish, or mental illness.

"Noncompliance" means a state of being out of compliance with state and/or federal requirements for nursing homes/facilities.

"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 home that has been certified to provide nursing services to Medicaid recipients under Section 1919(a) of the Federal Social Security Act.

"Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

"Officer" means an individual serving as an officer of a corporation.

"Owner of five percent or more of the assets of a nursing home" means:

(1) In the case of a sole proprietorship, the owner, or if owned as community property, the owner and the owner's spouse;

(2) In the case of a corporation, the owner of at least five percent of the capital stock of a corporation; or

(3) In the case of other types of business entities, the owner of a beneficial interest in at least five percent of the capital assets of an entity.

"Partner" means an individual in a partnership owning or operating a nursing home.

"Person" means any individual, firm, partnership, corporation, company, association or joint stock association.

"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.

"Plan of correction" is a nursing home's written response to cited deficiencies that explains how it will correct the deficiencies and how it will prevent their reoccurrence.

"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 or individual applying for admission 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.

"Receivership" is established by a court action and results in the removal of a nursing home's current licensee and the appointment of a substitute licensee to temporarily operate the nursing home.

"Recurring deficiency" means a deficiency that was cited by the department, corrected by the nursing home, and then cited again within fifteen months of the initial deficiency citation.

"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 nursing home that has been certified to provide nursing services to Medicare recipients under Section 1819(a) of the Federal Social Security Act.

"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.

"Stop placement" or **"stop placement order"** is an action taken by the department prohibiting nursing home admissions, readmissions, and transfers of patients into the nursing home from the outside.

"Substantial compliance" means the nursing home has no deficiencies higher than severity level 1 as described in WAC 388-97-640, or for Medicaid certified facility, no deficiencies higher than a scope and severity "C."

"Surrogate decision maker" means a resident representative or representatives as outlined in WAC 388-97-055, and as authorized by RCW 7.70.065.

"Survey" means the same as **"inspection"** as defined in this section.

"Temporary manager" means an individual or entity appointed by the department to oversee the operation of the nursing home to ensure the health and safety of its residents, pending correction of deficiencies or closure of the facility.

"Termination" means an action taken by:

(1) The department, or the nursing home, to cancel a nursing home's Medicaid certification and contract; or

(2) The Department of Health and Human Services Centers for Medicare and Medicaid Services, or the nursing home, to cancel a nursing home's provider agreement to provide services to Medicaid or Medicare recipients, or both.

"Toilet room" means a room containing at least one toilet fixture.

"Uncorrected deficiency" is a deficiency that has been cited by the department and that is not corrected by the licensee by the time the department does a revisit.

"Violation" means the same as **"deficiency"** as defined in this section.

"Volunteer" means an individual who is a regularly scheduled individual not receiving payment for services and having unsupervised access to a nursing home resident.

"Whistle blower" means a resident, employee of a nursing home, or any person licensed under Title 18 RCW, who in good faith reports alleged abandonment, abuse, financial exploitation, or neglect to the department, the department of health or to a law enforcement agency.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-005, filed 6/27/02, effective 7/28/02; 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 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 known or 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 hearing 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 388-02 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 388-02 WAC, the provision in this chapter will prevail;

(b) The resident must 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 a nursing facility or skilled nursing facility.

(e) Any review of the administrative law judge's initial decision shall be conducted under WAC 388-02-0600(1).

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-043, filed 6/27/02, effective 7/28/02; 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

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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.

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(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 directives. 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.]

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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;

(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

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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 provide 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 and in writing and in language and words that the resident understands, with the following information:

(a) All rules and regulations governing resident conduct, resident's rights and responsibilities during the stay in the nursing home;

(b) Advanced directives, and of any nursing home policy or practice that might conflict with the resident's advance directive if made;

(c) Advance notice of transfer requirements, consistent with RCW 70.129.110;

(d) Advance notice of deposits and refunds, consistent with RCW 70.129.150; and

(e) Items, services and activities available in the nursing home and of charges for those services, including any charges for services not covered under Medicare or Medicaid or by the home'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; 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 nursing home 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 nursing home offers and for which the resident may be charged, and the amount of charges for those services;

(b) That deposits, admission fees and prepayment of charges 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 nursing home 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 nursing home, must provide the individual:

(i) Full disclosure in writing in a language the potential resident or his representative understands:

(A) Of the nursing home's schedule of charges for items, services, and activities provided by the nursing home; and

(B) Of what portion of the deposits, admissions fees, prepaid charges or minimum stay fee will be refunded to the resident if the resident leaves the nursing home.

(ii) The amount of any admission fees, deposits, or minimum stay fees.

(iii) If the nursing home does not provide these disclosures, the nursing home must not keep deposits, admission fees, prepaid charges or minimum stay fees.

(b) If a resident dies or is hospitalized or is transferred and does not return to the nursing home, the nursing home:

(i) Must refund any deposit or charges already paid, less the home's per diem rate, for the days the resident actually resided or reserved or retained a bed in the nursing home, regardless of any minimum stay or discharge notice requirements; except that

(ii) The nursing home 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 nursing home; and

(d) Where the nursing home requires the execution of an admission contract by or on behalf of an individual seeking admission to the nursing home, 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 individuals applying 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, 74.42.620, 02-14-063, § 388-97-07005, filed 6/27/02, effective 7/28/02; 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.

(2003 Ed.)

(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

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(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.

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(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) The resident has the right to examine the results of:

- (a) The most recent survey of the nursing home conducted by federal and state surveyors;
- (b) Surveys related to any current or subsequent complaint investigation; and
- (c) Any required accompanying plan of correction, completed or not.

(2) Upon receipt of any deficiency citation report, the nursing home must publicly post a notice:

- (a) That the results of the survey or complaint investigation, or both, are available regardless of whether the plan of correction is completed or not;
- (b) Of the location of the deficiency citation reports.

(3) For a report posted prior to the plan of correction being completed, the nursing home may attach an accompanying notice that explains the purpose and status of the plan of correction, informal dispute review, administrative hearing and other relevant information.

(4) Upon receipt of any citation report, the nursing home must publicly post a copy of the most recent full survey and all subsequent complaint investigation deficiency citation reports, including the completed plans of correction, when one is required.

(5) The notices and any survey reports must be available for viewing or examination in a place or places:

- (a) Readily accessible to residents, which does not require staff interventions to access; and
- (b) In plain view of the nursing home residents, including individuals visiting those residents, and individuals who inquire about placement in the nursing home.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-07040, filed 6/27/02, effective 7/28/02; 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) For Medicare and Medicaid residents any representative of the U.S. Department of Health and Human Services (DHHS);

(b) Any representative of the state;

(c) The resident's personal physician;

(d) Any representative of the state long term care ombudsman program (established under section 307 (a)(12) of the Older American's Act of 1965);

(e) Any representative of the Washington protection and advocacy system, or any other agency (established under part c of the Developmental Disabilities Assistance and Bill of Rights Act);

(f) Any representative of the Washington protection and advocacy system, or any agency (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 and state 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 U.S.C. §3058g(b) and RCW 43.190.065.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-07050, filed 6/27/02, effective 7/28/02; 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:

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(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:

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- (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 as required by 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 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.

(5) The nursing home 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 also with law enforcement, if they suspect sexual or physical assault has occurred.

(6) 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.

(7) When a mandated reporter has:

(a) Reasonable cause to believe that a vulnerable adult has been abandoned, abused, neglected, financially exploited, or a resident's property has been misappropriated, the individual mandatory reporter must immediately report the incident to the department's aging and adult services administration (AASA);

(b) Reason to suspect that a vulnerable adult has been sexually or physically assaulted, the individual mandatory reporter must immediately report the incident to law enforcement and the department's aging and adult services administration (AASA).

(8) Under RCW 74.34.053, it is:

(a) A gross misdemeanor for a mandated reporter knowingly to fail to report as required under this section; and

(b) A misdemeanor for a person to intentionally, maliciously, or in bad faith make a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(9) The nursing home must not employ individuals who are disqualified under the requirements of WAC 388-97-203.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-076, filed 6/27/02, effective 7/28/02; 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 hearings 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.

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(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:

(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.

(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) Toilet;
- (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:

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(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.

(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:

[Title 388 WAC—p. 457]

(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.]

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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

(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,

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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.

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(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 388-97-143 Influenza and pneumococcal immunizations. (1) The nursing home shall provide residents access on-site or make available elsewhere, the ability to obtain the influenza virus immunization on an annual basis.

(2) Upon admission, the nursing home shall inform residents or the resident's representative, verbally and in writing, of the benefits of receiving the influenza virus immunization and the pneumococcal disease immunization.

(3) Nursing homes who rely exclusively upon treatment by nonmedical religious healing methods, including prayer, are exempt from the above rules.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-23-030, § 388-97-143, filed 11/12/02, effective 12/13/02.]

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.

(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.

(7) The local health department may require additional tuberculin testing of residents or personnel as necessary for contact investigation.

(2003 Ed.)

(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

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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 nursing home;
- (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 adopted under that 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.

(4) Nursing homes temporarily without an administrator may operate up to four continuous weeks under a responsible individual authorized to act as nursing home administrator designee.

(a) The designee must be qualified by experience to assume designated duties; and

(b) The nursing home must have a written agreement with a nursing home administrator, licensed in the state of Washington, who must be readily available to consult with the designee.

(c) The nursing home may request from the department's designated local aging and adult services administration (AASA) field office in writing, an extension of the four weeks by stating why an extension is needed, how a resident's safety or well-being is maintained during an extension and giving the estimated date by which a full time, qualified nursing home administrator will be on-site.

(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 department established nursing home guidelines; and

(c) Comply with "whistle blower" rules as defined in chapter 74.34 RCW.

(8) The department will:

(a) Investigate complaints, made to the department according to established protocols including protocols described in RCW 74.39A.060;

(b) Take action against a nursing home that is found to have used retaliatory treatment toward a resident or employee who has voiced grievances to nursing home staff or administration, or lodged a good faith complaint with the department;

(c) Report to local law enforcement:

(i) Any mandated reporter that knowingly fails to report in accordance with WAC 388-97-076; and

(ii) Any person that intentionally, maliciously or in bad faith makes a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(9) Refer also to WAC 388-97-204, Retaliation.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-160, filed 6/27/02, effective 7/28/02; 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 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.

(2) Mandated reporters must notify the department and law enforcement as directed in WAC 388-97-076, and according to department established nursing home guidelines.

(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 nursing home, 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's AASA 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.

(8) The nursing home licensee must notify the department in writing of a nursing home's voluntary closure.

(a) The licensee must send this written notification sixty days before closure to the department's designated local aging and adult administration office and to all residents and resident representatives.

(b) Relocation of residents must be in accordance with WAC 388-97-595(2).

(9) The nursing home licensee must notify the department in writing of voluntary termination of its Medicare or Medicaid contract.

(a) The licensee must send this written notification sixty days before contract termination, to the department's designated local aging and adult services administration office and to all residents and resident representatives.

(b) If the contractor continues to provide nursing facility services, the contract termination will be subject to federal law prohibiting the discharge of residents who are residing in the facility on the day before the effective date of the contract termination.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-162, filed 6/27/02, effective 7/28/02; 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.

(2003 Ed.)

(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.

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- (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 a registered health information administrator or registered health information 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 licensee 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. The nursing home licensee must provide a plan for preservation of clinical records to the department's designated local aging and adult administration (AASA) office no later than seven days after the date of notice of nursing home closure as required by WAC 388-97-162 (8) and (9) unless an alternate date has been approved by the department.

(d) Provide a resident access to all records pertaining to the resident as required under WAC 388-97-07005(2).

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-180, filed 6/27/02, effective 7/28/02; 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) 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 individual applying for the job has, or may have, a disqualifying conviction or finding.

(2) Nursing homes must:

(a) Request a background inquiry of any individual employed, directly or by agreement or 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.

(3) 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 nursing home must make a background inquiry and require the individual to sign a disclosure statement, under penalty or perjury and in accordance with RCW 43.43.834;

(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.

(4) 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, Centers for Medicare and Medicaid Services;

(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 (1) of this section; and

(e) A record of findings be retained by the nursing home for twelve months beyond the date of employment termination.

(5) The nursing home must not employ individuals who are disqualified under the requirements of WAC 388-97-203.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-202, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-202, filed 2/24/00, effective 3/26/00.]

WAC 388-97-203 Disqualification from nursing home employment. (1) The nursing home must not employ directly or by contract, or accept as a volunteer or student, any individual:

(a) Who has been found to have abused, neglected, exploited or abandoned a minor or vulnerable adult by a court of law, by a disciplining authority, including the state department of health, or by the department's resident protection program;

(b) Against whom a finding of abuse, neglect, exploitation, misappropriation of property or abandonment has been entered on any state registry, including the nursing assistant registry; or

(c) Who has been 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.

(2) Except as provided in this section, the nursing home must not employ directly or by contract, or accept as a volunteer or student, any individual who may have 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.

(3) The term "vulnerable adult" is defined in RCW 74.34.020; the term "unsupervised access" is defined in RCW 43.43.830.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-203, filed 6/27/02, effective 7/28/02.]

WAC 388-97-204 Retaliation or discrimination prohibited. (1) The licensee or the nursing home must not discriminate or retaliate in any manner against a resident or employee in its nursing home who has initiated or participated in any action or proceeding authorized under nursing home licensing law. Examples of such participation include, but are not limited to the following:

(a) The resident, or someone acting on behalf of the resident, or the employee:

(i) Made a complaint, including a whistle blower complaint, to the department, the department of health, the long-term care ombudsman, attorney general's office, the courts or law enforcement;

(ii) Provided information to the department, the department of health, the long-term care ombudsman, attorney general's office, the courts or law enforcement; or

(iii) Testified in a proceeding related to the nursing home or its staff.

(2) For purposes of this chapter, "retaliation" or "discrimination" against a resident means an act including, but not limited to:

(a) Verbal or physical harassment or abuse;

(b) Any attempt to expel the resident from the facility;

(c) Nonmedically indicated social, dietary, or mobility restriction(s);

(d) Lessening of the level of care when not medically appropriate; or

(e) Nonvoluntary relocation within a nursing home without appropriate medical, psychosocial, or nursing justification;

(f) Neglect or negligent treatment;

(g) Withholding privileges;

(h) Monitoring resident's phone, mail or visits without resident's permission;

(i) Withholding or threatening to withhold food or treatment unless authorized by terminally ill resident or the resident's representative;

(j) Persistently delaying responses to resident's request for services of assistance; or

(k) Infringement on a resident's rights described in chapter 74.42 RCW, RCW 74.39A.060(7), WAC 388-97-051, and also, for Medicaid and Medicare certified nursing facilities, in federal laws and regulations.

(3) For purposes of this chapter, "**retaliation**" or "**discrimination**" against an employee means an act including, but not limited to:

- (a) Harassment;
- (b) Unwarranted firing;
- (c) Unwarranted demotion;
- (d) Unjustified disciplinary action;
- (e) Denial of adequate staff to perform duties;
- (f) Frequent staff changes;
- (g) Frequent and undesirable office changes;
- (h) Refusal to assign meaningful work;
- (i) Unwarranted and unsubstantiated report of misconduct under Title 18 RCW;
- (j) Unsubstantiated letters of reprimand;
- (k) Unsubstantiated unsatisfactory performance evaluations;
- (l) Denial of employment;
- (m) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistle blower; or
- (n) Workplace reprisal or retaliatory action as defined in RCW 74.34.180 (3)(b).

(4) For purposes of this chapter, a "**whistle blower**" is defined in WAC 388-97-005.

(5) If, within one year of the complaint by or on behalf of a resident, the resident is involuntarily discharged from the nursing home, or is subjected to any type of discriminatory treatment, there will be a presumption that the action was in retaliation for the filing of the complaint. Under these circumstances, the nursing home will have the burden of establishing that the action was not retaliatory, in accordance with RCW 18.51.220 and 74.34.180(2).

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-204, filed 6/27/02, effective 7/28/02.]

MISCELLANEOUS SERVICES

WAC 388-97-205 Laundry services. (1) The nursing home must meet the requirements of WAC 388-97-347, and:

- (a) Launder nursing home 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 a chemical disinfectant in lieu of hot water disinfection provided that the nursing home:
 - (i) Uses the product according to the manufacturer's instructions; and
 - (ii) Has readily available, current documentation from the manufacturer that supports the claim that the product is effective as a laundry disinfectant and such documentation is based on scientific studies or other rational data. "**Disinfectant**" means a germicide that inactivates virtually all recognized pathogenic microorganisms (but not necessarily all

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microbial forms, such as bacterial spores) on inanimate objects.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-205, filed 6/27/02, effective 7/28/02; 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.

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(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.]

PREADMISSION SCREENING AND RESIDENT REVIEW (PASRR) IN MEDICAID CERTIFIED FACILITIES

WAC 388-97-247 Preadmission screening—Level I.

(1) Preadmission 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 preadmission 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 Preadmission 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

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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 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 Preadmission screening and resident review (PASRR) determination and appeal rights.

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(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) An individual applying for admission to a nursing facility or a nursing facility resident who has been adversely impacted by a PASRR determination may appeal the department's determination that the individual is:

(a) Not in need of nursing facility care as defined under WAC 388-71-0700;

(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 individual applying for admission or resident, as needed, in requesting a hearing to appeal the department's PASRR determination.

(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 (5)(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 388-02 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 388-02 WAC, the provision in this chapter will prevail.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-260, filed 6/27/02, effective 7/28/02; 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 (ICF/MR). (1) 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:

(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, 74.42.620. 02-14-063, § 388-97-285, filed 6/27/02, effective 7/28/02; 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.

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(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.

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[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 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.]

(2003 Ed.)

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.]

[Title 388 WAC—p. 473]

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
- (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.]

[Title 388 WAC—p. 474]

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.]

WAC 388-97-33540 Seating in a resident room. The nursing home must provide comfortable seating for residents and visitors, not including resident care equipment, that provides proper body alignment and support.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33540, filed 2/24/00, effective 3/26/00.]

WAC 388-97-33550 Lighting in resident rooms. The nursing home must provide a permanently mounted or equivalent light suitable for any task the resident chooses to do or any task the staff must do.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33550, filed 2/24/00, effective 3/26/00.]

WAC 388-97-33560 Call signal device in resident rooms. The nursing home must provide a resident call signal device that complies with WAC 388-97-32530.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33560, filed 2/24/00, effective 3/26/00.]

WAC 388-97-33570 Cubicle curtains in resident rooms. The nursing home must provide:

- (1) Flame-retardant cubicle curtains in multi-bed rooms that ensures full visual privacy for each resident;
- (2) **In a new building or addition**, the cubicle curtain or enclosed space ensures full visual privacy for each bed in a multi-bed room with enclosed space containing at least sixty-four square feet of floor area with a minimum dimension of seven feet. "Full visual privacy" in a multi-bed room prevents staff, visitors and other residents from seeing a resident in bed, while allowing staff, visitors, and other residents

access to the toilet room, handwashing sink, exterior window, and the entrance door;

(3) For exceptions to cubicle curtain requirements refer to WAC 388-97-310.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33570, filed 2/24/00, effective 3/26/00.]

WAC 388-97-33580 Miscellaneous equipment in resident rooms in a new building or addition. The nursing home must provide:

(1) A phone jack for each bed in each room;

(2) A handwashing sink in each multi-bed room and a handwashing sink in each single room that does not have an adjoining toilet room containing a handwashing sink. A handwashing sink located in a resident bedroom must be located between the corridor entry door and the nearest resident bed; and

(3) Storage that meets the requirements of WAC 388-97-357, 388-97-35710, and 388-97-35720.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33580, filed 2/24/00, effective 3/26/00.]

RESIDENT TOILET AND BATHING FACILITIES

WAC 388-97-340 Resident toilet facilities or rooms.

The nursing home must ensure that:

(1) Each resident room is equipped with or located convenient to toilet facilities.

(2) For new construction, a toilet room must:

(a) Be directly accessible from each resident room and from each bathing facility without going through or entering a general corridor while maintaining resident dignity;

(b) Serve two bedrooms or less;

(c) Be designed to accommodate a person in a wheelchair;

(d) Contain at least one handwashing sink; and

(e) Provide a properly located and securely mounted grab bar at each side and the back of each toilet fixture in each toilet room and stall. Grab bars on the open side must be located twelve to eighteen inches from the center line of the toilet. Grab bars on the open side must be able to swing up.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-340, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-340, filed 9/15/94, effective 10/16/94.]

WAC 388-97-34010 Resident bathing facilities or rooms. The nursing home must ensure:

(1) Each resident room is equipped with or located near bathing facilities;

(2) At least one bathing unit for no more than thirty residents that is not located in a room served by an adjoining bathroom;

(3) At least one bathing device for immersion per floor;

(4) At least one roll in shower or equivalent on each resident care unit:

(a) Designed and equipped for unobstructed ease of shower chair entry and use; and

(b) With a spray attachment equipped with a backflow prevention device.

(2003 Ed.)

(5) Resident bathing equipment is smooth, cleanable, and able to be disinfected after each use.

(6) For new construction, in each bathing unit containing more than one bathing facility:

(a) Each bathtub, shower, or equivalent, is located in a separate room or compartment with three solid walls;

(b) The entry wall may be a "shower" type curtain or equivalent;

(c) The area for each bathtub and shower is sufficient to accommodate a shower chair, an attendant, and provide visual privacy for bathing, drying, and dressing;

(d) Shower and tub surfaces are slip-resistant;

(e) Bathing areas are constructed of materials that are impervious to water and cleanable; and

(f) Grab bars are installed on all three sides of a shower with the shower head grab bar being "L" shaped.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-34010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-34020 Locks in toilet and bathing facilities. The nursing home must ensure:

(1) All lockable toilet facilities and bathrooms have a readily available means of unlocking from the outside; and

(2) Locks are operable from the inside with a single motion.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-34020, filed 2/24/00, effective 3/26/00.]

DINING, DAYROOMS, AND RESIDENT ACTIVITY AREAS

WAC 388-97-345 Dining, dayrooms, and resident activity areas. (1) The nursing home must provide one or more rooms designated for resident dining and activities that are:

(a) Well lighted;

(b) Well ventilated;

(c) Adequately furnished; and

(d) Large enough to accommodate all activities.

(2) In a new building or addition, the nursing home must design space for dining rooms, dayrooms, and activity areas for resident convenience and comfort and to provide a homelike environment. These areas must be located on the same floor as the residents who will use the areas. The nursing home must:

(a) Ensure these rooms or areas are exterior rooms with windows that have a maximum sill height of thirty-six inches;

(b) Provide space for dining, day use, and activities with a minimum combined total of thirty square feet for each licensed bed;

(c) Design any multi-purpose rooms to prevent program interference with each other;

(d) Locate a day room on each resident care unit;

(e) Provide storage spaces for all activity and recreational equipment and supplies, adjoining or adjacent to the facilities provided; and

(f) Locate a common use toilet facility, with handwashing sink and accessories, providing direct access from the

hallway and within a maximum of forty feet from these spaces.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-345, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-345, filed 9/15/94, effective 10/16/94.]

LAUNDRY SERVICES

WAC 388-97-347 Laundry services and storage. The nursing home must comply with WAC 388-97-205 and ensure:

- (1) Sufficient laundry washing and drying facilities to meet the residents' care and comfort needs without delay.
- (2) The temperature and time of the hot water cycle to disinfect nursing home linen is in accordance with the following table:

Water temperature	Cycle length
160 degrees F	At least 5 minutes
140 degrees F	At least 15 minutes

(3) **In new construction**, soiled linens and soiled clothing are stored and sorted in a room ventilated according to Table 5, WAC 388-97-47020. The room must:

- (a) Have self-closing doors;
- (b) Be separated from the washing and drying facilities;
- (c) Contain a handwashing sink;
- (d) Have a floor drain; and
- (e) Contain a clinic service sink.

(4) **In new construction**, clean linen is stored in a room ventilated according to Table 5, WAC 388-97-47020. The room must:

- (a) Be separated from the washing and drying facilities; and
- (b) Have self closing doors.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-347, filed 2/24/00, effective 3/26/00.]

DEMENTIA CARE UNIT

WAC 388-97-350 Dementia care unit. A nursing home that began operating a dementia care unit at any time after November 13, 1989, must meet all requirements of this section, WAC 388-97-35010 through 388-97-35060, and the resident care unit requirements of WAC 388-97-325 through 388-97-32580. Refer to WAC 388-97-097, for program requirements.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-350, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-350, filed 9/15/94, effective 10/16/94.]

WAC 388-97-35010 Dining areas on a dementia care unit. (1) The nursing home must provide dining areas in the dementia care unit which may also serve as day areas for the unit.

(2) **In a new building or addition**, the dining, dayroom, and activity area or areas on the unit must provide a minimum of thirty square feet per resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35010, filed 2/24/00, effective 3/26/00.]

[Title 388 WAC—p. 476]

WAC 388-97-35020 Outdoor areas on a dementia care unit. The nursing home must provide the dementia care unit with:

- (1) Secured outdoor space and walkways;
- (2) An ambulation area with accessible walking surfaces that:

(a) Are firm, stable, and free from cracks and abrupt changes with a maximum of one inch between sidewalk and adjoining landscape areas;

(b) Have slip-resistant surfaces if subject to wet conditions; and

(c) Sufficient space and outdoor furniture with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids; and

(3) Nontoxic outdoor plants in areas accessible to residents.

(4) **In new construction** the outdoor areas must also meet the requirements of WAC 388-97-45510.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35020, filed 2/24/00, effective 3/26/00.]

WAC 388-97-35030 Indoor areas on a dementia care unit. The nursing home must provide the dementia care unit with:

(1) Indoor ambulation areas that meet the needs of the residents and are maintained free of equipment; and

(2) Nontoxic indoor plants in areas accessible to residents.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35030, filed 2/24/00, effective 3/26/00.]

WAC 388-97-35040 Ambulation route on a dementia care unit in a new building or addition. The nursing home must ensure that the dementia care unit has a continuous ambulation route which may include outdoor ambulation areas and allows the resident to return to the resident's starting point without reversing direction.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-35040, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-35040, filed 2/24/00, effective 3/26/00.]

WAC 388-97-35050 Physical plant on a dementia care unit. The nursing home must:

- (1) Provide a staff toilet room with a handwashing sink;
- (2) Ensure that floors, walls, and ceiling surfaces display contrasting color for identification:

(a) Surfaces may have a disguise design to obscure or conceal areas that residents should not enter, except for exit doors and doorways; and

(b) Exit doors must be marked so that they are readily distinguishable from adjacent construction and the way of exit travel is obvious and direct;

(3) Ensure that door thresholds are one-half inch high or less;

(4) Provide a signal device adapted:

- (a) To meet residents' needs; and
- (b) For staff and family use, if necessary;

(5) Ensure that the public address system is used only for emergency use; and

(6) Refer to WAC 388-97-470(2) for dementia care unit exceptions to individual temperature controls.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35050, filed 2/24/00, effective 3/26/00.]

WAC 388-97-35060 Special egress control devices on a dementia care unit. In dementia care units the nursing home must:

(1) Have proof that required approvals for any special egress control devices were obtained from the state fire marshal, department of social and health services, and the local official who enforces the uniform building code and uniform fire code; and

(2) In a new building or addition, or when adding special egress control devices to be used on doors and gates which are a part of the exit system, the building must:

(a) Have obtained approval from department of health construction review and the local official who enforces the Uniform Building Code and Uniform Fire Code;

(b) Have an approved automatic fire alarm system;

(c) Have an approved supervised automatic fire sprinkler system which is electrically interconnected with the fire alarm system; and

(d) Have a system which must:

(i) Automatically release if power to the system is lost;

(ii) Automatically release with activation of the building's fire alarm system;

(iii) Release with an override switch installed at each staff work station or at a constantly staff attended location within the building; and

(iv) Have directions for releasing the device at each egress controlled door and gate; and

(e) Prohibit the use of keyed locks at all doors and gates in all egress pathways.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35060, filed 2/24/00, effective 3/26/00.]

SPECIALIZED AND OUTPATIENT REHABILITATION

WAC 388-97-352 Specialized rehabilitation. (1) If nursing homes initially licensed after October 1, 1981 provide inpatient specialized rehabilitation, they must ensure that those services provide:

(a) Easy access in general service areas;

(b) Exercise, treatment, and supportive equipment as required by the narrative program in the construction documents;

(c) Adequate space for exercise equipment and treatment tables with sufficient work space on each side;

(d) Privacy cubicle curtains on tracks or the equivalent around treatment areas;

(e) A sink in the treatment area and a toilet and hand-washing sink in a toilet room nearby;

(f) Space and a desk or equivalent for administrative, clerical, interviewing, and consultative functions;

(g) Adequate enclosed storage cabinets for clean linen and supplies and locked storage for cleaning chemicals in the rehabilitation room or nearby janitor's closet;

(h) Adequate storage space for large equipment;

(i) A janitor's closet close to the area;

(j) Soiled linen storage; and

(k) A separate room or area for hydrotherapy tanks, or the equivalent, if provided.

(2) For any new construction under WAC 388-97-29560, nursing homes licensed before October 1, 1981, must comply with the requirements in subsection (1) of this section.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-352, filed 2/24/00, effective 3/26/00.]

WAC 388-97-353 Outpatient rehabilitation. The nursing home must ensure that facilities with outpatient programs provide:

(1) A designated reception and waiting room or area and space for interviewing or counseling individual outpatients and their families;

(2) Adequate space for the program so that disruption to designated resident care units is minimized;

(3) Accessible toilet and shower facilities nearby;

(4) Lockers or a safe place to store outpatient personal belongings;

(5) A separate room or area for hydrotherapy tanks, or the equivalent, if provided; and

(6) In new construction, required access must come from the exterior without passing through the interior of the facility.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-353, filed 2/24/00, effective 3/26/00.]

FOOD SERVICE AREAS

WAC 388-97-355 Food service areas. The nursing home must ensure food service areas are in compliance with chapter 246-215 WAC, state board of health rules governing food service sanitation. The nursing home must:

(1) Ensure food service areas are provided for the purpose of preparing, serving, and storing food and drink unless food service is provided from another licensed food service facility;

(2) Ensure food service areas are located to facilitate receiving of food supplies, disposal of kitchen waste, and transportation of food to dining and resident care areas;

(3) Locate and arrange the kitchen to avoid contamination of food, to prevent heat and noise entering resident care areas, and to prevent through traffic;

(4) Locate the receiving area for ready access to storage and refrigeration areas;

(5) Conveniently locate a handwashing sink near the food preparation and dishwashing area, and include a waste receptacle and dispensers stocked with soap and paper towels;

(6) Adequately ventilate, light, and equip the dishwashing room or area for sanitary processing of dishes;

(7) Locate the garbage storage area in a well-ventilated room or an outside area;

(8) Provide hot and cold water and a floor drain connected to the sanitary sewage system in a can wash area, unless located in outside covered area;

(9) Provide space for an office or a desk and files for food service management located central to deliveries and kitchen operations; and

(10) Include housekeeping facilities or a janitor's closet for the exclusive use of food service with a service sink and storage of housekeeping equipment and supplies.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-355, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-355, filed 9/15/94, effective 10/16/94.]

STORAGE

WAC 388-97-357 Storage of equipment. The nursing home must:

(1) Provide adequate storage space for wheelchairs and other ambulation equipment;

(2) Ensure stored equipment does not impinge upon the required corridor space; and

(3) **In new construction**, provide adequate storage of four square feet or more of storage space per bed which does not impinge upon required corridor space.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-357, filed 2/24/00, effective 3/26/00.]

WAC 388-97-35710 Storage of resident room equipment in a new building or addition. The nursing home must provide separate storage for extra pillows and blankets for each bed. This may be in a location convenient to the resident room or combined with the wardrobe or closet if it does not impinge upon the required space for clothing.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35710, filed 2/24/00, effective 3/26/00.]

WAC 388-97-35720 General storage in new construction. A nursing home must have general storage space of not less than five square feet per bed in addition to the closets and storage required in WAC 388-97-33520.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35720, filed 2/24/00, effective 3/26/00.]

LIGHTING AND ELECTRICAL

WAC 388-97-360 Lighting. The nursing home must ensure that lighting and lighting levels:

(1) Are adequate and comfortable for the functions being conducted in each area of the nursing home;

(2) Are suitable for any task the resident chooses or any task the staff must do;

(3) Support the independent functioning of the resident;

(4) Provide a homelike environment; and

(5) Minimize glare.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-360, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-360, filed 9/15/94, effective 10/16/94.]

WAC 388-97-36010 Natural or artificial light. (1) The nursing home must ensure that adequate natural or artificial light for inside illumination is provided in every useable

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room area, including but not limited to storerooms, attic and basement rooms, hallways, stairways, inclines, and ramps.

(2) **In new buildings and additions**, the nursing home must utilize:

(a) Windows and skylights to minimize the need for artificial light and to allow a resident to experience the natural daylight cycle; and

(b) Windows and skylights near entrances/exits in order to avoid difficulty in adjusting to light levels when entering or leaving the facility.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-36020 Outside lighting. The nursing home must ensure:

(1) Lighting levels in parking lots and approaches to buildings are appropriate for resident and visitor convenience and safety; and

(2) All outside areas where nursing home equipment and machinery are stored have proper lighting.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36020, filed 2/24/00, effective 3/26/00.]

WAC 388-97-36030 Light shields. The nursing home must ensure that light shields are provided in food preparation and serving areas, utility rooms, medication rooms, exam rooms, pool enclosures, laundry areas, and on ceiling mounted fluorescent lights in resident rooms.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36030, filed 2/24/00, effective 3/26/00.]

WAC 388-97-36040 Illumination levels in new buildings and additions. The nursing home must ensure:

(1) Lighting fixtures and circuitry provide at least the illumination levels shown within Table B;

(2) Design takes into consideration that lighting systems normally decrease in output with age and dirt accumulation; and

(3) Light fixture locations and switching arrangements are appropriate for the needs of the occupants of the spaces and follow Illuminating Engineering Society (IES) recommendations for health care facilities.

TABLE B
Average Maintained
Footcandles

Area	Ambient Light ¹	Task Light ²
Adm and lobby, day	30	NA
Adm and lobby, night	20	NA
Barber, beautician	50	NA
Chapel, quiet area	30	NA
Corridors, interior ramps	30	NA
Corridors, at night		20
Dining areas	50	NA
Doorways, exterior	20	NA
Exam, treatment table	NA	100
Exam, treatment room	30	50
Exit stairways and landings	30	NA
Food preparation areas	50	75
Janitor's closet	30	NA

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TABLE B
Average Maintained
Footcandles

Area	Ambient Light ¹	Task Light ²
Laundry	30	50
Medicine prep area	30	100
Nurses' desk	30	70
Nurses' station, day	30	50
Nurses' station, night	20	50
Physical therapy	30	50
Resident room	30	50
Resident reading light	NA	75
Recreation area	30	50
Toilet, hand washing sinks, and mirrors	30	50
Toilet and bathing facilities, general	30	NA
Utility room, general	30	
Utility room, work counter	NA	50
Worktable, course work	30	70
Worktable, fine work	50	100

^{1/} Ambient light measurements are taken two and one-half feet from the floor (plus or minus six inches). Minimum footcandles are based upon average measurement. A minimum of three measurements should be taken, including a measurement at the center of each area, near the outer perimeter, and at a point equidistant from the center and the perimeter measurement.

^{2/} Task light measurements are taken at the work surface. Minimum footcandles for task light are based upon average measurement. A minimum of three measurements should be taken, including a measurement at the center of each work surface, near the outer perimeter of the work surface, and at a point equidistant from the center and the perimeter measurement.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36040, filed 2/24/00, effective 3/26/00.]

WAC 388-97-36050 Night lights in new construction.

The nursing home must install in each resident room a night light that is:

- (1) Flush mounted on the wall;
- (2) Designed to prevent viewing the light source from thirty inches or more above the floor;
- (3) Designed to provide a maximum illumination level of 10 footcandles;
- (4) Located to provide safe pathway lighting for the staff and residents; and
- (5) Controlled by a switch at each resident room entrance door or by a master switch.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36050, filed 2/24/00, effective 3/26/00.]

WAC 388-97-36060 Switches in new construction.

The nursing home must install quiet operating switches for general illumination adjacent to doors in all areas and accessible to residents in resident rooms.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36060, filed 2/24/00, effective 3/26/00.]

WAC 388-97-36070 Electrical outlets. (1) The nursing home must provide enough electrical outlets to meet the care

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and personal appliance needs of each resident. An approved power tap may be used only for portable appliances with specific overcurrent protection needs, such as a computer. A "power tap" is a device for indoor use consisting of an attachment plug on the end of a flexible cord and two or more receptacles on the opposite end, with overcurrent protection. A power tap must be:

- (a) Polarized or grounded;
- (b) UL listed; and
- (c) Directly connected to a permanently installed electrical outlet.

(2) **In new construction**, the nursing home must ensure:

- (a) There are a minimum of seven outlets:
 - (i) Four hospital grade electrical outlets located convenient to each residents' bed and centered at forty to forty-four inches above the floor, with a minimum of:
 - (ii) Two additional electrical outlets at separate, convenient locations in each resident room; and
 - (iii) One duplex electrical outlet located adjacent to each handwashing sink intended for resident use.
 - (b) All electrical outlets located within five feet of any sink, toilet, bath, or shower must be protected by a ground fault circuit interrupter.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36070, filed 2/24/00, effective 3/26/00.]

SAFETY

WAC 388-97-365 Safety. The nursing home must provide:

- (1) A safe, functional, sanitary, and comfortable environment for the residents, staff, and the public; and
- (2) Signs to designate areas of hazard.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-365, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-365, filed 9/15/94, effective 10/16/94.]

WAC 388-97-36510 Safety—Poisons and nonmedical chemicals. The nursing home must ensure that poisons and nonmedicinal chemicals are stored in containers identified with warning labels. The containers must be stored:

- (1) In a separate locked storage when not in use by staff; and
- (2) Separate from drugs used for medicinal purposes.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36510, filed 2/24/00, effective 3/26/00.]

WAC 388-97-36520 Safety—Storage of equipment and supplies. The nursing home must ensure that the manner in which equipment and supplies are stored does not jeopardize the safety of residents, staff, or the public.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36520, filed 2/24/00, effective 3/26/00.]

WAC 388-97-36530 Safety—Handrails. The nursing home must:

- (1) Provide handrails on each side of all corridors and stairwells accessible to residents; and
- (2) **In new construction** ensure that:

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- (a) Ends of handrails are returned to the walls;
- (b) Handrails are mounted thirty to thirty-four inches above the floor and project not more than three and three-quarters inches from the wall; and
- (c) Handrails terminate not more than six inches from a door.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36530, filed 2/24/00, effective 3/26/00.]

WATER SUPPLY

WAC 388-97-370 Water supply. The nursing home must comply with the requirements of the group A, Public Water Systems, chapter 246-290 WAC or group B, Public Water Systems, chapter 246-291 WAC.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-370, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-370, filed 9/15/94, effective 10/16/94.]

WAC 388-97-37010 Hot water. The nursing home must ensure:

- (1) The hot water system maintains water temperatures at one hundred ten degrees Fahrenheit, plus or minus ten degrees Fahrenheit, at fixtures used by residents and staff.
- (2) For laundry temperatures, refer to WAC 388-97-347.
- (3) For dishwashing temperatures, refer to chapter 246-215 WAC.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-37010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-37020 Cross connections. The nursing home must:

- (1) Prohibit all cross connections between potable and nonpotable water;
- (2) Use backflow prevention devices on plumbing fixtures, equipment, facilities, buildings, premises or areas which are actual or potential cross-connections to prevent the backflow of water or other liquids, gases, mixtures or substances into a water distribution system or other fixtures, equipment, facilities, buildings or areas; and
- (3) Follow guidelines, practices, procedures, interpretations and enforcement as outlined in the manual titled "Accepted Procedure and Practice in Cross-Connection Control; Pacific NW Edition; American Waterworks Association," or any successor manual, referenced in chapter 246-290 WAC for public water supply.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-37020, filed 2/24/00, effective 3/26/00.]

PEST CONTROL AND SEWAGE AND WASTE DISPOSAL

WAC 388-97-375 Pest control. The nursing home must:

- (1) Maintain an effective pest control program so that the facility is free of pests such as rodents and insects;
- (2) Construct and maintain buildings to prevent the entrance of pests such as rodents and insects; and

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- (3) Provide mesh screens or equivalent with a minimum mesh of one-sixteenth inch on all windows and other openings that can be left open.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-375, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-375, filed 9/15/94, effective 10/16/94.]

WAC 388-97-385 Sewage and liquid waste disposal. The nursing home must ensure:

- (1) All sewage and liquid wastes are discharged into an approved public sewage system where such system is available; or
- (2) Sewage and liquid wastes are collected, treated, and disposed of in an on-site sewage system in accordance with chapter 246-272 WAC and meets with the approval of the local health department and/or the state department of health.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-385, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-385, filed 9/15/94, effective 10/16/94.]

NEW CONSTRUCTION DOCUMENTS

WAC 388-97-400 General new construction documents. (1) The project sponsor must submit plans for all new construction to the department of health, construction review, for review and approval. Documents must be approved before the work begins. The project sponsor must also submit documents to department of health, certificate of need for review and applicable determination.

(2) The nursing home may request exemptions to new construction requirements as described in WAC 388-97-405.

(3) If the proposed project is not extensive enough to require professional architectural or engineering services, the project sponsor must submit a written description to the department of health, construction review, to determine if WAC 388-97-401 applies.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-400, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-400, filed 9/15/94, effective 10/16/94.]

WAC 388-97-40010 Preliminary new construction documents. If preliminary documents and specifications are submitted, they must:

(1) Include a narrative program with drawings. Copies of these documents must be sent to the department of health, certificate of need and construction review, and to aging and adult services administration. The narrative program must identify:

- (a) How the design promotes a homelike environment and facilitates resident-centered care and services;
- (b) Functional space requirements;
- (c) Staffing patterns;
- (d) Each function to be performed;
- (e) Types of equipment required; and
- (f) Services that will not be provided directly, but will instead be provided through contract.

(2) Refer to WAC 388-97-400(3), if the proposed project is not extensive enough to require professional architectural or engineering services.

(3) Be drawn to scale and include:

(a) A site plan showing streets, entrance ways, drive-ways, parking, design statements for adequate water supply, sewage and disposal systems, space for the storage of recycled materials, and the arrangement of buildings on the site noting handicapped accessible parking and entrances;

(b) Floor plans showing existing and proposed arrangements within the building, including the fixed and major movable equipment; and

(c) Each room, space, and corridor identified by function and number.

(4) Include a general description of construction and materials, including interior finishes.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-40010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-401 Final new construction documents.

(1) Construction must not start until at least two sets of final construction documents drawn to scale with complete specifications have been submitted to and approved by the department of health, construction review, in coordination with aging and adult services administration and the department of health, certificate of need.

(2) An architect or engineer licensed by the state of Washington must prepare, stamp, sign, and date the final construction documents.

(3) Construction documents that are changed after approval by the department of health, construction review, require resubmission before any construction on the proposed change is started.

(4) The construction of the facility must follow the final approved construction documents.

(5) These drawings and specifications must show complete details to be furnished to contractors for construction of the buildings, including:

(a) Site plan;

(b) Drawings of each floor of the building, including fixed equipment;

(c) Elevations, sections, and construction details;

(d) Schedule of floor, wall, and ceiling finishes, door and window sizes and types, and door finish hardware;

(e) Mechanical and electrical systems;

(f) Provision for noise, dust, smoke, and draft control, fire protection, safety and comfort of the residents if construction work takes place in or near occupied areas; and

(g) Landscape plans and vegetation planting schedules for dementia care units.

(6) A reduced set of the final construction floor plans on eight and one half by eleven inch or eleven by seventeen inch sheets showing each room function and number must be submitted.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-401, filed 2/24/00, effective 3/26/00.]

WAC 388-97-402 Pre-installation submissions for new construction. The department of health, construction review, must receive and approve pre-installation submissions prior to installation. Pre-installation submissions may include any or all of the following:

(1) Stamped shop drawings, hydraulic calculations, and equipment information sheets for fire sprinkler system(s);

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(2) Shop drawings, battery calculations, and equipment information sheets for fire detection and alarm systems;

(3) Shop drawings and equipment information sheets for a kitchen hood and duct automatic fire extinguishing system;

(4) Drawings and equipment information sheets for special egress control devices; and

(5) Drawings and/or a finish schedule denoting areas to be carpeted with:

(a) A coding system identifying type of carpet in each area;

(b) A copy the manufacturer's specifications for each type of carpet; and

(c) A copy of a testing laboratory report of the radiant panel and smoke density tests for each type of carpet.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-402, filed 2/24/00, effective 3/26/00.]

WAC 388-97-403 New construction timelines. (1)

Construction documents must be resubmitted for review as a new project according to current requirements if construction:

(a) Has not started within one year from the date of approval; or

(b) Is not completed within two years from the date of approval.

(2) To obtain an extension beyond two years, a written request must be submitted and approved thirty days prior to the end of the two-year period.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-403, filed 2/24/00, effective 3/26/00.]

WAC 388-97-405 Exemptions to new construction requirements. (1) The director of residential care services, aging and adult services administration, may grant exemptions to new construction requirements for:

(a) Alterations when the applicant demonstrates the proposed alterations will serve to correct deficiencies or will upgrade the nursing home in order to better serve residents; and

(b) Substitution of procedures, materials, or equipment for requirements specified in this chapter when such procedures, materials, or equipment have been demonstrated to the director's satisfaction to better serve residents.

(2) The nursing home must ensure requests for exemptions are in writing and include any necessary approvals from the local code enforcement authority and the state fire marshal.

(3) The nursing home must ensure all exemptions granted under the foregoing provisions are kept on file at the nursing home.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-405, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-405, filed 9/15/94, effective 10/16/94.]

CODES AND STANDARDS IN NEW CONSTRUCTION

WAC 388-97-410 State building code in new construction. The nursing home must through its design, con-

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struction and necessary permits demonstrate compliance with the following codes and local jurisdiction standards:

(1) The Uniform Building Code, and Uniform Building Code Standards, as published by the International Conference of Building Officials as amended and adopted by the Washington state building code council and published as chapter 51-40 WAC, or successor laws;

(2) The Uniform Mechanical Code, including chapter 22, Fuel Gas Piping, Appendix B, as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials as amended and adopted by the Washington state building code council and published as chapter 51-42 WAC, or successor laws;

(3) The Uniform Fire Code, and Uniform Fire Code Standards, as published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended and adopted by the Washington state building code council and published as chapters 51-44 and 51-45 WAC, or successor laws;

(4) The Uniform Plumbing Code, and Uniform Plumbing Code Standards, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the Washington state building code council and published as chapters 51-46 and 51-47 WAC, or successor laws;

(5) The Washington state ventilation and indoor air quality code, as adopted by the Washington state building code council and filed as chapter 51-13 WAC, or successor laws; and

(6) The Washington state energy code, as amended and adopted by the Washington state building code council and filed as chapter 51-11 WAC, or successor laws.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-410, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-410, filed 9/15/94, effective 10/16/94.]

WAC 388-97-415 Electrical codes and standards in new construction. The nursing home must ensure that all electrical wiring complies with state and local electrical codes including chapter 296-46 WAC, and the National Electric Code of the National Fire Protection Association (NFPA-70) as adopted by the Washington state department of labor and industry.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-415, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-415, filed 9/15/94, effective 10/16/94.]

WAC 388-97-420 Elevator codes in new construction. The nursing home must ensure that elevators are installed in accordance with chapter 296-81 WAC.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-420, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-420, filed 9/15/94, effective 10/16/94.]

WAC 388-97-425 Local codes and ordinances in new construction. The nursing home must:

(1) Follow all local ordinances relating to zoning, building, and environmental standards; and

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(2) Obtain all local permits before construction and keep permits on file at the nursing home.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-425, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-425, filed 9/15/94, effective 10/16/94.]

ADMINISTRATION AND PUBLIC AREAS IN NEW CONSTRUCTION

WAC 388-97-430 Entrances and exits in new construction. The nursing home must have the main entrances and exits sheltered from the weather and barrier free accessible in accordance with chapter 51-40 WAC.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-430, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-430, filed 9/15/94, effective 10/16/94.]

WAC 388-97-43010 Lobbies in new construction. The nursing home must have a lobby or area in close proximity to the main entrance that is barrier free accessible and includes:

- (1) Waiting space with seating accommodations;
- (2) A reception and information area;
- (3) Space to accommodate persons in wheelchairs;
- (4) A public restroom;
- (5) A drinking fountain; and
- (6) A public telephone.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-43020 Interview space in new construction. The nursing home must have interview spaces for private interviews relating to social service and admission.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43020, filed 2/24/00, effective 3/26/00.]

WAC 388-97-43030 Offices in new construction. The nursing home must provide:

- (1) Office space convenient to the work area for the administrator, the director of nursing services, medical records staff, social services staff, activities director, and other personnel as appropriate;
- (2) Work space for physicians and outside consultants;
- (3) Space for locked storage of health records which provides for fire and water protection; and
- (4) Space for the safe storage and handling of financial and business records.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43030, filed 2/24/00, effective 3/26/00.]

WAC 388-97-43040 Inservice education space in new construction. The nursing home must provide space for employee inservice education that will not infringe upon resident space.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43040, filed 2/24/00, effective 3/26/00.]

WAC 388-97-43050 Staff areas in new construction. The nursing home must ensure a lounge, lockers, and toilets

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are provided convenient to the work areas for employees and volunteers.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43050, filed 2/24/00, effective 3/26/00.]

VISITING, PRIVATE, AND OUTDOOR RECREATION SPACE AND WALKWAYS IN NEW CONSTRUCTION

WAC 388-97-455 Visiting and private space in new construction. The nursing home must design a separate room or areas for residents to have family and friends visit and for residents to spend time alone. The nursing home must ensure these areas provide:

- (1) Space which facilitates conversation and privacy; and
- (2) Access to a common-use toilet facility.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-455, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-455, filed 9/15/94, effective 10/16/94.]

WAC 388-97-45510 Outdoor recreation space and walkways in new construction. A nursing home must provide a safe, protected outdoor area for resident use. The nursing home must ensure the outdoor area has:

- (1) Shaded and sheltered areas to meet residents needs;
- (2) Accessible walking surfaces which are firm, stable, and free from cracks and abrupt changes with a maximum of one inch between sidewalk and adjoining landscape areas;
- (3) Sufficient space and outdoor furniture provided with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids;
- (4) Shrubs, natural foliage, and trees; and
- (5) If used as a resident courtyard, the outdoor area must not be used for public or service deliveries.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-45510, filed 2/24/00, effective 3/26/00.]

POOLS AND PHARMACIES IN NEW CONSTRUCTION

WAC 388-97-460 Pools in new construction. The nursing home must ensure swimming pools, spas, and tubs which remain filled between uses meet the requirements in chapter 246-260 WAC.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-460, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-460, filed 9/15/94, effective 10/16/94.]

WAC 388-97-46010 Pharmacies in new construction. The nursing home must ensure that an on-site pharmacy meets the requirements of the Washington State board of pharmacy per chapters 18.64 RCW and 246-865 WAC.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46010, filed 2/24/00, effective 3/26/00.]

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GENERAL DESIGN REQUIREMENTS IN NEW CONSTRUCTION

WAC 388-97-465 Elevators in new construction. The nursing home must:

- (1) Ensure that all buildings having residential use areas or service areas that are not located on the main entrance floor, have an elevator; and
- (2) Have at least one elevator sized to accommodate a resident bed and attendant for each sixty beds on floors other than the main entrance floor.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-465, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-465, filed 9/15/94, effective 10/16/94.]

WAC 388-97-46510 Stairways, ramps, and corridors in new construction. The nursing home must ensure stairways, ramps and corridors conform with the Uniform Building Code.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46510, filed 2/24/00, effective 3/26/00.]

WAC 388-97-46520 Walking surfaces in a new building or addition. The nursing must ensure that:

- (1) An abrupt change in the walking surface level including at door thresholds which are greater than one quarter inch are beveled to a one vertical in two horizontal; and
- (2) Changes in the walking surface level greater than one half inch are accomplished by means of a ramp with a maximum slope of one vertical in twelve horizontal.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46520, filed 2/24/00, effective 3/26/00.]

WAC 388-97-46530 Doors in new construction. The nursing home must ensure doors to:

- (1) Resident rooms provide a minimum of forty-four inches clear width;
- (2) Resident bathrooms and toilet rooms are a minimum of thirty-two inches clear width for wheelchair access;
- (3) All resident toilet rooms and bathing facilities open outward except if doors open directly into a resident occupied corridor;
- (4) Toilet rooms and bathrooms have single action locks, and a means of unlocking doors from the outside;
- (5) Occupied areas do not swing into corridors; and
- (6) All passages are arranged so that doors do not open onto or obstruct other doors while maintaining resident dignity.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46530, filed 2/24/00, effective 3/26/00.]

WAC 388-97-46540 Floor finishes in new construction. The nursing home must ensure:

- (1) Floors at all outside entrances have slip resistant finishes both inside and outside the entrance even when wet; and
- (2) All uncarpeted floors are smooth, nonabsorbent and easily cleanable.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46540, filed 2/24/00, effective 3/26/00.]

WAC 388-97-46550 Carpets in new construction.

The nursing home must ensure that department of health, construction review approves of all carpet installation.

(1) Carpets may be used in all areas except: toilet rooms, bathrooms, kitchen, laundry, utility rooms, medication rooms, maintenance, isolation rooms if provided, and areas subject to high moisture or flooding. Specifications for acceptable carpeting are:

(a) Pile yarn fibers are easily cleanable;

(b) Pile is looped texture in all resident use areas. Cut pile may be used in nonresident use areas;

(c) Average pile density of five thousand ounces per cubic yard in resident use areas and four thousand ounces per cubic yard in nonresident areas. The formula for calculating the density of the carpet is: Yarn weight in ounces times 36, divided by pile height in inches equals ounces per cubic yard of density; and

(d) A maximum pile height of .255 inches in resident use areas and .312 inches in nonresident use areas.

(2) Carpets must:

(a) Be cemented to the floor; and

(b) Have the edges covered and top set base with toe at all wall junctures.

(3) When recarpeting, the safety of residents must be assured during and after recarpeting installation within the room or area. The nursing home must ensure the room or area is:

(a) Well ventilated;

(b) Unoccupied; and

(c) Unavailable for use until room is free of volatile fumes and odors.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46550, filed 2/24/00, effective 3/26/00.]

WAC 388-97-46560 Coving in new construction.

The nursing home must ensure:

(1) Kitchens, restrooms, laundry, utility rooms, and bathing areas have integral coves of continuous commercial grade sheet vinyl, bullnose ceramic tile or sealed bullnose quarry tile at least six inches in height; and

(2) All other wall junctions have either integral coving or top set base with toe.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46560, filed 2/24/00, effective 3/26/00.]

WAC 388-97-46570 Walls in new construction.

The nursing home must ensure:

(1) Wall finishes are easily cleanable;

(2) A water-resistant finish extends above the splash line in all rooms or areas subject to splash or spray, such as bathing facilities with tubs only, toilet rooms, janitors' closets, and can-wash areas; and

(3) Bathing facilities with showers have a water-resistant finish extending to the ceiling.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46570, filed 2/24/00, effective 3/26/00.]

WAC 388-97-46580 Accessories in new construction.

The nursing home must provide the following accessories with the necessary backing, if required, for mounting:

(1) Usable countertop area and mirror at each handwashing sink in toilet rooms and resident rooms;

(2) Towel or robe hooks at each handwashing sink in resident rooms and at each bathing facility;

(3) A robe hook at each bathing facility, toilet room and in examination room or therapy area, including outpatient therapy rooms;

(4) A securely mounted toilet paper holder properly located within easy reach of the user at each toilet fixture;

(5) Sanitary seat covers at each public and employee use toilet;

(6) Open front toilet seats on all toilets;

(7) Dispensers for paper towels and handwashing soap at each handwashing sink, and bathing facility;

(8) Sanitary napkin dispensers and disposers in public and employee women's toilet rooms; and

(9) Grab bars that are easily cleanable and resistant to corrosion and securely mounted.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46580, filed 2/24/00, effective 3/26/00.]

WAC 388-97-46590 Miscellaneous in new construction.

The nursing home must ensure:

(1) Rooms and service areas are identified by visible and tactile signs, refer to WAC 388-97-35050(2) for possible exceptions; and

(2) Equipment and casework is designed, manufactured and installed for ease of proper cleaning and maintenance, and suitable for the functions of each area.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46590, filed 2/24/00, effective 3/26/00.]

HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS IN NEW CONSTRUCTION

WAC 388-97-470 Heating systems in new construction.

The nursing home must ensure:

(1) The heating system is capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents and seventy degrees Fahrenheit for nonresident areas;

(2) Resident rooms have individual temperature control, except in a dementia care unit controls may be covered, locked, or placed in an inconspicuous place;

(3) The following is insulated within the building:

(a) Pipes conducting hot water which are exposed to resident contact; and

(b) Air ducts and casings with outside surface temperatures below ambient dew point.

(4) Insulation on cold surfaces includes an exterior vapor barrier; and

(5) Electric resistant wall heat units are prohibited in new construction.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-470, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-470, filed 9/15/94, effective 10/16/94.]

WAC 388-97-47010 Cooling systems in new construction. The nursing home must have:

(1) A mechanical cooling system capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents; and

(2) A cooling system that has mechanical refrigeration equipment to provide summer air conditioning to resident areas, food preparation areas, laundry, medication rooms, and therapy areas by either a central system with distribution ducts or piping, or packaged room or zonal air conditioners.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-47010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-47020 Ventilation systems in new construction. The nursing home must ensure:

(1) Ventilation of all rooms is designed to prevent objectionable odors, condensation, and direct drafts on the residents;

(2) All habitable space is mechanically ventilated including:

(a) Air-supply and air-exhaust systems;

(b) Installation of air-handling duct systems according to the requirements of the Uniform Mechanical Code and chapter 51-42 WAC;

(c) Corridors not used to supply air to, or exhaust air from, any room except that infiltration air from corridors may be used to ventilate bathrooms, toilet rooms, janitors' closets, and small electrical or telephone closets opening directly on corridors;

(d) Installation of supply registers and return air grilles at least three inches above the floor;

(e) Installation of exhaust grilles on or near the ceiling; and

(f) Outdoor air intakes located a minimum of twenty-five feet from the exhaust from any ventilating system, combustion equipment, or areas which may collect vehicular exhaust and other noxious fumes, and a minimum of ten feet from plumbing vents. The nursing home must locate the bottom of outdoor air intakes serving central systems a minimum of three feet above adjoining grade level or, if installed through the roof, three feet above the highest adjoining roof level.

TABLE 5
PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS OF NURSING HOMES

FUNCTION AREA	Pressure Relationship To Adjacent Areas ^{1,2}	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Air Recirculated Within Room Units
PATIENT CARE					
Isolation Room	N	2	12	Yes	No
Patient area corridor	±	Optional	2	Optional	Optional
Patient room	±	2	2	Optional	Optional
Toilet room	N	Optional	10	Yes	No
DIAGNOSTIC AND TREATMENT					
Clean workroom or clean holding	P	2	4	Optional	Optional
Examination room	±	2	6	Optional	Optional
Occupational therapy ³	N	2	3	Optional	Optional
Physical therapy ³	N	2	3	Optional	Optional
Soiled workroom or soiled holding	N	2	10	Yes	No
STERILIZING AND SUPPLY					
Clean linen storage	P	Optional	2	Yes	No
Laundry, general ³	±	2	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Soiled linen sorting and storage	N	Optional	10	Yes	No
Sterilizer equipment room	N	Optional	10	Yes	No
SERVICE					
Bathroom	N	Optional	10	Yes	No
Dietary day storage	±	Optional	2	Yes	No
Food preparation center ³	±	2	10	Yes	No
Janitor's closet	N	Optional	10	Yes	No
Warewashing room ³	N	Optional	10	Yes	No

^{1/} P = Positive N = Negative ± = Continuous directional control not required.

^{2/} Whether positive or negative, pressure must be a minimum of seventy cubic feet per minute (CFM).

^{3/} The volume of air may be reduced up to fifty percent in these areas during periods of nonuse. The soiled holding area of the general laundry must maintain its full ventilation capacity at all time.

(3) Minimum ventilation requirements. Meet the pressure relationship and ventilation rates per ASHRAE 95 HVAC Applications Chapter 7.11 Table 5 Pressure Relationships and Ventilation of Certain Areas of Nursing Homes. The nursing home must ensure:

(a) Exhaust hoods in food preparation areas comply with the Uniform Mechanical Code;

(b) All hoods over commercial type cooking ranges are equipped with fire extinguishing systems and heat actuated fan controls;

(c) Kitchen ventilation is adequate to provide comfortable working temperatures;

(d) Boiler rooms, elevator equipment rooms, laundry rooms, and any other heat-producing spaces are provided with sufficient outdoor air to maintain combustion rates of equipment and to limit temperatures at the ceiling to ninety-seven degrees Fahrenheit; and

(e) Individual toilet rooms and bathrooms are ventilated either by individual mechanical exhaust systems or by a central mechanical exhaust system.

(4) Individual exhaust systems.

(a) Where individual mechanical exhaust systems are used to exhaust individual toilet rooms or bathrooms, the individual ventilation fans are interconnected with room lighting to ensure ventilation while room is occupied. The ventilation fan must have a time delay shutoff to ensure that the exhaust continues for a minimum of five minutes after the light switch is turned off; and

(b) The volume of air removed from the space by exhaust ventilation is replaced directly or indirectly by an equal amount of tempered/conditioned air.

(5) Central exhaust systems. The nursing home must ensure:

(a) All fans serving central exhaust systems are located to prevent a positive pressure in the duct passing through an occupied area; and

(b) Fire and smoke dampers are located and installed in accordance with the Uniform Building Code chapter 51-40 WAC.

(6) Air filters.

(a) All central ventilation or air-conditioning systems are equipped with filters having efficiencies of at least eighty percent if the system supplies air to resident rooms, therapy areas, food preparation areas, or laundry areas;

(b) Central ventilation or air conditioning systems means any system serving more than a single room used by residents or by any group of rooms serving the same utility function (i.e., the laundry);

(c) Filter efficiency is warranted by the manufacturer and is based on atmospheric dust spot efficiency per ASHRAE Standard 52-76;

(d) The filter bed is located upstream of the air-conditioning equipment, unless a prefilter is employed. In which case, the prefilter is upstream of the equipment and the main filter bed may be located downstream; and

(e) The nursing home must ensure:

(i) Filter frames are durable and provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work are gasketed or sealed;

(ii) All central air systems have a manometer installed across each filter bed with an alarm to signal high pressure differential; and

(iii) Humidifiers, if provided, are a steam type.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-47020, filed 2/24/00, effective 3/26/00.]

PLUMBING AND FIXTURES IN NEW CONSTRUCTION

WAC 388-97-480 Handwashing sinks in new construction. The nursing home must provide a handwashing sink in each toilet room and exam room.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-480, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-480, filed 9/15/94, effective 10/16/94.]

WAC 388-97-48010 Drinking fountains in new construction. Where drinking fountains are installed, the nursing home must ensure the fountains are of the inclined jet, sanitary type.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48010, filed 2/24/00, effective 3/26/00.]

WAC 388-97-48020 Mixing valves or mixing faucets in new construction. The nursing home must provide each fixture, except toilet fixtures and special use fixtures, with hot and cold water through a mixing valve or mixing faucet.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48020, filed 2/24/00, effective 3/26/00.]

WAC 388-97-48030 Spouts in new construction. The nursing home must ensure all lavatories and sinks in resident rooms, resident toilet rooms, and utility and medication areas have gooseneck spouts, without aerators in areas requiring infection control.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48030, filed 2/24/00, effective 3/26/00.]

WAC 388-97-48040 Faucet controls in new construction. The nursing home must provide wrist blade, single-lever controls or their equivalent at all sinks and lavatories. The nursing home must:

(1) Provide at least four inch wrist blades and/or single-levers;

(2) Provide sufficient space for full open and closed operation; and

(3) Color-code and label faucet controls to indicate "hot" and "cold."

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48040, filed 2/24/00, effective 3/26/00.]

SUBCHAPTER III NURSING HOME LICENSE

INITIAL LICENSE APPLICATION

WAC 388-97-550 Initial nursing home license. (1) A complete nursing home license application must be:

(a) Submitted at least sixty days prior to the proposed effective date of the license on forms designated by the department;

(b) Signed by the proposed licensee or the proposed licensee's authorized representative;

(c) Notarized; and

(d) Reviewed by the department in accordance with this chapter.

(2) All information requested on the license application must be provided. At minimum, the nursing home license application will require the following information:

(a) The name and address of the proposed licensee, and any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee;

(b) The names of the administrator, director of nursing services, and, if applicable, the management company;

(c) The specific location and the mailing address of the facility for which a license is sought;

(d) The number of beds to be licensed; and

(e) The name and address of all nursing homes that the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee has been affiliated with in the past ten years.

(3) The proposed licensee must be:

(a) The individual or entity responsible for the daily operation of the nursing home;

(b) Denied the license if any individual or entity named in the application is found by the department to be unqualified.

(4) For initial licensure of a new nursing home, the proposed licensee must submit the annual license fee with the initial license application. The nonrefundable nursing home license fee is two hundred seventy-five dollars per bed per year.

(5) If any information submitted in the initial license application changes before the license is issued, the proposed licensee must submit a revised application containing the changed information.

(6) If a license application is pending for more than six months, the proposed licensee must submit a revised application containing current information about the proposed licensee or any other individuals or entities named in the application.

[Statutory Authority: RCW 18.51.050. 02-20-058, § 388-97-550, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-550, filed 2/24/00, effective 3/26/00.]

LICENSE RENEWAL

WAC 388-97-555 Nursing home license renewal. (1) All nursing home licenses must be renewed annually.

(2) License renewals must be:

(a) Submitted at least thirty days prior to the license's expiration date on forms designated by the department;

(b) Signed by the current licensee or the current licensee's authorized representative;

(c) Notarized; and

(d) Reviewed by the department in accordance with this chapter.

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(3) The current licensee must provide all information on the license renewal form or other information requested by the department.

(4) The application for a nursing home license renewal must be:

(a) Made by the individual or entity currently licensed and responsible for the daily operation of the nursing home;

(b) Denied if any individual or entity named in the renewal application is found by the department to be unqualified.

(5) The nursing home license renewal fee must be submitted at the time of renewal. The nonrefundable nursing home license renewal fee is two hundred seventy-five dollars per bed per year.

(6) In unusual circumstances, the department may issue an interim nursing home license for a period not to exceed three months. The current licensee must submit the prorated nursing home license fee for the period covered by the interim license. The annual date of license renewal does not change when an interim license is issued.

(7) A change of nursing home ownership does not change the date of license renewal and fee payment.

[Statutory Authority: RCW 18.51.050. 02-20-058, § 388-97-555, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-555, filed 2/24/00, effective 3/26/00.]

DEPARTMENT REVIEW OF LICENSE APPLICATIONS AND APPEALS

WAC 388-97-560 Department review of initial nursing home license applications. (1) All initial nursing home license applications must be reviewed by the department under this chapter.

(2) The department will not begin review of an incomplete license application.

(3) The proposed licensee must respond to any department request for additional information within five working days.

(4) When the application is determined to be complete, the department will consider the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee, separately and jointly, in its review. The department will review:

(a) The information contained in the application;

(b) Survey and complaint investigation findings in every facility each individual and entity named in the application has been affiliated with during the past ten years;

(c) Compliance history;

(d) Financial assessments;

(e) Actions against the proposed licensee (i.e., revocation, suspension, refusal to renew, etc.);

(f) All criminal convictions, and relevant civil or administrative actions or findings including, but not limited to, findings under 42 C.F.R. §488.335, disciplinary findings, and findings of abuse, neglect, exploitation, or abandonment; and

(g) Other relevant information.

(5) The department will notify the proposed licensee of the results of the review.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-560, filed 2/24/00, effective 3/26/00.]

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WAC 388-97-565 Department review of nursing home license renewals. (1) All renewal license applications must be reviewed by the department under this chapter.

(2) The department will not begin review of an incomplete license renewal application.

(3) The current licensee must respond to any department request for additional information within five working days.

(4) When the application is determined to be complete, the department will review:

(a) The information contained in the application;

(b) Actions against the license (i.e., revocation, suspension, refusal to renew, etc.);

(c) All criminal convictions, and relevant civil or administrative actions or findings including, but not limited to, findings under 42 C.F.R. §488.335, disciplinary findings, and findings of abuse, neglect, exploitation, or abandonment; and

(d) Other relevant information.

(5) The department will notify the current licensee of the results of the review.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-565, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-565, filed 2/24/00, effective 3/26/00.]

WAC 388-97-570 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license. (1) The department may deny, suspend, modify, revoke, or refuse to renew a nursing home license when the department finds the proposed or current licensee, or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home, owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has:

(a) Failed or refused to comply with the:

(i) Requirements established by chapters 18.51, 74.42, or 74.46 RCW and regulations adopted under these chapters; or

(ii) Medicaid requirements of Title XIX of the Social Security Act and Medicaid regulations.

(b) A history of significant noncompliance with federal or state regulations in providing nursing home care;

(c) No credit history or a poor credit history;

(d) Engaged in the illegal use of drugs or the excessive use of alcohol or been convicted of "crimes relating to drugs" as defined in RCW 43.43.830;

(e) Unlawfully operated a nursing home, or long term care facility as defined in RCW 70.129.010, without a license or under a revoked or suspended license;

(f) Previously held a license to operate a hospital or any facility for the care of children or vulnerable adults, and that license has been revoked, or suspended, or the licensee did not seek renewal of the license following written notification of the licensing agency's initiation of revocation or suspension of the license;

(g) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(h) Permitted, aided, or abetted the commission of any illegal act on the nursing home premises;

(i) Been convicted of a felony or other crime that would be prohibited under RCW 74.39A.050(8), if it reasonably

relates to the competency of the individual to own or operate a nursing home;

(j) Failed to:

(i) Provide any authorization, documentation, or information the department requires in order to verify information contained in the application;

(ii) Meet financial obligations as the obligations fall due in the normal course of business;

(iii) Verify additional information the department determines relevant to the application;

(iv) Report abandonment, abuse, neglect or financial exploitation in violation of chapter 74.34 RCW; or in the case of a skilled nursing facility or nursing facilities, failure to report as required by 42 C.F.R. 483.13; or

(v) Pay a civil fine the department assesses under this chapter within ten days after assessment becomes final.

(k) Been certified pursuant to RCW 74.20A.320 as a person who is not in compliance with a child support order (license suspension only);

(l) Knowingly or with reason to know makes a false statement of a material fact in the application for a license or license renewal, in attached data, or in matters under department investigation;

(m) Refused to allow department representatives or agents to inspect required books, records, and files or portions of the nursing home premises;

(n) Willfully prevented, interfered with, or attempted to impede the work of authorized department representatives in the:

(i) Lawful enforcement of provisions under this chapter or chapters 18.51 or 74.42 RCW; or

(ii) Preservation of evidence of violations of provisions under this chapter or chapters 18.51 or 74.42 RCW.

(o) Retaliated against a resident or employee initiating or participating in proceedings specified under RCW 18.51.220; or

(p) Discriminated against Medicaid recipients as prohibited under RCW 74.42.055.

(2) In determining whether there is a history of significant noncompliance with federal or state regulations under subsection (1)(b), the department may, at a minimum, consider:

(a) Whether the violation resulted in a significant harm or a serious and immediate threat to the health, safety, or welfare of any resident;

(b) Whether the proposed or current licensee promptly investigated the circumstances surrounding any violation and took steps to correct and prevent a recurrence of a violation;

(c) The history of surveys and complaint investigation findings and any resulting enforcement actions;

(d) Repeated failure to comply with regulations;

(e) Inability to attain compliance with cited deficiencies within a reasonable period of time; and

(f) The number of violations relative to the number of facilities the proposed or current licensee, or any partner, officer, director, managing employee, employee or individual providing nursing home care or services has been affiliated within the past ten years, or owner of five percent or more of the proposed or current licensee or of the assets of the nursing home.

(3) The department must deny, suspend, revoke, or refuse to renew a proposed or current licensee's nursing home license if the proposed or current licensee or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home or owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has been:

- (a) Convicted of a "crime against children or other persons" as defined under RCW 43.43.830;
- (b) Convicted of a "crime relating to financial exploitation" as defined under RCW 43.43.830;
- (c) Found by a court in a criminal proceeding or a protection proceeding under chapter 74.34 RCW, or any comparable state or federal law, to have abandoned, abused, neglected 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 an individual with a developmental disability or to have abused, neglected, abandoned, or financially exploited any vulnerable adult;
- (e) Found in any dependency action to have sexually assaulted or exploited any minor or to have physically abused any minor;
- (f) Found by a court in a domestic relations proceeding under Title 26 RCW, or any comparable state or federal law, to have sexually abused or exploited any minor or to have physically abused any minor; or
- (g) Found to have abused, neglected, abandoned or financially exploited or mistreated residents or misappropriated their property, and that finding has been entered on a nursing assistant registry.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-23-030, § 388-97-570, filed 11/12/02, effective 12/13/02; 02-14-063, § 388-97-570, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-570, filed 2/24/00, effective 3/26/00.]

WAC 388-97-575 Appeal of the department's licensing decision. A proposed or current licensee contesting a department licensing decision must file a written request for an administrative hearing within twenty days of receipt of the decision.

The appeals process and requirements are set forth in WAC 388-97-625.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-575, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-575, filed 2/24/00, effective 3/26/00.]

MANAGEMENT AGREEMENTS AND CHANGES OF OWNERSHIP

WAC 388-97-580 Management agreements. (1) The licensee is responsible for the daily operations of the nursing home.

(2) As used in this section:

- (a) "**Management agreement**," means a written, executed, agreement between the licensee and another individual or entity regarding the provision of certain services in a nursing home; and

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(b) "**Manager**" refers to the individual or entity providing services under a management agreement.

(3) The licensee may not give the manager responsibilities that are so extensive that the licensee is relieved of responsibility for the daily operations and provisions of services of the facility. If the licensee does so, then the department must determine that a change of ownership has occurred.

(4) The proposed licensee or the current licensee must notify the residents and their representatives sixty days before entering into a management agreement.

(5) The department must receive a written management agreement, including an organizational chart showing the relationship between the proposed or current licensee, management company, and all related organizations:

- (a) Sixty days before:
 - (i) The proposed change of ownership date;
 - (ii) The initial licensure date; or
 - (iii) The effective date of the management agreement; or
- (b) Thirty days before the effective date of any amendment to an existing management agreement.
- (6) Management agreements, at minimum must:
 - (a) Create a principal/agent relationship between the licensee and the manager;
 - (b) Describe the responsibilities of the licensee and manager, including items, services, and activities to be provided;
 - (c) Require the licensee's governing body, board of directors, or similar authority to appoint the facility administrator;

(d) Provide for maintenance and retention of all records as applicable according to rules and regulations;

(e) Allow unlimited access by the department to documentation and records according to applicable laws or regulations;

(f) Require the licensee to participate in monthly oversight meetings and quarterly on-site visits to the facility;

(g) Require the manager to immediately send copies of surveys and notices of noncompliance to the licensee;

(h) State that the licensee is responsible for ensuring all licenses, certifications, and accreditations are obtained and maintained;

(i) State that the manager and licensee will review the management agreement annually and notify the department of changes according to applicable regulations;

(j) Acknowledge that the licensee is the party responsible for meeting state and federal licensing and certification requirements;

(k) Require the licensee to maintain ultimate responsibility over personnel issues relating to the operation of the nursing home and care of the residents, including but not limited to, staffing plans, orientation, and training;

(l) Require that, even if day-to-day management of the trust funds are delegated, the licensee:

- (i) Retains all fiduciary and custodial responsibility for funds that have been deposited with the nursing home by the resident; and

- (ii) Is directly accountable to the residents for such funds.

(m) Provide that if any responsibilities for the day-to-day management of the resident trust fund are delegated to the manager, then the manager must:

(i) Provide the licensee with a monthly accounting of the resident funds; and

(ii) Meet all legal requirements related to holding, and accounting for, resident trust funds; and

(n) State that the manager will not represent itself or give the appearance it is the licensee.

(7) Upon receipt of a proposed management agreement, the department may require:

(a) The licensee or manager to provide additional information or clarification;

(b) Any changes necessary to:

(i) Bring the management agreement into compliance with this section; and

(ii) Ensure that the licensee has not been relieved of the responsibility for the daily operations of the facility; and

(c) More frequent contact between the licensee and manager under subsection (6)(f).

(8) The licensee and manager must act in accordance with the terms of the management agreements. If the department determines that they are not, then the department may take action deemed appropriate.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-580, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-580, filed 2/24/00, effective 3/26/00.]

WAC 388-97-585 Change of ownership. (1) A change of ownership occurs when there is a substitution, elimination, or withdrawal of the licensee or a substitution of control of the licensee. "**Control**," as used in this section, means the possession, directly or indirectly, of the power to direct the management, operation, and policies of the licensee, whether through ownership, voting control, by agreement, by contract or otherwise. Events which constitute a change of ownership include, but are not limited to, the following:

(a) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The licensee transfers ownership of the nursing home 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 is also transferred;

(c) Dissolution or consolidation of the entity;

(d) Merger unless the licensee survives the merger and there is not a change in control of the licensee;

(e) If, during any continuous twenty-four month period, fifty percent or more of the entity is transferred, whether by a single transaction or multiple transactions, to:

(i) A different party (e.g., new or former shareholders); or

(ii) An individual or entity that had less than a five percent ownership interest in the nursing home at the time of the first transaction; or

(f) Any other event or combination of events that the department determines results in a:

(i) Substitution, elimination, or withdrawal of the licensee; or

(ii) Substitution of control of the licensee responsible for the daily operational decisions of the nursing home.

(2) Ownership does not change when the following, without more, occur:

(a) A party contracts with the licensee to manage the nursing home enterprise in accordance with the requirements of WAC 388-97-580; or

(b) The real property or personal property assets of the nursing home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the licensee.

(3) When a change of ownership is contemplated, the current licensee must notify the department and all residents and their representatives at least sixty days prior to the proposed date of transfer. The notice must be in writing and contain the following information as specified in RCW 18.51.530:

(a) Name of the proposed licensee;

(b) Name of the managing entity;

(c) Names, addresses, and telephone numbers of department personnel to whom comments regarding the change may be directed;

(d) Names of all officers and the registered agent in the state of Washington if proposed licensee is a corporation; and

(e) Names of all general partners if proposed licensee is a partnership.

(4) The proposed licensee must comply with license application requirements. The operation or ownership of a nursing home must not be transferred until the proposed licensee has been issued a license to operate the nursing home.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-585, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-585, filed 2/24/00, effective 3/26/00.]

LICENSED BED CAPACITY, RELOCATION OF RESIDENTS AND LICENSE RELINQUISHMENT

WAC 388-97-590 Licensed bed capacity. A nursing home must not be licensed for a capacity that exceeds the number of beds permitted under:

(1) This chapter;

(2) Chapter 70.38 RCW and regulations thereunder; or

(3) Applicable local zoning, building or other such regulations.

[Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-590, filed 2/24/00, effective 3/26/00.]

WAC 388-97-595 Relocation of residents. (1) In the event of license revocation or suspension, decertification, or other emergency closures the department must:

(a) Notify residents and, when appropriate, resident representatives of the action;

(b) Assist with residents' relocation and specify possible alternative living choices and locations; and

(c) The nursing home will assist the residents to the extent it is directed to do so by the department.

(2) When a resident's relocation occurs due to a nursing home's voluntary closure, or voluntary termination of its Medicare or Medicaid contract or both, the nursing home must:

(a) Notify the department and all residents and resident representatives in accordance with WAC 388-97-162; and

(b) Provide appropriate discharge planning and coordination for all residents including a plan to the department for safe and orderly transfer or discharge of residents from the nursing home.

(3) The department may provide residents assistance with relocation.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-595, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-595, filed 2/24/00, effective 3/26/00.]

WAC 388-97-600 License relinquishment. (1) A nursing home licensee must voluntarily relinquish its license when:

(a) The nursing home ceases to do business as a nursing home; and

(b) Within twenty-four hours after the last resident is discharged from the facility.

(2) The license must be returned to the department.

(3) If a nursing home licensee fails to voluntarily relinquish its license, the department will revoke the license.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-600, filed 2/24/00, effective 3/26/00.]

SUBCHAPTER IV NURSING HOME LICENSURE PROGRAM ADMINISTRATION

WAC 388-97-605 Inspections and deficiency citation report. (1) The department may inspect nursing homes at any time in order to determine compliance with the requirements of chapters 18.51 or 74.42 RCW and this chapter. Types of state inspections in nursing homes include pre-occupancy, licensing, revisit, and complaint investigation. In the case of a Medicaid or Medicare contractor, or both, the department may also inspect Medicare and Medicaid certified nursing homes to determine compliance with the requirements of Title XVIII and/or XIX of the Social Security Act and federal Medicare and Medicaid regulations.

(2) The department will provide to the nursing home written documentation (notice) of the nursing home's deficiency(ies), the requirement that the deficiency(ies) violates, and the reasons for the determination of noncompliance with the requirements (RCW 18.51.091).

(3) The department may revisit the nursing home to confirm that corrections of deficiencies has been made. Revisits will be made:

(a) In accordance with RCW 74.39A.060 (5)(e);

(b) In the case of a Medicare or Medicaid contractor, or both, in accordance with the requirements of Title XVIII or XIX, or both of the Social Security Act and federal Medicare and Medicaid regulations; and

(c) At the department's discretion.

(4) The licensee or nursing home must:

(a) Ensure that department staff have access to the nursing home residents, staff and all resident records; and

(b) 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

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are not limited to, not allowing department staff to talk to residents or staff in private or not allowing department staff access to resident records.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-605, filed 6/27/02, effective 7/28/02.]

WAC 388-97-610 Plan of correction. (1) The licensee or nursing home must, within ten calendar days of notification of the cited deficiencies prepare, sign, date and provide to the department a detailed written plan of correction. Such plan of correction will provide notification to the department of the date by which the nursing home will complete the correction of cited deficiencies. The plan of correction must be completed regardless of whether the licensee requests an informal department review in accordance in WAC 388-97-620.

(2) A plan of correction is not required for deficiencies at a severity level 1/isolated scope as described in WAC 388-97-640, unless specifically requested by the department.

(3) In the case of actual or imminent threat to resident health or safety/immediate jeopardy (severity level 4 as described in WAC 388-97-640), the department may require the licensee or nursing home to submit a document alleging that the imminent threat has been removed within a time frame specified by the department. The document must specify the steps the nursing home has taken or will take to correct the imminent harm. An allegation that the imminent harm has been removed does not substitute for the plan of correction as required by subsection (1) of this section but it will become a part of the completed plan of correction.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-610, filed 6/27/02, effective 7/28/02.]

WAC 388-97-615 Acceptable and unacceptable plans of correction. (1) A plan of correction must:

(a) Address how corrective action will be accomplished for those residents found to have been affected by the deficient practice;

(b) Address how the nursing home will identify other residents having the potential to be affected by the same deficient practice;

(c) Address what measures will be put into place or systemic changes made to ensure that the deficient practice will not recur;

(d) Indicate how the nursing home plans to monitor its performance to make sure that solutions are sustained, including how the plan of correction will be integrated into the nursing home's quality assurance system;

(e) Give the title of the person who is responsible for assuring lasting correction; and

(f) Give the date by which the correction will be made.

(2) The department will review the nursing home's plan of correction to determine whether it is acceptable.

(3) When deficiencies involve nursing home alterations, physical plant plan development, construction review, or other circumstances where extended time to complete correction may be required, the department's designated local aging and adult services administration (AASA) field office or other department designee may accept a plan of correction as

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evidence of substantial compliance under the following circumstances:

(a) The plan of correction must include the steps that the nursing home needs to take, the time schedule for completion of the steps, and concrete evidence that the plan will be carried out as scheduled; and

(b) The nursing home must submit progress reports and/or updated plans to the department in accordance with a schedule specified by department.

(c) The department's acceptance of a plan of correction is solely at the department's discretion and does not rule out the imposition of optional remedies.

[Statutory Authority: RCW 18.51.070, 74.42.620.02-14-063, § 388-97-615, filed 6/27/02, effective 7/28/02.]

WAC 388-97-620 Informal department review. (1)

For Medicare or Medicaid certified nursing homes, the informal department review process described in this section is the only opportunity for the nursing home to dispute the federal deficiency citation report, unless a federal sanction is imposed.

(2) The nursing home licensee has the right to an informal department review of disputed state or federal citations, or both.

(3) A licensee must make a written request for an informal department review within ten calendar days of receipt of the department's written deficiency citation(s) report. The request must be directed to the department's designated local aging and adult services administration (AASA) office and must identify the deficiencies that are being disputed.

(4) At the informal department review, the licensee or nursing home may provide documentation and verbal explanations related to the disputed federal or state deficiencies, or both.

(5) When modifications or deletions are made to the disputed federal or state deficiency citations, or both, the licensee or nursing home must modify or delete the relevant portions of the plan of correction within five days of receipt of the modified or deleted deficiency(ies). The licensee or nursing home may request from the department a clean copy of the revised deficiency citation report.

(6) If the licensee or nursing home is unwilling to provide the modified plan of correction, the department may impose a per day civil fine for failure to return the modified deficiency citation report to the department in accordance with this subsection.

[Statutory Authority: RCW 18.51.070, 74.42.620.02-14-063, § 388-97-620, filed 6/27/02, effective 7/28/02.]

WAC 388-97-625 Notice and appeal rights. (1) The notification and hearing rights in this section apply to any appealable action taken by the department under chapters 18.51, 74.42 and 74.39A RCW. Notification and appeals requirements for resident protection program findings are described in WAC 388-97-077.

(2) The following actions may be appealed:

(a) Imposition of a penalty under RCW 18.51.060 or 74.42.580;

(b) An action by the department such as a denial of a license under RCW 18.51.054, a license suspension under

RCW 18.51.067 or a condition on a license under RCW 74.39A.050; or

(c) Deficiencies cited on the state survey report.

(3) The appeal process will be governed by the administrative procedure act (chapter 34.05 RCW), RCW 18.51.065 and 74.42.580, chapter 388-02 WAC and this chapter. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision of this chapter will govern.

(4) The purpose of an administrative hearing will be to review actions taken by the department under chapters 18.51, 74.42 or 74.39A RCW, and under this chapter.

(5) The applicant, licensee or nursing home must file a request for an administrative hearing with the office of administrative hearings within twenty days of receipt of written notification of the department's action as defined in subsection (2) of this section. Further information about administrative hearings is available in chapter 388-02 WAC and at the office of administrative hearing (OAH) website: www.oah.wa.gov.

(6) Orders of the department imposing a stop placement, license suspension, emergency closure emergency transfer of residents, temporary management or conditions on a license are effective immediately upon verbal or written notice and must remain in effect until they are rescinded by the department or through the state administrative appeals process.

(7) Deficiencies cited on the federal survey report may not be appealed. If a federal remedy is imposed, the Centers for Medicare and Medicaid Services will notify the nursing facility of appeal rights under the federal administrative appeals process.

[Statutory Authority: RCW 18.51.070, 74.42.620.02-14-063, § 388-97-625, filed 6/27/02, effective 7/28/02.]

WAC 388-97-630 Remedies. Mandatory Remedies

(1) In accordance with RCW 18.51.060 (5)(a), the department must impose a stop placement order when the department determines that the nursing home is not in substantial compliance with applicable laws or regulations and the cited deficiency(ies):

(a) Jeopardize the health and safety of the residents; or

(b) Seriously limit the nursing home's capacity to provide adequate care.

(2) When required by RCW 18.51.060(3), the department must deny payment to a nursing home that is certified to provide Medicaid services for any Medicaid-eligible individual admitted to the nursing home. Nursing homes that are certified to provide Medicare services or both Medicare and Medicaid services may be subject to a federal denial of payment for new admissions, in accordance with federal law.

(3) The department must deny, suspend, revoke or refuse to renew a proposed or current licensee's nursing home license in accordance with WAC 388-97-570(3).

Optional Remedies

(4) When the department determines that a licensee has failed or refused to comply with the requirements under chapter 18.51, 74.39A or 74.42 RCW, or this chapter; or a Medicaid contractor has failed or refused to comply with Medicaid requirements of Title XIX of the Social Security Act or Medicaid regulations, the department may impose any or all of the following optional remedies:

- (a) Stop placement;
- (b) Immediate closure of a nursing home, emergency transfer of residents or both;
- (c) Civil fines;
- (d) Appoint temporary management;
- (e) Petition the court for appointment of a receiver in accordance with RCW 18.51.410;
- (f) License denial, revocation, suspension or non-renewal;
- (g) Denial of payment for new Medicaid admissions;
- (h) Termination of the Medicaid provider agreement (contract);
- (i) Department on-site monitoring as defined under WAC 388-97-005; and
- (j) Reasonable conditions on a license as authorized by chapter 74.39A RCW. Examples of conditions on a license include but are not limited to training related to the deficiency(ies); consultation in order to write an acceptable plan of correction; demonstration of ability to meet financial obligations necessary to continue operation.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-630, filed 6/27/02, effective 7/28/02.]

WAC 388-97-635 Criteria for imposing optional remedies. (1) The criteria set forth in this section implement the requirements under RCW 18.51.060(8). The criteria do not replace the standards for imposition of mandatory remedies under RCW 18.51.060 (3) and (5), or for the imposition of mandatory remedies in accordance with WAC 388-97-630 (1), (2) and (3).

(2) The department must consider the imposition of one or more optional remedy(ies) when the nursing home has:

- (a) A history of being unable to sustain compliance;
- (b) One or more deficiencies on one inspection at severity level 2 or higher as described in WAC 388-97-640;
- (c) Been unable to provide an acceptable plan of correction after receiving assistance from the department about necessary revisions;
- (d) One or more deficiencies cited under general administration and/or nursing services;
- (e) One or more deficiencies related to retaliation against a resident or an employee for whistle blower activity under RCW 18.51.220, 74.34.180 or 74.39A.060 and WAC 388-97-203;
- (f) One or more deficiencies related to discrimination against a Medicare or Medicaid client under RCW 74.42.055, and Titles XVIII and XIX of the Social Security Act and Medicare and Medicaid regulations; or
- (g) Willfully interfered with the performance of official duties by a long-term care ombudsman.

(3) The department, in its sole discretion, may consider other relevant factors when determining what optional remedy or remedies to impose in particular circumstances.

(4) When the department imposes an optional remedy or remedies, the department will select more severe penalties for nursing homes that have deficiency(ies) that are:

- (a) Uncorrected upon revisit;
- (b) Recurring (repeated);
- (c) Pervasive; or

(d) Present a threat to the health, safety, or welfare of the residents.

(5) The department will consider the severity and scope of cited deficiencies in accordance with WAC 388-97-640 when selecting optional remedy(ies). Such consideration will not limit the department's discretion to impose a remedy for a deficiency at a low level severity and scope.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-635, filed 6/27/02, effective 7/28/02.]

WAC 388-97-640 Severity and scope of deficiencies.

(1) "**Severity of a deficiency**" means the seriousness of the deficiency. Factors the department will consider when determining the severity of a deficiency may include, but are not limited to:

(a) Whether harm to the resident has occurred, or could occur, including but not limited to a violation of resident's rights;

(b) The impact of the actual or potential harm on the resident; and

(c) The degree to which the nursing home failed to meet the resident's highest practicable physical, mental, and psychosocial well being as defined in WAC 388-97-005.

(2) **Severity levels**

(a) Severity level 4—Imminent harm or immediate jeopardy

Level 4 means that a resident(s)' health or safety is imminently threatened or immediately jeopardized as a result of deficient nursing home practice. This level includes actual harm or potential harm, or both, to resident(s)' health or safety that has had or could have a severe negative outcome or critical impact on resident's well being, including death or severe injury. Severity Level 4 requires immediate corrective action to protect the health and safety of resident(s).

(b) Severity level 3—Actual harm

Level 3 means that actual harm has occurred to resident(s) as the result of deficient nursing home practice.

(i) "**Serious harm**" is harm that results in a negative outcome that significantly compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental and psychosocial well being. Serious harm does not constitute imminent danger/immediate jeopardy (Severity Level 4).

(ii) "**Moderate harm**" is harm that results in a negative outcome that more than slightly but less than significantly compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental and psychosocial well being.

(iii) "**Minimal harm**" is harm that results in a negative outcome that to a small degree compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental well being.

(c) Severity level 2—Potential for harm

Level 2, "**potential for harm**" means that if the deficient nursing home practice is not corrected, resident(s) may suffer actual harm.

(d) Severity level 1—No harm or minimal impact

Level 1 means a deficient nursing home practice that does not compromise the resident(s) ability to maintain or reach, or both, the highest practicable physical, mental and psychosocial well being. Deficiencies at level 1 are those that have no direct or potential for no more than minimal impact on the resident. Examples include certain structure deficiencies, certain physical environment deficiencies and process deficiencies.

(3) **"Scope of a deficiency"** means the frequency, incidence, or extent of the occurrence of the deficiency.

(4) Scope categories

(a) **"Isolated or limited scope"** means a relatively few number of residents have been affected or have the potential to be affected, by the deficient nursing home practice.

(b) **"Moderate or pattern scope"** scope means more than an isolated and less than a widespread number of residents have been affected, or have the potential to be affected by the deficient nursing home practice.

(c) **"Widespread" or "systemic scope"** means most or all of the residents are affected or have the potential to be affected, by the deficient nursing home practice.

(5) Determination of scope will be made by the department in its sole discretion. Factors the department will consider may include:

- (a) Size of the nursing home;
- (b) Size of the sample;
- (c) Number and location of affected residents;
- (d) Whether the deficiency applies to all or a subset of the residents;
- (e) Other factors relevant to the particular circumstances.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-640, filed 6/27/02, effective 7/28/02.]

WAC 388-97-645 Separate deficiencies—Separate remedies. (1) Each deficiency cited by the department for noncompliance with a statute or regulation is a separate deficiency subject to the assessment of a separate remedy.

(2) Each day upon which the same deficiency occurs is a separate deficiency subject to the assessment of a separate remedy.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-645, filed 6/27/02, effective 7/28/02.]

WAC 388-97-650 Stop placement. (1) The department must impose a stop placement order when required by RCW 18.51.060(5) and WAC 388-97-630(1) and may impose a stop placement order as an optional remedy in accordance with WAC 388-97-635. The department's stop placement order becomes effective upon verbal or written notice.

(2) The nursing home has the right to an informal department review to refute the federal or state deficiencies, or both, cited as the basis for the stop placement and must request such review in accordance with WAC 388-97-620(3).

(3) The department will not delay or suspend a stop placement order because the nursing home requests an administrative hearing or informal department review.

(4) The stop placement order must remain in effect until:

(a) The department terminates the stop placement order; or

(b) The stop placement order is terminated by a final agency order following appeal conducted in accordance with chapter 34.05 RCW.

(5) The department must terminate the stop placement when:

(a) The nursing home states in writing that the deficiencies necessitating the stop placement action have been corrected; and

(b) Within fifteen working days of the nursing home's notification, department staff confirm by on-site revisit of the nursing home that:

(i) The deficiencies that necessitated the stop placement action have been corrected; and

(ii) The nursing home exhibits the capacity to maintain adequate care and services and correction of deficiencies.

(6) After lifting the stop placement, the department may continue to perform on site monitoring to verify that the nursing home has maintained correction of deficiencies.

(7) While a stop placement order is in effect, the department may approve a readmission to the nursing home from the hospital in accordance with RCW 18.51.060 (5)(b) and department guidelines for readmission decisions.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-23-030, § 388-97-650, filed 11/12/02, effective 12/13/02; 02-14-063, § 388-97-650, filed 6/27/02, effective 7/28/02.]

WAC 388-97-655 Amount of civil fine. (1) Except as otherwise provided in statute, the range for a:

(a) Per day civil fine is fifty dollars to three thousand dollars; and

(b) Per instance civil fine is one thousand to three thousand dollars.

(2) In the event of continued noncompliance, nothing in this section must prevent the department from increasing a civil fine up to the maximum amount allowed by law.

[Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-655, filed 6/27/02, effective 7/28/02.]

WAC 388-97-660 Civil fine accrual and due dates and interest. (1) Accrual of a per day civil fine begins on the first date the department verifies that the nursing home has or had a specific deficiency. Accrual of the per day civil fine will end on the date the department determines the nursing home corrected the deficiency.

(2) A per instance fine may be assessed for a deficiency, regardless of whether or not the deficiency had been corrected by the time the department first identified it.

(3) Civil fine(s) are due twenty days after the nursing home is notified of the civil fine(s) if the nursing home does not request a hearing.

(4) If the nursing home requests a hearing, the civil fine(s) including interest, if any, is due twenty days after:

(a) A hearing decision ordering payment of the fine(s) becomes final in accordance with chapter 388-02 WAC;

(b) The appeal is withdrawn;

(c) A settlement agreement and order of dismissal is entered, unless otherwise specified in the agreement; or

(d) An order of dismissal is entered.

(5) Interest on the civil fine(s) begins to accrue at a rate of one percent per month, thirty days after the nursing home is notified of the fine, unless a settlement agreement includes other provisions for payment of interest. If the amount of the civil fine is reduced following an appeal, interest on the reduced civil fine(s) accrues from thirty days after the nursing home was notified of the original civil fine(s).

(6) When a nursing home fails to pay a civil fine when due under this chapter, the department may:

- (a) Withhold an amount equal to the fine plus interest, if any, from the nursing home's Medicaid payment;
- (b) Impose an additional fine; or
- (c) Suspend the nursing home license under WAC 388-97-570(1). Such license suspension must continue until the fine is paid.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-660, filed 6/27/02, effective 7/28/02.]

WAC 388-97-665 Civil penalty fund. (1) The department must deposit civil penalties collected under chapter 18.51 or 74.42 RCW into a special fund administered by the department to be applied to the protection of the health or property of residents of nursing homes found to be deficient.

(2) The funds must be administered by the department according to department procedures. Uses of the fund include, but are not limited to:

- (a) Payment for the costs of relocation of residents to other facilities;
- (b) Payment to maintain operation of a nursing home pending correction of deficiencies or closure; and
- (c) Reimbursement of residents for personal funds or property lost when the resident's personal funds or property cannot be recovered from the nursing home or third party insurer.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-665, filed 6/27/02, effective 7/28/02.]

WAC 388-97-670 Temporary management. (1) When the department appoints a temporary manager, the department must order the licensee to:

- (a) Cease operating the nursing home; and
- (b) Immediately turn over to the temporary manager possession and control of the nursing home including, but not limited to, all patient care records, financial records, and other records necessary for continued operation of the nursing home while temporary management is in effect.

(2) The temporary manager will have authority to temporarily relocate some or all residents if the:

- (a) Temporary manager determines the resident's health, security, or welfare is jeopardized; and
- (b) Department concurs with the temporary manager's determination that relocation is necessary.

(3) The department's authority to order temporary management is discretionary in all cases.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-670, filed 6/27/02, effective 7/28/02.]

WAC 388-97-675 Receivership. (1) Receivership is authorized under RCW 18.51.400 through [18.51.]520 and the following regulations.

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(2) After receivership is established, the department may recommend to the court that all residents be relocated and the nursing home closed when:

(a) Problems exist in the physical condition of the premises which cannot be corrected in an economically prudent manner; or

(b) The department determines the former licensee or owner:

- (i) Is unwilling or unable to manage the nursing home in a manner ensuring residents' health, safety, and welfare; and
- (ii) Has not entered into an enforceable agreement to sell the nursing home within three months of the court's decision to grant receivership.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-675, filed 6/27/02, effective 7/28/02.]

WAC 388-97-680 Temporary managers and receivers—Application. (1) The department may recruit individuals, partnerships, corporations and other entities interested in serving as a temporary manager or receiver of a nursing home.

(2) Individuals, partnerships, corporations, or other entities interested in being appointed as a temporary manager or receiver must complete and submit to the department the required application on department forms.

(3) Individuals, partnerships, corporations, or other entities with experience in providing long-term health care and a history of satisfactory nursing home operation may submit an application to the department at any time. Applicants will be subject to the criteria established for licensees found in WAC 388-97-570, except the department may waive the requirement that it have at least sixty days to review the application.

(4) The department must not appoint or recommend the appointment of a person (including partnership, corporation or other entity) to be a temporary manager or receiver if that person:

(a) Is the licensee, administrator, or partner, officer, director, managing employee, or owner of five percent or more of the licensee of the nursing home subject to temporary management or receivership;

(b) Is affiliated with the nursing home subject to temporary management or receivership; or

(c) Has owned or operated a nursing home ordered into temporary management or receivership in any state.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-680, filed 6/27/02, effective 7/28/02.]

WAC 388-97-685 Temporary managers and receivers—Considerations before appointment. (1) The department's authority to appoint a temporary manager or to recommend appointment of a specific individual or entity to act as receiver is discretionary in all cases.

(2) The department, in appointing a temporary manager or recommending appointment of a receiver, may consider one or more of the following factors:

(a) Potential temporary manager's or receiver's willingness to serve as a temporary manager or receiver for the nursing home in question;

(b) Amount and quality of the potential temporary manager's or receiver's experience in long-term care;

(c) Quality of care, as determined by prior survey reports, provided under the potential temporary manager's or the potential receiver's supervision, management or operation;

(d) Potential temporary manager's or receiver's prior performance as a temporary manager or receiver;

(e) How soon the potential temporary manager or receiver is available to act as a temporary manager or receiver;

(f) Potential temporary manager's or receiver's familiarity and past compliance with Washington state and federal regulations applicable to nursing homes.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-685, filed 6/27/02, effective 7/28/02.]

WAC 388-97-690 Duties and powers of temporary manager and receiver. (1) The temporary manager or receiver must protect the health, security and welfare of the residents for the duration of the temporary management or receivership. The temporary manager or receiver must perform all acts reasonably necessary to ensure residents' needs are met. Such acts may include, but are not limited to:

(a) For receivers, the powers in RCW 18.51.490;

(b) Correcting cited deficiencies;

(c) Hiring, directing, and managing all consultants and employees and discharging them for just cause, discharging the administrator of the nursing home, recognizing collective bargaining agreement, and settling labor disputes;

(d) Receiving and expending in a prudent and business-like manner all current revenues of the home provided priority will be given to debts and expenditures directly related to providing care and meeting residents' needs;

(e) Making necessary purchases, repairs, and replacements, provided such expenditures in excess of five thousand dollars are approved by the department, or in the case of a receiver, approved by court;

(f) Entering into contracts necessary for the operation of the nursing home, provided that, the court must approve contracts extending beyond the period of receivership;

(g) Preparing all department-required reports;

(h) Overseeing facility closure, when appropriate;

(i) Planning required relocation with residents and residents' legal representative, family, or significant others in conjunction with home and community services division field staff;

(j) Meeting regularly with and informing staff, residents, and residents' families or significant others of:

(i) Plans for correcting the cited deficiencies;

(ii) Progress achieved in correction of deficiencies;

(iii) Plans for facility closure and relocation; and

(iv) Plans for continued operation of the nursing home, including training of staff.

(2) The temporary manager or receiver must make a detailed monthly accounting of all expenditures and liabilities to the department and to the owner of the nursing home, and to the court when required.

(3) The receiver must consult the court in cases of extraordinary or questionable debts incurred prior to the receiver's appointment and will not have the power to close

the home or sell any of the nursing home's assets without prior court approval.

(4) The temporary manager or receiver must comply with all applicable state and federal laws and regulations. If the nursing home is certified and is providing care to Medicaid clients, the temporary manager or receiver must become the Medicaid contractor for the duration of the temporary management or receivership period.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-690, filed 6/27/02, effective 7/28/02.]

WAC 388-97-695 Termination of temporary management and receivership. (1) The department will terminate temporary management:

(a) After three months unless good cause is shown to continue the temporary management. Good cause for continuing the temporary management exists when returning the nursing home to its former licensee would subject residents to a threat to health, safety, or welfare;

(b) When all residents are transferred and the nursing home is closed;

(c) When deficiencies threatening residents' health, safety, or welfare are eliminated and the former licensee agrees to department-specified conditions regarding the continued facility operation; or

(d) When a new licensee assumes control of the nursing home.

(2) The department may appoint an alternate temporary manager:

(a) When the temporary manager is no longer willing to serve as a temporary manager;

(b) If a temporary manager is not making acceptable progress in correcting the nursing home deficiencies or in closing the nursing home; or

(c) If the department determines the temporary manager is not operating the nursing home in a financially responsible manner.

(3) The receivership will terminate in accordance with RCW 18.51.450 and 18.51.460.

(4) The department may recommend to the court an alternate receiver be appointed:

(a) When the receiver is no longer willing to serve as a receiver; or

(b) If a receiver is not making acceptable progress in correcting the deficiencies in the nursing home.

[Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-695, filed 6/27/02, effective 7/28/02.]

Chapter 388-105 WAC

MEDICAID RATES FOR CONTRACTED HOME AND COMMUNITY RESIDENTIAL CARE SERVICES

WAC

388-105-0005	What are the daily Medicaid payment rates for contracted adult family home (AFH), adult residential care (ARC), and enhanced adult residential care (EARC) services?
388-105-0010	What are care levels?
388-105-0015	How does the department determine whether the Medicaid resident needs assistance in completing ADLs and/or has unmet care needs?
388-105-0020	How does the department determine at which care level the Medicaid resident will be placed?

- 388-105-0025 How many ADL values and unmet care need points correspond to the four care levels?
- 388-105-0030 What are the daily Medicaid payment rates for contracted assisted living facilities (ALF) not receiving a capital rate add-on?
- 388-105-0035 What are the requirements for a capital add-on rate for assisted living facilities (ALF)?
- 388-105-0040 What are the daily capital add-on rates for assisted living facilities (ALF) and the ALF daily payment rates with a capital add-on rate?

- (a) ADL values can range from zero to sixteen; and
- (b) Points can range from zero to three hundred fifty.
- (3) The department determines the Medicaid resident's care level by combining his/her total ADL values and total points.

[Statutory Authority: Chapter 74.39A RCW. 01-14-056, § 388-105-0020, filed 6/29/01, effective 7/30/01.]

WAC 388-105-0005 What are the daily Medicaid payment rates for contracted adult family home (AFH), adult residential care (ARC), and enhanced adult residential care (EARC) services? For contracted AFH, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

Four level payment system rates for AFHs, ARCs, & EARCs			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ 46.06	\$ 44.79	\$ 44.79
Level 2	\$ 49.28	\$ 51.52	\$ 56.97
Level 3	\$ 57.07	\$ 59.51	\$ 65.76
Level 4	\$ 68.15	\$ 72.07	\$ 78.31

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

[Statutory Authority: 2002 c 371. 02-22-058, § 388-105-0005, filed 10/31/02, effective 12/1/02. Statutory Authority: 2001 c 7 § 206. 01-21-077, § 388-105-0005, filed 10/18/01, effective 11/18/01. Statutory Authority: Chapter 74.39A RCW. 01-14-056, § 388-105-0005, filed 6/29/01, effective 7/30/01.]

WAC 388-105-0010 What are care levels? The care levels correspond to the amount of assistance a Medicaid resident needs in performing unmet activities of daily living (ADL) and to meet additional unmet care needs. Level 1 represents minimal assistance with level 4 representing maximum assistance.

[Statutory Authority: Chapter 74.39A RCW. 01-14-056, § 388-105-0010, filed 6/29/01, effective 7/30/01.]

WAC 388-105-0015 How does the department determine whether the Medicaid resident needs assistance in completing ADLs and/or has unmet care needs? The department completes a comprehensive assessment (CA) to identify the assistance needed with unmet ADLs and other care needs of a Medicaid resident.

[Statutory Authority: Chapter 74.39A RCW. 01-14-056, § 388-105-0015, filed 6/29/01, effective 7/30/01.]

WAC 388-105-0020 How does the department determine at which care level the Medicaid resident will be placed? (1) The department assigns:

(a) Values from zero to three to any of the following unmet activities of daily living (ADL) that the Medicaid resident needs either minimal, substantial, or total assistance to complete: eating, toileting, ambulation, transfer, positioning, and bathing; and

(b) Points to the resident's health, psychological, social, behavioral and/or cognitive status.

(2) A Medicaid resident's total:

WAC 388-105-0025 How many ADL values and unmet care need points correspond to the four care levels? The following table illustrates the number of ADL values and points that the Medicaid resident's assessment must demonstrate to be assigned to one of the four levels of care:

Level	ADL values	Unmet care needs points
1	0	0-59
1	1	0-59
1	2	0-49
1	3	0-39
1	4	0-29
2	0	60-109
2	1	60-109
2	2	50-109
2	3	40-109
2	4	30-99
2	5-10	no points required
3	0-3	110+
3	4	100+
3	5	90+
3	6	80+
3	7	70+
3	8	60+
3	9	50-99
3	10	40-89
3	11-16	no points required
4	9	100+
4	10	90+
4	11	80+
4	12	70+
4	13	60+
4	14	50+
4	15	40+
4	16	30+

[Statutory Authority: Chapter 74.39A RCW. 01-14-056, § 388-105-0025, filed 6/29/01, effective 7/30/01.]

WAC 388-105-0030 What are the daily Medicaid payment rates for contracted assisted living facilities (ALF) not receiving a capital rate add-on? For contracted ALF services for care of a Medicaid resident, the department pays the following daily rates:

COPES ALF Daily Payment Rates w/o Capital Add-on Rate			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ 54.84	\$ 56.35	\$ 61.03
Level 2	\$ 61.14	\$ 62.92	\$ 68.52
Level 3	\$ 67.54	\$ 69.90	\$ 76.46

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

[Statutory Authority: 2002 c 371. 02-22-058, § 388-105-0030, filed 10/31/02, effective 12/1/02.]

WAC 388-105-0035 What are the requirements for a capital add-on rate for assisted living facilities (ALF)? (1) Effective July 1, 2002, the department will grant a capital add-on rate to an ALF that:

(a) Meets the construction requirements of WAC 388-110-140; and

(b) Has a Medicaid occupancy percentage that equals or exceeds the applicable bi-yearly Medicaid minimum occupancy percentage set in accordance with subsection (3) of this section.

(2) The department will determine an ALF's Medicaid occupancy percentage by dividing its Medicaid resident days by the product of all its licensed boarding home beds irrespective of use times calendar days for the six-month period beginning one year prior to the percentage effective date.

(3)(a) To set the bi-yearly Medicaid minimum occupancy percentage, the department will:

(i) Determine the estimated total budgeted funds for capital add-on rates for the six-month period;

(ii) Rank from highest to lowest the individual ALF occupancy percentages determined in accordance with subsection (2) of this section;

(iii) Assign, beginning with the highest ALF Medicaid occupancy percentage, the estimated expenditure needed to pay the capital add-on rate to each facility for the six-month period;

(iv) Identify the ALF Medicaid occupancy percentage at which the estimated total budgeted funds determined under subsection (3)(a)(i) of this section would be expended; and

(v) Set that Medicaid occupancy percentage as the bi-yearly Medicaid minimum occupancy percentage.

(b) The bi-yearly Medicaid minimum occupancy percentage will be set every January 1 and July 1.

[Statutory Authority: 2002 c 371. 02-22-058, § 388-105-0035, filed 10/31/02, effective 12/1/02.]

WAC 388-105-0040 What are the daily capital add-on rates for assisted living facilities (ALF) and the ALF daily payment rates with a capital add-on rate? For an ALF that qualifies for a capital add-on rate, the department will add the following amount to the per resident day payment rates in WAC 388-105-0030:

COPEs ALF Add-on Rate July 1, 2002		
Non-metropolitan	Metropolitan*	King Co.
\$ 4.68	\$ 4.39	\$ 4.84

COPEs ALF Daily Payment Rates with a Capital Add-on Rate			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ 59.52	\$ 60.74	\$ 65.87
Level 2	\$ 65.82	\$ 67.31	\$ 73.36
Level 3	\$ 72.22	\$ 74.29	\$ 81.30

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

[Statutory Authority: 2002 c 371. 02-22-058, § 388-105-0040, filed 10/31/02, effective 12/1/02.]

Chapter 388-110 WAC

CONTRACTED RESIDENTIAL CARE SERVICES: ASSISTED LIVING SERVICES, ENHANCED ADULT RESIDENTIAL CARE, AND ADULT RESIDENTIAL CARE

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-110-110	Caregiver education and training requirements. [Statutory Authority: RCW 74.39A.010 and 74.39A.020. 97-19-020, § 388-110-110, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 74.39A.010, 74.39A.020 and 74.39A.080. 96-21-050, § 388-110-110, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-110, filed 5/8/96, effective 6/8/96.] Repealed by 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.
388-110-210	Client service eligibility. [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. 96-11-045 (Order 3979), § 388-110-210, filed 5/8/96, effective 6/8/96.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090.
388-110-230	Client eligibility. [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.

96-11-045 (Order 3979), § 388-110-230, filed 5/8/96, effective 6/8/96.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090.

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Client service eligibility. [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. 96-11-045 (Order 3979), § 388-110-250, filed 5/8/96, effective 6/8/96.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090.

PART I

ALL CONTRACTED RESIDENTIAL CARE SERVICES

WAC 388-110-005 Authority. The following rules are adopted under RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, 74.39A.080, 74.39A.170, and 18.88A.210 through 18.88A.240.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-005, filed 5/8/96, effective 6/8/96.]

WAC 388-110-010 Scope and applicability. (1) These rules apply only to boarding homes licensed under chapter 18.20 RCW, or boarding homes located within the boundaries of a federally recognized Indian reservation and licensed by a tribe, that contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care.

(2) Only services provided to or on behalf of the assisted living services, enhanced adult residential care, or adult residential care resident, and paid for fully or partially by the department shall be subject to these rules.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-010, filed 5/8/96, effective 6/8/96.]

WAC 388-110-020 Definitions. "Adult residential care" is a package of services, including personal care services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and IV of this chapter.

"Aging in place" means being in a care environment that can accommodate a resident's progressive disability or changing needs without relocating. For aging in place to occur, needed services are adjusted to meet the changing needs of the resident.

"Applicant" means the individual, partnership, corporation or other entity which has applied for a contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care to state funded residents in a licensed boarding home.

"Assisted living services" is a package of services, including personal care and limited nursing services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and II of this chapter. Assisted living services include housing for the resident in a private apartment-like unit.

"Boarding home" means the same as the definition found in RCW 18.20.020(2), or a boarding home located

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within the boundaries of a federally recognized Indian reservation and licensed by the tribe.

"Caregiver" means any person responsible for providing direct personal care services to a resident and may include but is not limited to the contractor, employee, volunteer, or student.

"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.

"Contractor" means the individual, partnership, corporation, or other entity which contracts with the department to provide assisted living services, enhanced adult residential care, or adult residential care to state funded residents in a licensed boarding home.

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

"Dignity" means the quality or condition of being esteemed and respected in such a way as to validate the self-worth of the resident.

"Enhanced adult residential care" is a package of services, including personal care and limited nursing services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and III of this chapter.

"Frail elder or vulnerable adult" means the same as the definition found in RCW 74.34.020 or 43.43.830.

"Homelike" means an environment having the qualities of a home, including privacy, comfortable surroundings, and the opportunity to modify one's living area to suit one's individual preferences. A homelike environment provides residents with an opportunity for self-expression, and encourages interaction with the community, family and friends.

"Independence" means free from the control of others and being able to assert one's own will, personality and preferences.

"Individuality" means the quality of being unique; the aggregate of qualities and characteristics that distinguishes one from others. Individuality is supported by modifying services to suit the needs or wishes of a specific individual.

"Limited nursing services" means the same as the definition found in WAC 246-316-265.

"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 388-71-202. Personal care services do not include assistance with tasks that must be performed by a licensed health professional.

"Resident" means a person residing in a boarding home for whom services are paid for, in whole or in part, by the department under a contract for assisted living services, enhanced adult residential care, or adult residential care. "Resident" includes former residents when examining complaints about admissions, re-admissions, transfers or discharges. For decision-making purposes, the term "resident" includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

[Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-110-020, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170,

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18.88A.210-[18.88A.]240 and 70.129.040, 96-11-045 (Order 3979), § 388-110-020, filed 5/8/96, effective 6/8/96.]

WAC 388-110-030 Contract application. (1) In order to apply for a contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care, an applicant shall:

- (a) Have a valid boarding home license for the facility at which the contracted services will be provided;
- (b) Complete and submit a contract application on department provided forms at least sixty days before the requested effective date for the contract; and
- (c) Provide information regarding any facilities the applicant, and any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated with in the last ten years.

(2) Within sixty days of the receipt of the application the department shall approve a contract, refuse to enter into a contract, or request additional information the department deems relevant from the applicant. The department may extend the sixty days to allow the applicant to supply or clarify information requested by the department. The department shall conduct an on-site review of the contracting facility before issuing a contract.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040, 96-11-045 (Order 3979), § 388-110-030, filed 5/8/96, effective 6/8/96.]

WAC 388-110-040 Contract qualifications. (1) The department shall consider separately and jointly as applicants each person and entity named in the application for a contract for assisted living services, enhanced adult residential care, or adult residential care. If the department finds any person or entity unqualified, the department shall deny the contract.

(2) In making a determination whether to grant a contract, the department shall review:

- (a) The information in the application; and
- (b) Other documents and information the department deems relevant, including inspection and complaint investigation findings for each facility with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant has been affiliated.

(3) The applicant and the facility for which a contract is sought shall comply with all requirements established by chapter 74.39A RCW and this chapter. The department may deny a contract for noncompliance with any such requirements.

(4) The department shall deny a contract if an applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant applying for a contract has a history of significant noncompliance with federal or state regulations in providing care or services to frail elders, vulnerable adults or children. The department shall consider, at a minimum, the following as a history of significant noncompliance requiring denial of a contract:

- (a) Revocation or suspension of a license for the care of children, frail elders or vulnerable adults;
- (b) Enjoined from operating a facility for the care of children, frail elders or vulnerable adults; or

(c) Termination, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults.

(5) The department shall deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has been:

- (a) Convicted of a crime against a person as defined under RCW 43.43.830 or 43.43.842;
- (b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830 or 43.43.842;
- (c) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or exploited a vulnerable adult;
- (d) Found in any final decision issued by a disciplinary board to have sexually or physically abused, neglected, or exploited any minor or vulnerable adult;
- (e) Found in any dependency action under chapter 13.34 RCW to have sexually assaulted, neglected, exploited, or physically abused any minor; or
- (f) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor.

(6) The department may deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has:

- (a) Obtained or attempted to obtain a license or contract by fraudulent means or misrepresentation;
- (b) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to contract with the department;
- (c) Had sanction, corrective or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children, frail elders or vulnerable adults;
- (d) A poor credit history;
- (e) Engaged in the illegal use of drugs or the excessive use of alcohol;
- (f) Operated a facility for the care of children or adults without a license;
- (g) Failed to meet financial obligations as the obligations fell due in the normal course of business;
- (h) Misappropriated property of residents;
- (i) Filed for bankruptcy, reorganization, or receivership;
- (j) Been denied a license or license renewal to operate a facility that was licensed for the care of children, frail elders or vulnerable adults;

(k) Relinquished or returned a license in connection with the operation of any facility for the care of children, frail elders or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license; or

(l) Had resident trust funds or assets of an entity providing care to children, frail elders or vulnerable adults seized by

the IRS or a state entity for failure to pay income or payroll taxes.

[Statutory Authority: RCW 74.39A.010, 74.39A.020 and 74.39A.080. 96-21-050, § 388-110-040, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-040, filed 5/8/96, effective 6/8/96.]

WAC 388-110-050 Change of contractor. (1) A change of contractor occurs when there is a substitution of the individual contractor or contracting entity ultimately responsible for the daily operational decisions of the assisted living service, enhanced adult residential care, or adult residential care, or a substitution of control of such contracting entity.

(a) Events which constitute a change of contractor include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Assisted living services, enhanced adult residential care, or adult residential care contract rights and responsibilities are transferred by the initial contractor to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility are also transferred;

(iii) If the contractor is a partnership, any event occurs which dissolves the partnership;

(iv) If the contractor is a corporation, and the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation;

(v) If the contractor is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty-four-month period, fifty percent or more of the stock is transferred to one or more:

(A) New or former stockholders; or

(B) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(vi) Any other event or combination of events which results in a substitution or substitution of control of the individual contractor or the contracting entity.

(b) The contractor does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the assisted living, enhanced adult residential care, or adult residential care facility as the contractor's agent, i.e., subject to the contractor's general approval of daily operating and management decisions; or

(ii) The real property or personal property assets of the facility contractor change ownership or are leased, or a lease of the real property or personal property assets is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity.

(2) When a change of contractor is contemplated, the current contractor shall notify the department and all residents at least sixty days prior to the proposed date of transfer. The notice shall be in writing and shall contain the following information:

(2003 Ed.)

(a) Name of the present contractor and prospective contractor;

(b) Name and address of the facility being transferred; and

(c) Date of proposed transfer.

(3) The operation or ownership of an assisted living services, enhanced adult residential care, or adult residential care contract shall not be transferred until the new operator has entered into a contract with the department. The new contractor shall comply with contract application requirements in WAC 388-110-030.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-050, filed 5/8/96, effective 6/8/96.]

WAC 388-110-060 Resident rights. (1) The contractor shall comply with all requirements of chapter 70.129 RCW, Long-term care resident rights. The contractor shall promote and protect the resident's exercise of all rights granted under that law.

(2) The contractor shall provide care and services in compliance with the federal Patient self determination act and with applicable state statutes related to surrogate and health care decision making, including chapters 7.70, 70.122, 11.88, 11.92 and 11.94 RCW.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-060, filed 5/8/96, effective 6/8/96.]

WAC 388-110-070 General service standards. The contractor shall:

(1) Ensure residents have control over their time, space and lifestyle to the extent that the health, safety and well-being of other residents is not disturbed;

(2) Promote the resident's right to exercise decision making and self-determination to the fullest extent possible;

(3) Follow the informed consent process as required in chapter 7.70 RCW, when applicable, in the development of the negotiated service agreement;

(4) Provide services for residents in a manner and in an environment that encourages maintenance or enhancement of each resident's quality of life, and promotes the resident's privacy, dignity, choice, independence, individuality, and decision-making ability; and

(5) Provide a safe, clean and comfortable homelike environment, allowing residents to use their personal belongings to the extent possible.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-070, filed 5/8/96, effective 6/8/96.]

WAC 388-110-080 Social and recreational activities.

(1) The contractor shall provide social and recreational activities that provide and promote opportunities for the resident to participate in ongoing and varied activities based on the resident's choice and consistent with identified resident needs and functional ability.

(2) The contractor shall support the participation of residents and the resident council, if there is one, in the develop-

ment of recreational and activity programs that reflect the needs and choices of the residents.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-080, filed 5/8/96, effective 6/8/96.]

WAC 388-110-090 Administration. The contractor shall:

(1) Maintain substantial compliance with all requirements of chapter 18.20 RCW, Law for boarding homes and chapter 246-316 WAC, Boarding homes;

(2) Ensure all facility staff are knowledgeable about chapter 70.129 RCW, Long-term care resident rights;

(3) Provide residents, prior to move-in, a copy of the facility's admission agreement which clearly specifies the range of services the facility is able to provide to residents;

(4) Not require a resident to sign any admission contract or agreement that purports to waive any rights of the resident;

(5) Develop and implement a grievance procedure and process which is responsive to resident's complaints;

(6) Post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number;

(7) Comply with all federal and state statutory and regulatory requirements regarding nondiscrimination in all aspects of the facility's operation;

(8) Ensure resident rooms or resident units are not located in a separate unit within a facility that has exiting doors that restrict egress from the unit, such as, but not limited to automatic locking and unlocking exiting doors, unless the contractor is already providing services to residents in such a unit under a contract with the department for assisted living services, adult residential care, or enhanced adult residential care on the effective date of this chapter;

(9) Encourage residents and the resident council, if there is one, to provide input to the facility about residents' preferences for food choices, taking into account the cultural and religious needs of residents;

(10) Ensure all instances of suspected abuse, neglect, exploitation, or abandonment are reported to the department, as required in chapter 74.34 RCW, and to the local law enforcement agency;

(11) Not have any sexual contact with any resident and shall ensure that facility staff and students not have sexual contact with any resident;

(12) Notify the department within five business days when there is a change in the facility administrator; and

(13) Permit department representatives to enter the facility without prior notification in order to monitor the contract requirements under this chapter and to conduct complaint investigations, including but not limited to observing and interviewing residents, and accessing resident records.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-090, filed 5/8/96, effective 6/8/96.]

WAC 388-110-100 Transfer and discharge, social leave, and bed hold. The contractor shall:

(1) Comply with chapter 70.129 RCW and chapter 246-316 WAC pertaining to transfer and discharge (move-out);

[Title 388 WAC—p. 502]

(2) Include the department's case manager in the development of a relocation or discharge (move-out) plan, and have the case manager approve the plan before any notice required under subsection (1) of this section is issued to the resident, except in an emergency;

(3) Note an absence in a resident's record when a resident will be absent from the facility for more than seventy-two consecutive hours;

(4) Not be required to discharge (move-out) and readmit a resident for absences less than thirty-one consecutive days;

(5) Obtain department approval for payment for social leave in excess of fifteen consecutive days; and

(6) Retain a bed or unit for a resident hospitalized or temporarily placed in a nursing home for up to thirty days when the resident is likely to return, but if as part of the negotiated service agreement it is determined prior to the end of the thirty days that the resident will not return to the facility, the facility may discharge (move-out) the resident in accordance with subsections (1) and (2) above and release the bed or unit.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-100, filed 5/8/96, effective 6/8/96.]

WAC 388-110-120 Resident personal funds. (1) Upon the death of a resident, the facility shall promptly convey the resident's personal funds held by the facility with a final accounting of such funds to the department or to the individual or probate jurisdiction administering the resident's estate no later than forty-five calendar days after the date of the resident's death:

(a) When the personal funds of the deceased resident shall be paid to the state of Washington, those funds and the final accounting shall be made payable to the secretary, department of social and health services, and sent to the office of financial recovery, estate recovery unit, P.O. Box 9501, Olympia, Washington 98507-9501, or such address as may be directed by the department in the future;

(b) The check and final accounting accompanying the payment shall contain the name and social security number of the deceased individual from whose personal funds account the monies are being paid; and

(c) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(2) In situations where the resident is absent from the facility for an extended time without notifying the facility, and the resident's whereabouts is unknown:

(a) The facility shall make a reasonable effort to find the missing resident; and

(b) If the resident cannot be located after ninety days, the facility shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The facility shall deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(3) Prior to the change of contractor of the facility business, the contractor shall:

(a) Provide each resident with a written accounting of any personal funds held by the facility;

(2003 Ed.)

(b) Provide the new contractor with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new operator.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-120, filed 5/8/96, effective 6/8/96.]

PART II ASSISTED LIVING SERVICES

WAC 388-110-140 Assisted living services facility structural requirements. (1) In a boarding home with an assisted living services contract, each resident shall have a private apartment-like unit with a private bathroom. Each unit shall have at least the following:

(a) In an existing facility, an individual unit with a minimum of one hundred eighty square feet including counters, closets and built-ins, and excluding the bathroom. In a new facility, an individual unit with a minimum of two hundred twenty square feet including counters, closets and built-ins, and excluding the bathroom;

(b) A separate private bathroom, which includes a sink, toilet, and a shower or bathtub. In a new facility, a minimum of fifty percent of resident bathrooms shall be wheelchair accessible and have a roll-in shower;

(c) A lockable entry door;

(d) A kitchen area equipped, at a minimum, with a refrigerator, a microwave oven or stovetop, and a counter or table for food preparation. In a new facility, a kitchen area must also be equipped with a sink and counter area, and storage space for utensils and supplies; and

(e) A living area wired for telephone and, where available in the geographic location, wired for television service.

(2) In a new facility, the contractor shall provide a private accessible mailbox in which the resident may receive mail.

(3) The contractor shall provide homelike smoke-free common areas with sufficient space for socialization designed to meet resident needs. Common areas shall be available for resident use at any time provided such use does not disturb the health or safety of other residents. When possible, access to outdoor areas shall be made available to all residents.

(4) The contractor shall provide a space for residents to meet with family and friends outside the resident's living unit.

(5)(a) For purposes of this section, a new facility is:

(i) A new building to be used as a boarding home or part of a boarding home, for which plans are submitted to the department of health for construction review, as required by WAC 246-316-070, on or after the effective date of this chapter; or

(ii) An addition, modification, or alteration to an existing building, for which plans are submitted to the department of health for construction review, as required by WAC 246-316-070, on or after the effective date of this chapter.

(b) All facilities that are not new facilities under subsection (5)(a) of this section, are existing facilities. An existing building, or portion thereof, that is converted to boarding home use shall be considered an existing facility unless there

is an addition, modification or alteration to the existing building.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-140, filed 5/8/96, effective 6/8/96.]

WAC 388-110-150 Assisted living service standards.

(1) The contractor shall ensure that both the physical environment and the delivery of assisted living services are designed to enhance autonomy in ways which reflect personal and social values of dignity, privacy, independence, individuality, choice and decision-making of residents. The contractor shall provide the resident services in a manner which:

(a) Makes the services available in a homelike environment for residents with a range of needs and preferences;

(b) Facilitates aging in place by providing flexible services in an environment that accommodates and supports the resident's individuality;

(c) Supports managed risk which includes the resident's right to take responsibility for the risks associated with decision-making; and

(d) Develops a formal written, negotiated plan to decrease the probability of a poor outcome when a resident's decision or preference places the resident or others at risk, leads to adverse consequences, or conflicts with other residents' rights or preferences.

(2) Building on the department's assessment and service plan completed before admission, the contractor shall complete a negotiated service agreement within thirty days of move-in. The contractor shall involve the following persons in the negotiation and renegotiation of the agreement:

(a) The resident to the greatest extent practicable;

(b) Appropriate facility staff;

(c) The department's case manager; and

(d) If the resident chooses, the resident's family or any other person the resident wants included.

(3) The contractor shall ensure the negotiated service agreement:

(a) Includes recognition of the resident's capabilities and choices, and defines the division of responsibility in the implementation of services;

(b) Addresses, at a minimum, the following elements: assessed health care needs; social needs and preferences; personal care tasks; and if applicable, limited nursing and medication services, including frequency of service and level of assistance;

(c) Is signed and approved by the resident, the contractor, and the department case manager; and

(d) Includes the date the agreement was approved.

(4) The contractor shall provide the resident and case manager with a copy of the agreement, and place a copy in the resident's record.

(5) The contractor shall update the agreement when there are changes in the services the resident needs and wants to receive. At a minimum, the contractor shall review and update the negotiated service agreement semiannually.

(6) The contractor shall provide personal care services based on the resident's negotiated service agreement.

(7) The contractor shall provide the range of services required to meet the increasing or changing needs of resi-

dents as they age in place to the maximum extent permitted by the boarding home regulations.

(8) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.

(9) The contractor shall provide written policies and procedures that ensure the facility will provide limited nursing services and will allow additional on-site health care services to the maximum extent allowed under chapter 246-316 WAC, and if requested, shall assist the resident to obtain the additional on-site health care services.

(10) If requested or needed by the resident, the contractor shall assist the resident to obtain, arrange, and coordinate services such as: transportation to medical services and recreational activities; ancillary services for medically related care (e.g., physician, pharmacist, mental health services, physical or occupational therapy, hospice, home health care, podiatry); barber/beauty services; and other services necessary to support and assist the resident in maintaining as much independence as possible.

(11) The contractor shall make available and offer at no additional cost to the resident generic personal care items needed by the resident such as soap, shampoo, toilet paper, toothbrush, toothpaste, deodorant, sanitary napkins, and disposable razors. This does not include items covered by medical coupons or preclude residents from choosing to purchase their own personal care items.

(12) The contractor shall provide all residents with access to an on-site washing machine and dryer for resident use.

(13) The contractor shall make beverages and snacks available to residents.

(14) The contractor shall develop written policies and procedures to be followed by staff and shared with residents which illustrate how employees shall deliver services to residents while ensuring resident's privacy, dignity, choice, independence, individuality and decision-making ability.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-150, filed 5/8/96, effective 6/8/96.]

WAC 388-110-170 Education and training requirements. (1) Any administrator hired after the effective date of this chapter shall have completed forty hours of training regarding assisted living services, resident rights, and the social model of services within the first six months of employment. All administrators shall have ten hours of continuing education credits per calendar year.

(2) The contractor shall provide and document a minimum of five hours of training for all staff regarding assisted living services, resident rights, the social model of services, and service planning for residents.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-170, filed 5/8/96, effective 6/8/96.]

WAC 388-110-180 Nurse delegation training and registration. Before performing any delegated nursing task, facility staff must:

[Title 388 WAC—p. 504]

(1) Be a nursing assistant certified or registered under chapter 18.88A RCW; and

(2) Attend and successfully complete department designated core delegation training.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-180, filed 5/8/96, effective 6/8/96.]

WAC 388-110-190 Performance of delegated nursing care tasks. (1) Facility staff who have been delegated a nursing care task in compliance with requirements established by the nursing care quality assurance commission shall perform the task:

(a) In compliance with all requirements and protocols established by the commission in WAC 246-840-910 through 246-840-980;

(b) Only for the specific resident who was the subject of the delegation; and

(c) Only with the resident's consent.

(2) The delegated authority to perform the nursing care task is not transferrable to another nurse assistant.

(3) Facility staff may consent to perform a delegated nursing care task, and shall be responsible for their own actions with regard to the decision to consent to the performance of the delegated task.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-190, filed 5/8/96, effective 6/8/96.]

WAC 388-110-200 Nurse delegation—Penalties. The department shall impose a civil fine on any contractor that knowingly performs or knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to chapter 18.79 RCW and chapter 246-840 WAC as follows:

(a) Two hundred fifty dollars for the first time the department finds an unlawful delegation;

(b) Five hundred dollars for the second time the department finds an unlawful delegation; and

(c) One thousand dollars for the third time or more the department finds an unlawful delegation.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-200, filed 5/8/96, effective 6/8/96.]

PART III

ENHANCED ADULT RESIDENTIAL CARE

WAC 388-110-220 Enhanced adult residential care service standards. (1) The contractor shall complete a negotiated service agreement within thirty days of move-in with participation from the resident and the department's case manager, consistent with the general service standards set forth in WAC 388-110-070.

(2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.

(3) The service agreement shall support the principles of dignity, privacy, choice in decision making, individuality, and independence.

(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.

(5) The contractor shall provide personal care services based on the resident's negotiated service agreement.

(6) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.

(7) The contractor shall allow a maximum of two residents per room.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-220, filed 5/8/96, effective 6/8/96.]

PART IV ADULT RESIDENTIAL CARE

WAC 388-110-240 Adult residential care service standards. (1) The contractor shall complete a negotiated service agreement within thirty days of move-in with participation from the resident and the department's case manager, consistent with the general service standards set forth in WAC 388-110-070.

(2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.

(3) The service agreement shall support the principles of dignity, privacy, choice in decision making, individuality, and independence.

(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.

(5) The contractor shall provide personal care services based on the resident's negotiated service agreement.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-240, filed 5/8/96, effective 6/8/96.]

PART V REMEDIES FOR ASSISTED LIVING, ENHANCED ADULT RESIDENTIAL CARE, AND ADULT RESIDENTIAL CARE

WAC 388-110-260 Remedies. (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that a contractor of assisted living services, enhanced adult residential care services, or adult residential care services has:

(a) Failed or refused to comply with the applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a contract or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2)(a) For failure or refusal to comply with any applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW or of this chapter, the department may provide consultation and shall allow the contractor a reasonable opportunity to correct before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department shall impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department shall take into account the severity of the impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department may impose include:

(i) Refusal to enter into a contract;

(ii) Imposition of reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;

(iv) Suspension, termination, or refusal to renew a contract; or

(v) Order stop placement of persons under the contract.

(b) When the department orders stop placement, the facility shall not admit any person under the contract until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when the department determines that:

(i) The violations necessitating the stop placement have been corrected; and

(ii) The provider exhibits the capacity to maintain adequate care and service.

(c) Conditions the department may impose on a contract include, but are not limited to the following:

(i) Correction within a specified time;

(ii) Training related to the violations; and

(iii) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents.

(d) When a contractor fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from the contract payment.

[Statutory Authority: RCW 74.39A.010, 74.39A.020 and 74.39A.080. 96-21-050, § 388-110-260, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-260, filed 5/8/96, effective 6/8/96.]

WAC 388-110-270 Notice, hearing rights, effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 74.39A RCW, except that orders of the department

imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending any hearing.

(2) Civil monetary penalties shall become due twenty eight days after the contractor is served with a notice of the penalty unless the contractor requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest shall accrue beginning thirty days after the department serves the contractor with notice of the penalty at a rate of one percent per month in accordance with RCW 43.20B.695.

(3) A person contesting any decision by the department to impose a remedy shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, PO Box 2465, Olympia, WA 98504; and

(b) Include in or with the application:

(i) The grounds for contesting the department decision; and

(ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-270, filed 5/8/96, effective 6/8/96.]

WAC 388-110-280 Dispute resolution. (1) When a contractor disagrees with the department's finding of a violation under this chapter, the contractor shall have the right to have the violation reviewed under the department's dispute resolution process. Requests for review shall be made to the department within ten days of receipt of the written finding of a violation.

(2) When requested by a contractor, the department shall expedite the dispute resolution process to review violations upon which a department order imposing contract suspension, stop placement, or a contract condition is based.

(3) Orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending dispute resolution.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-280, filed 5/8/96, effective 6/8/96.]

Chapter 388-112 WAC

RESIDENTIAL LONG-TERM CARE SERVICES

WAC

TRAINING

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- 388-112-0225 May specialty training be used to meet continuing education requirements?
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- 388-112-0380 What are the minimum qualifications for an instructor for basic or modified basic training?
- 388-112-0385 What are the minimum qualifications for instructors for manager and caregiver mental health specialty?
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- 388-112-0405 What physical resources are required for basic, modified basic, specialty, or nurse delegation core classroom training and testing?
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TRAINING

SECTION I—PURPOSE AND DEFINITIONS

WAC 388-112-0001 What is the purpose of this chapter? The residential long-term care training requirements under this chapter apply to:

- (1) All adult family homes licensed under chapter 70.128 RCW; and
- (2) All boarding homes licensed under chapter 18.20 RCW.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0001, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0005 What definitions apply to this chapter? "Caregiver" means anyone providing hands-on personal care to another person including but not limited to cuing, reminding, or supervision of residents, on behalf of an adult family home or boarding home, except volunteers who are directly supervised.

"Challenge test" means a competency test taken without first taking the class for which the test is designed.

"Competency" means the minimum level of information and skill trainees are required to know and be able to demonstrate.

"Designee" means a person in a boarding home who supervises caregivers and who is designated by a boarding home administrator to take the trainings in this chapter required of the boarding home administrator. A boarding home administrator may have more than one designee.

"Direct supervision" means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or who has been exempted from the basic training requirements, is on the premises, and is quickly and easily available to the caregiver.

"DSHS" refers to the department of social and health services.

"Home" refers to adult family homes and boarding homes.

"Indirect supervision" means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or who has been exempted from the basic training requirements, and who is quickly and easily available to the caregiver, but not necessarily on-site.

"Learning outcomes" means the specific information, skills and behaviors desired of the learner as a result of a specific unit of instruction, such as what they would learn by the end of a single class or an entire course. Learning outcomes are generally identified with a specific lesson plan or curriculum.

"Resident" means a person residing and receiving long-term care services at a boarding home or adult family home. As applicable, the term resident also means the resident's legal guardian or other surrogate decision maker.

"Routine interaction" means contact with residents that happens regularly.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0005, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0010 When do the training requirements go into effect? The training requirements of this chapter begin September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and apply to:

(1) Adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who are hired or begin to provide hands-on personal care to residents subsequent to September 1, 2002; and

(2) Existing adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130 and this chapter. Existing adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who have not successfully completed the training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130 are subject to all applicable requirements of this chapter. However, until September 1, 2002, nothing in this chapter affects the current training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0010, filed 7/11/02, effective 8/11/02.]

SECTION II—ORIENTATION

WAC 388-112-0015 What is orientation? Orientation provides basic introductory information appropriate to the residential care setting and population served. The department does not approve specific orientation programs, materials, or trainers for homes. No test is required for orientation.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0015, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0020 What content must be included in an orientation? Orientation may include the use of videotapes, audiotapes, and other media if the person overseeing the orientation is available to answer questions or concerns for the person(s) receiving the orientation. Orientation must include introductory information in the following areas:

- (1) The care setting;
- (2) The characteristics and special needs of the population served;
- (3) Fire and life safety, including:
 - (a) Emergency communication (including phone system if one exists);

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(b) Evacuation planning (including fire alarms and fire extinguishers where they exist);

(c) Ways to handle resident injuries and falls or other accidents;

(d) Potential risks to residents or staff (for instance, aggressive resident behaviors and how to handle them); and

(e) The location of home policies and procedures.

(4) Communication skills and information, including:

(a) Methods for supporting effective communication among the resident/guardian, staff, and family members;

(b) Use of verbal and nonverbal communication;

(c) Review of written communications and/or documentation required for the job, including the resident's service plan;

(d) Expectations about communication with other home staff; and

(e) Whom to contact about problems and concerns.

(5) Universal precautions and infection control, including:

(a) Proper hand washing techniques;

(b) Protection from exposure to blood and other body fluids;

(c) Appropriate disposal of contaminated/hazardous articles;

(d) Reporting exposure to contaminated articles, blood, or other body fluids; and

(e) What staff should do if they are ill.

(6) Resident rights, including:

(a) The resident's right to confidentiality of information about the resident;

(b) The resident's right to participate in making decisions about the resident's care, and to refuse care;

(c) Staff's duty to protect and promote the rights of each resident, and assist the resident to exercise his or her rights;

(d) How and to whom staff should report any concerns they may have about a resident's decision concerning the resident's care;

(e) Staff's duty to report any suspected abuse, abandonment, neglect, or exploitation of a resident;

(f) Advocates that are available to help residents (LTC ombudsmen, organizations); and

(g) Complaint lines, hot lines, and resident grievance procedures.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0020, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0025 Is competency testing required for orientation? There is no competency testing required for orientation.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0025, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0030 Is there a challenge test for orientation? There is no challenge test for orientation.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0030, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0035 What documentation is required for orientation? The home must maintain documentation of completion of orientation, issued by the home, that includes:

- (1) The trainee's name;
- (2) A list of the specific information taught;
- (3) Signature of the person overseeing orientation, indicating completion of the required information;
- (4) The trainee's date of employment;
- (5) The name of the home giving the orientation; and
- (6) The date(s) of orientation.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0035, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0040 Who is required to complete orientation, and when must it be completed? Adult Family Home

(1) All paid or volunteer staff in adult family homes who begin work September 1, 2002 or later must complete orientation before having routine interaction with residents. Orientation must be provided by appropriate adult family home staff.

Boarding Home

(2) Boarding home administrators (or their designees), caregivers, and all paid or volunteer staff who begin work September 1, 2002 or later must complete orientation before having routine interaction with residents. Orientation must be provided by appropriate staff.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0040, filed 7/11/02, effective 8/11/02.]

SECTION III—BASIC TRAINING

WAC 388-112-0045 What is basic training? Basic training includes the core knowledge and skills that caregivers need in order to provide personal care services effectively and safely. DSHS must approve basic training curricula.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0045, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0050 Is there an alternative to the basic training for some health care workers? Certain health care workers may complete the modified basic training instead of basic training if they meet the requirements in WAC 388-112-0105.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0050, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0055 What knowledge and skills must be taught in basic training? (1) The basic training knowledge and skills must include all of the learning outcomes and competencies published by the department for the following core knowledge and skills:

(a) Understanding and using effective interpersonal and problem solving skills with the resident, family members, and other care team members;

(2003 Ed.)

(b) Taking appropriate action to promote and protect resident rights, dignity, and independence;

(c) Taking appropriate action to promote and protect the health and safety of the resident and the caregiver;

(d) Correctly performing required personal care tasks while incorporating resident preferences, maintaining the resident's privacy and dignity, and creating opportunities that encourage resident independence;

(e) Adhering to basic job standards and expectations.

(2) The basic training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0055, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0060 Is competency testing required for basic training? Passing the DSHS competency test is required for successful completion of basic training as provided under WAC 388-112-0290 through 388-112-0315.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0060, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0065 Is there a challenge test for basic training? Individuals may take the DSHS challenge test instead of the required training. If a person does not pass a challenge test on the first attempt, they may not retake the challenge test and must attend a class.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0065, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0070 What documentation is required for successful completion of basic training? (1) Basic training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

(a) The name of the trainee;

(b) The name of the training;

(c) The name of the home or training entity giving the training;

(d) The instructor's name and signature; and

(e) The date(s) of training.

(2) The trainee must be given an original certificate. A home must keep a copy of the certificate on file.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0070, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0075 Who is required to complete basic training, and when? Adult Family Homes

(1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC) must complete basic training and demonstrate competency before operating an adult family home.

(2) Adult family home resident managers must complete basic training and demonstrate competency before providing services in an adult family home.

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(3) Caregivers in adult family homes must complete basic training within one hundred twenty days of when they begin providing hands-on personal care or within one hundred twenty days of September 1, 2002, whichever is later. Until competency in the basic training has been demonstrated, caregivers may not provide hands-on personal care without indirect supervision.

Boarding Homes

(4) Boarding home administrators (or their designees), except administrators with a current nursing home administrator license, must complete basic training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later.

(5) Caregivers must complete basic training within one hundred twenty days of when they begin providing hands-on personal care or within one hundred twenty days of September 1, 2002, whichever is later. Until competency in the basic training has been demonstrated, caregivers may not provide hands-on personal care without direct supervision.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0075, filed 7/11/02, effective 8/11/02.]

SECTION IV—MODIFIED BASIC TRAINING

WAC 388-112-0080 What is modified basic training?

Modified basic training is a subset of the basic training curriculum designed for certain health care workers defined in WAC 388-112-0105, whose previous training includes many of the outcomes taught in the full basic training. DSHS must approve modified basic training curricula.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0080, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0085 What knowledge and skills must be included in modified basic training? (1) Modified basic training must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Resident rights, including mandatory reporting requirements;
- (b) Medication assistance regulations;
- (c) Nurse delegation regulations;
- (d) Assessment and observations in home and community settings;
- (e) Documentation in home and community settings;
- (f) Service planning in home and community care settings;
- (g) Resource information, including information on continuing education; and
- (h) Self-directed care regulations for home care.

(2) The modified basic training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0085, filed 7/11/02, effective 8/11/02.]

[Title 388 WAC—p. 510]

WAC 388-112-0090 Is competency testing required for modified basic training? Passing the DSHS competency test is required for successful completion of modified basic training as provided in WAC 388-112-0290 through 388-112-0315.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0090, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0095 Is there a challenge test for modified basic training? Individuals may take the department's challenge test instead of the required training. If a person does not pass a challenge test on the first attempt, they may not re-take the challenge test and must attend the class.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0095, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0100 What documentation is required for successful completion of modified basic training? (1) Modified basic training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The name of the trainee;
 - (b) The name of the training;
 - (c) The name of the home or training entity giving the training;
 - (d) The instructor's name and signature; and
 - (e) The date(s) of training.
- (2) The trainee must be given an original certificate. A home must keep a copy of the certificate on file.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0100, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0105 Who may take modified basic training instead of the full basic training? Modified basic training may be taken, instead of the full basic training, by a person who can document that they have successfully completed training as a registered or licensed practical nurse, certified nursing assistant, physical therapist, occupational therapist, or Medicare-certified home health aide.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0105, filed 7/11/02, effective 8/11/02.]

SECTION V—SPECIALTY TRAINING

WAC 388-112-0110 What is specialty training? (1) Specialty or "special needs" training, including caregiver specialty training, provides instruction in caregiving skills that meet the special needs of people living with mental illness, dementia, or developmental disabilities. Specialty trainings are different for each population served and are not interchangeable. Specialty training may be integrated with basic training if the complete content of each training is included. DSHS must approve specialty training curricula for managers and caregivers, except for adult family home caregiver specialty training.

(2003 Ed.)

(2) Manager specialty training for boarding home administrators (or designees), adult family home providers and resident managers:

(a) Developmental disabilities specialty training, under WAC 388-112-0120, is the required training on that specialty for adult family home providers and resident managers, and for boarding home administrators (or designees.)

(b) Dementia specialty training, under WAC 388-112-0135, and mental health specialty training, under WAC 388-112-0140, are the required trainings on those specialties for adult family home providers and resident managers, and for boarding home administrators (or designees).

(3) Caregiver specialty training for boarding homes:

(a) Developmental disabilities specialty training, under WAC 388-112-0120, is the required training on that specialty for boarding home caregivers.

(b) Caregiver dementia training, under WAC 388-112-0135, and caregiver mental health training, under WAC 388-112-0140, are the required trainings on those specialties for boarding home caregivers.

(4) Caregiver specialty training for adult family homes:

The provider or resident manager who has successfully completed the manager specialty training, or a person knowledgeable about the specialty area, trains adult family home caregivers in the specialty needs of the individual residents in the adult family home, and there is no required curriculum.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0110, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0115 What specialty training, including caregiver specialty training, is required if a resident has more than one special need? If an individual resident has needs in more than one of the special needs areas, the home must determine which of the specialty trainings will most appropriately address the overall needs of the person and ensure that the specialty training that addresses the overall needs is completed as required. If additional training beyond the specialty training is needed to meet all of the resident's needs, the home must ensure that additional training is completed.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0115, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0120 What knowledge and skills must manager and caregiver developmental disabilities specialty trainings include? (1) Manager and caregiver developmental disabilities specialty trainings must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Overview of developmental disabilities;
- (b) Values of service delivery;
- (c) Effective communication;
- (d) Introduction to interactive planning;
- (e) Understanding behavior;
- (f) Crisis prevention and intervention; and
- (g) Overview of legal issues and individual rights.

(2) For adult family homes, the division of developmental disabilities (DDD) will provide in-home technical assis-

tance to the adult family home upon admission of the first resident eligible for services from DDD and, thereafter, as determined necessary by DSHS.

(3) The manager and caregiver developmental disabilities specialty training learning outcomes and competencies may be obtained from the DSHS division of developmental disabilities.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0120, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0125 What knowledge and skills must manager dementia specialty training include? (1) Manager dementia specialty training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Introduction to the dementias;
- (b) Differentiating dementia, depression, and delirium;
- (c) Caregiving goals, values, attitudes and behaviors;
- (d) Caregiving principles and dementia problem solving;
- (e) Effects of cognitive losses on communication;
- (f) Communicating with people who have dementia;
- (g) Sexuality and dementia;
- (h) Rethinking "problem" behaviors;
- (i) Hallucinations and delusions;
- (j) Helping with activities of daily living (ADLs);
- (k) Drugs and dementia;
- (l) Working with families;
- (m) Getting help from others; and
- (n) Self-care for caregivers.

(2) The manager dementia specialty training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0125, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0130 What knowledge and skills must caregiver dementia training include? (1) Caregiver dementia training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Introduction to the dementias;
- (b) Dementia, depression, and delirium;
- (c) Resident-based caregiving;
- (d) Dementia caregiving principles;
- (e) Communicating with people who have dementia;
- (f) Sexuality and dementia;
- (g) Re-thinking "problem" behaviors;
- (h) Hallucinations and delusions;
- (i) Helping with activities of daily living (ADLs); and
- (j) Working with family and friends.

(2) The learning outcomes and competencies for caregiver dementia training may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0130, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0135 What knowledge and skills must manager mental health specialty training include? (1) Manager mental health specialty training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Introduction to mental illness;
 - (b) Culturally compassionate care;
 - (c) Respectful communications;
 - (d) Understanding mental illness - major mental disorders;
 - (e) Understanding mental illness - baseline, decompensation, and relapse planning; responses to hallucinations and delusions;
 - (f) Understanding and interventions for behaviors perceived as problems;
 - (g) Aggression;
 - (h) Suicide;
 - (i) Medications;
 - (j) Getting help from others; and
 - (k) Self-care for caregivers.
- (2) The manager mental health specialty training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0135, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0140 What knowledge and skills must caregiver mental health training include? (1) Caregiver mental health training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Understanding major mental disorders;
- (b) Individual background, experiences and beliefs;
- (c) Responding to decompensation, relapse, hallucinations and delusions;
- (d) Interventions for behaviors perceived as problems;
- (e) Aggression; and
- (f) Suicide.

(2) The learning outcomes and competencies for caregiver mental health training may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0140, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0145 Is competency testing required for specialty training, including caregiver specialty training? Passing the DSHS competency test is required for successful completion of specialty training for adult family home providers and resident managers, and for boarding home administrators (or designees) and caregivers, as provided under WAC 388-112-0290 through 388-112-0315. Competency testing is not required for adult family home caregivers.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0145, filed 7/11/02, effective 8/11/02.]

[Title 388 WAC—p. 512]

WAC 388-112-0150 Is there a challenge test for specialty training, including caregiver specialty training?

There is a challenge test for all the specialty trainings, including caregiver specialty trainings, except the adult family home caregiver training. Individuals may take the DSHS challenge test instead of required specialty training. A person who does not pass a challenge test on the first attempt must attend the class.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0150, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0155 What documentation is required for successful completion of specialty training, including caregiver specialty training? Specialty training, including caregiver specialty training, as applicable, must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (1) The trainee's name;
 - (2) The name of the training;
 - (3) The name of the home or training entity giving the training;
 - (4) The instructor's name and signature; and
 - (5) The date(s) of training.
- (6) The trainee must be given an original certificate. The home must keep a copy of the certificate on file.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0155, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0160 Who is required to complete manager specialty training, and when? Adult Family Homes

(1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC) and resident managers must complete manager specialty training and demonstrate competency before admitting and serving residents who have special needs related to mental illness, dementia, or a developmental disability.

(2) If a resident develops special needs while living in a home without a specialty designation, the provider and resident manager have one hundred twenty days to complete manager specialty training and demonstrate competency.

Boarding Homes

(3) If a boarding home serves one or more residents with special needs, the boarding home administrator (or designee) must complete manager specialty training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later. A boarding home administrator with a current nursing home administrator license is exempt from this requirement, unless the administrator will train their facility caregivers in a caregiver specialty.

(4) If a resident develops special needs while living in a boarding home, the boarding home administrator (or designee) has one hundred twenty days to complete manager specialty training and demonstrate competency. A boarding home administrator with a current nursing home administrator license is exempt from this requirement, unless the admin-

istrator will train their facility caregivers in a caregiver specialty.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0160, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0165 Who is required to complete caregiver specialty training, and when? Adult family homes

If an adult family home serves one or more residents with special needs, all caregivers must receive training regarding the specialty needs of individual residents in the home. The provider or resident manager knowledgeable about the specialty area may provide this training.

Boarding homes

If a boarding home serves one or more residents with special needs, caregivers must complete caregiver specialty training and demonstrate competency.

(1) If the caregiver specialty training is integrated with basic training, caregivers must complete the caregiver specialty training within one hundred twenty days of when they begin providing hands-on personal care to a resident having special needs or within one hundred twenty days of September 1, 2002, whichever is later.

(2) If the caregiver specialty training is not integrated with basic training, caregivers must complete the relevant caregiver specialty training within ninety days of completing basic training.

(3) Until competency in the caregiver specialty has been demonstrated, caregivers may not provide hands-on personal care to a resident with special needs without direct supervision

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0165, filed 7/11/02, effective 8/11/02.]

SECTION VI—NURSE DELEGATION CORE TRAINING

WAC 388-112-0170 What is nurse delegation core training? Nurse delegation core training is required before a nursing assistant may be delegated a nursing task. DSHS approves instructors for nurse delegation core training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0170, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0175 What knowledge and skills must nurse delegation core training include? Only the curriculum developed by DSHS may be used for nurse delegation core training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0175, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0180 Is competency testing required for nurse delegation core training? Passing the DSHS competency test is required for successful completion of nurse delegation core training, as provided under WAC 388-112-0265 through 388-112-0295.

(2003 Ed.)

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0180, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0185 Is there a challenge test for nurse delegation core training? There is no challenge test for nurse delegation core training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0185, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0190 What documentation is required for successful completion of nurse delegation core training? (1) Nurse delegation core training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The name of the trainee;
- (b) The name of the training;
- (c) The name of the training entity giving the training;
- (d) The instructor's name and signature; and
- (e) The date(s) of training.

(2) The trainee must be given an original certificate. Homes must keep a copy of the certificate on file.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0190, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0195 Who is required to complete nurse delegation core training, and when? Adult Family Homes

(1) Before performing any delegated nursing task, adult family home staff must:

- (a) Successfully complete DSHS-designated nurse delegation core training;
- (b) Be a nursing assistant registered or certified under chapter 18.88A RCW; and
- (c) If a nursing assistant registered, successfully complete basic training.

Boarding Homes

(2) Before performing any delegated nursing task, boarding home staff must:

- (a) Successfully complete DSHS-designated nurse delegation core training;
- (b) Be a nursing assistant registered or certified under chapter 18.88A RCW; and
- (c) If a nursing assistant registered, successfully complete basic training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0195, filed 7/11/02, effective 8/11/02.]

SECTION VII—CONTINUING EDUCATION

WAC 388-112-0200 What is continuing education? Continuing education is additional caregiving-related training designed to increase and keep current a person's knowledge and skills. DSHS does not preapprove continuing education programs or instructors.

[Title 388 WAC—p. 513]

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0200, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0205 How many hours of continuing education are required each year? (1) Individuals subject to a continuing education requirement must complete at least ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training.

(2) One hour of completed classroom instruction or other form of training (such as a video or on-line course) equals one hour of continuing education.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0205, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0210 What kinds of training topics are required for continuing education? Continuing education must be on a topic relevant to the care setting and care needs of residents, including but not limited to:

- (1) Resident rights;
- (2) Personal care (such as transfers or skin care);
- (3) Mental illness;
- (4) Dementia;
- (5) Developmental disabilities;
- (6) Depression;
- (7) Medication assistance;
- (8) Communication skills;
- (9) Positive resident behavior support;
- (10) Developing or improving resident centered activities;
- (11) Dealing with wandering or aggressive resident behaviors; and
- (12) Medical conditions.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0210, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0215 Is competency testing required for continuing education? Competency testing is not required for continuing education.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0215, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0220 May basic or modified basic training be completed a second time and used to meet the continuing education requirement? Retaking basic or modified basic training may not be used to meet the continuing education requirement.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0220, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0225 May specialty training be used to meet continuing education requirements? Manager specialty training and caregiver specialty training, except any specialty training completed through a challenge test, may be used to meet continuing education requirements.

[Title 388 WAC—p. 514]

(1) If one or more specialty trainings are completed in the same year as basic or modified basic training, the specialty training hours may be applied toward the continuing education requirement for up to two calendar years following the year of completion of the basic and specialty trainings.

(2) If one or more specialty trainings are completed in a different year than the year when basic or modified basic training was taken, the specialty training hours may be applied toward the continuing education requirement for the calendar year in which the specialty training is taken and the following calendar year.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0225, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0230 May nurse delegation core training be used to meet continuing education requirements? Nurse delegation training under WAC 388-112-0175 may be applied toward continuing education requirements for the calendar year in which it is completed.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0230, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0235 May residential care administrator training be used to meet continuing education requirements? Residential care administrator training under WAC 388-112-0275 may be used to meet ten hours of continuing education requirements.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0235, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0240 What are the documentation requirements for continuing education? (1) The adult family home or boarding home must maintain documentation of continuing education including:

- (a) The trainee's name;
 - (b) The title or content of the training;
 - (c) The instructor's name, name of the home or training entity giving the training, or the name of the video, on-line class, professional journal, or equivalent instruction materials completed;
 - (d) The number of hours of training; and
 - (e) The date(s) of training.
- (2) The trainee must be given an original certificate or other documentation of continuing education.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0240, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0245 Who is required to complete continuing education training, and when? Adult Family Homes

(1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC), resident managers, and caregivers must complete ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training.

(2003 Ed.)

(2) Continuing education must be on a topic relevant to the care setting and care needs of residents in adult family homes.

Boarding Homes

(3) Boarding home administrators (or their designees) and caregivers must complete ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training. A boarding home administrator with a current nursing home administrator license is exempt from this requirement.

(4) Continuing education must be on a topic relevant to the care setting and care needs of residents in boarding homes.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0245, filed 7/11/02, effective 8/11/02.]

SECTION VIII—CPR AND FIRST AID TRAINING

WAC 388-112-0250 What is CPR training? Cardiopulmonary resuscitation (CPR) training is training that meets the content requirements in WAC 296-800-15010.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0250, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0255 What is first aid training? First aid training is training that meets the content requirements in WAC 296-800-15010.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0255, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0260 What are the CPR and first aid training requirements? Adult Family Homes

(1) Adult family home providers and resident managers must possess a valid CPR and first aid card or certificate prior to providing care for residents, and must maintain valid cards or certificates.

(2) Adult family home caregivers must obtain a valid CPR and first aid card or certificate:

(a) Within thirty days of beginning to provide care for residents, if the provision of care for residents is directly supervised by a fully qualified caregiver who has a valid first aid and CPR card or certificate; or

(b) Before providing care for residents, if the provision of care for residents is not directly supervised by a fully qualified caregiver who has a valid first aid and CPR card or certificate.

(3) Adult family home caregivers must maintain valid CPR and first aid cards or certificates.

Boarding Homes

(4) Boarding home administrators who provide direct care, and caregivers must possess a valid CPR and first aid card or certificate within thirty days of employment, and must maintain valid cards or certificates. Boarding home licensed nurses must possess a valid CPR card or certificate within thirty days of employment, and must maintain a valid card or certificate.

(2003 Ed.)

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0260, filed 7/11/02, effective 8/11/02.]

SECTION IX—RESIDENTIAL CARE ADMINISTRATOR TRAINING

WAC 388-112-0265 What is residential care administrator training? Residential care administrator training is a minimum of forty-eight hours of training on topics related to the management of adult family homes. DSHS must approve residential care administrator training curricula.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0265, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0270 Who must take residential care administrator training and when? Before operating more than one adult family home, the provider (including an entity representative as defined under chapter 388-76 WAC) must successfully complete residential care administrator training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0270, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0275 What knowledge and skills must residential care administrator training include? Minimally, residential care administrator training must have at least forty-eight hours of class time, and include all of the following:

- (1) Business planning and marketing;
- (2) Fiscal planning and management;
- (3) Human resource planning;
- (4) Resident health services;
- (5) Nutrition and food service;
- (6) Working with people who are elderly, chronically mentally ill, or developmentally disabled;
- (7) The licensing process;
- (8) Social and recreational activities;
- (9) Resident rights;
- (10) Legal issues;
- (11) Physical maintenance and fire safety; and
- (12) Housekeeping.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0275, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0280 Is competency testing required for residential care administrator training? Competency testing is not required for residential care administrator training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0280, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0285 What documentation is required for residential care administrator training? (1) Residential care administrator training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The trainee's name;
- (b) The name of the training;
- (c) The name of the training entity giving the training;
- (d) The instructor's name and signature; and
- (e) The date(s) of training.

(2) The trainee must be given an original certificate. A copy of the certificate must be in the adult family home's files.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0285, filed 7/11/02, effective 8/11/02.]

SECTION X—COMPETENCY TESTING

WAC 388-112-0290 What is competency testing? Competency testing, including challenge testing, is evaluating a trainee to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0290, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0295 What components must competency testing include? Competency testing must include the following components:

- (1) Skills demonstration of ability to perform and/or implement specific caregiving approaches, and/or activities as appropriate for the training;
- (2) Written evaluation to show level of comprehension and knowledge of the learning outcomes for the training; and
- (3) A scoring guide for the tester with clearly stated criteria and minimum proficiency standards.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0295, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0300 What training must include the DSHS-developed competency test? Basic, modified basic, manager specialty, caregiver specialty, and nurse delegation core training must include the DSHS-developed competency test.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0300, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0305 How must competency test administration be standardized? To standardize competency test administration, testing must include the following components:

- (1) The person teaching the course must administer or supervise the administration of all testing; and
- (2) The tester must follow DSHS guidelines for:
 - (a) The maximum length of time allowed for testing;
 - (b) The amount and nature of instruction given to students before beginning a test;
 - (c) The amount of assistance to students allowed during testing;

[Title 388 WAC—p. 516]

(d) The accommodation guidelines for students with disabilities; and

(e) Accessibility guidelines for students with limited English proficiency.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0305, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0310 What form of identification must students provide before taking a competency or challenge test? Students must provide photo identification before taking a competency test (or challenge test, when applicable) for basic, modified basic, specialty, or nurse delegation training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0310, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0315 How many times may a competency test be taken? (1) A competency test that is part of a course may be taken twice. If the test is failed a second time, the person must retake the course before any additional tests are administered.

(2) If a challenge test is available for a course, it may be taken only once. If the test is failed, the person must take the classroom course.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0315, filed 7/11/02, effective 8/11/02.]

SECTION XI—CURRICULUM APPROVAL

WAC 388-112-0320 What trainings must be taught with a curriculum approved by DSHS? (1) The following trainings must be taught using the DSHS curriculum or other curriculum approved by DSHS:

- (a) Basic;
- (b) Modified basic;
- (c) Manager mental health, dementia, and developmental disabilities specialty training;
- (d) Caregiver specialty training in boarding homes; and
- (e) Any training that integrates basic training with a manager or caregiver specialty training.

(2) The residential care administrator training must use a curriculum approved by DSHS.

(3) The nurse delegation training must use only the DSHS curriculum.

(4) A curriculum other than the DSHS curriculum must be approved before it is used. An attestation that the curriculum meets all requirements under this chapter will be sufficient for initial approval. Final approval will be based on curriculum review, as described under WAC 388-112-0330.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0320, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0325 What are the minimum components that an alternative curriculum must include in order to be approved? In order to be approved, an alternative curriculum must at a minimum include:

(2003 Ed.)

(1) All the DSHS-published learning outcomes and competencies for the course;

(2) Printed student materials that support the curriculum, a teacher's guide or manual, and learning resource materials such as learning activities, audio-visual materials, handouts, and books;

(3) The recommended sequence and delivery of the material;

(4) The teaching methods or approaches that will be used for different sections of the course, including for each lesson:

(a) The expected learning outcomes;

(b) Learning activities that incorporate adult learning principles and address the learning readiness of the student population;

(c) Practice of skills to increase competency;

(d) Feedback to the student on knowledge and skills;

(e) An emphasis on facilitation by the teacher; and

(f) An integration of knowledge and skills from previous lessons to build skills.

(5) A list of the sources or references, if any, used to develop the curriculum;

(6) Methods of teaching and student evaluation for students with limited English proficiency and/or learning disabilities; and

(7) A plan for updating material. Substantial changes to a previously approved curriculum must be approved before they are used.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0325, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0330 What is the curriculum approval process? (1) An alternative curriculum must be submitted to DSHS for approval with:

(a) Identification of where each DSHS-published required learning outcome and competency is located in the alternate curriculum;

(b) All materials identified in WAC 388-112-0325; and

(c) A letter from the boarding home administrator or adult family home provider attesting that the training curriculum addresses all of the training competencies identified by DSHS;

(2) DSHS may approve a curriculum based upon the attestation in (1)(c) above, until it has been reviewed by DSHS;

(3) If, upon review by DSHS, the curriculum is not approved, the alternative curriculum may not be used until all required revisions have been submitted and approved by DSHS.

(4) After review of the alternative curriculum, DSHS will send a written response to the submitter, indicating approval or disapproval of the curriculum and if disapproved, the reasons for denial;

(5) If the alternative curriculum is not approved, a revised curriculum may be resubmitted to DSHS for another review.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0330, filed 7/11/02, effective 8/11/02.]

(2003 Ed.)

SECTION XII—HOME-BASED TRAINING

WAC 388-112-0335 What are the requirements for a boarding home or adult family home that wishes to conduct basic, modified basic, manager specialty, or caregiver specialty training? (1) A boarding home or adult family home wishing to conduct basic, modified basic, manager specialty, or caregiver specialty training for boarding home caregivers may do so if the home:

(a) Verifies and documents that all instructors meet each of the minimum instructor qualifications for the course they plan to teach;

(b) Teaches using a complete DSHS-developed or approved alternative curriculum.

(c) Notifies DSHS in writing of the home's intent to conduct staff training prior to providing the home's first training, and when changing training plans, including:

(i) Home name;

(ii) Name of training(s) the home will conduct;

(iii) Name of curriculum(s) the home will use;

(iv) Name of lead instructor and instructor's past employment in boarding homes and adult family homes; and

(v) Whether the home will train only the home's staff, or will also train staff from other homes;

(d) Ensures that DSHS competency tests are administered as required under this chapter;

(e) Provides a certificate of completion of training to all staff that successfully complete the entire course, including:

(i) The trainee's name;

(ii) The name of the training;

(iii) The name of the home giving the training;

(iv) The instructor's name and signature; and

(v) The date(s) of training;

(f) Keeps a copy of student certificates on file for six years, and gives the original certificate to the trainee;

(g) Keeps attendance records and testing records of students trained and tested on file for six years; and

(h) Reports training data to DSHS in DSHS-identified time frames

(2) An adult family home wishing to conduct caregiver specialty training that is taught by the provider, resident manager, or person knowledgeable about the specialty area, as required under WAC 388-112-0110 subsection (3), must document the specialty training as provided under WAC 388-112-0155.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0335, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0340 Do homes need department approval to provide continuing education for their staff? Homes may provide continuing education for their staff without prior approval of curricula or instructors by the department.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0340, filed 7/11/02, effective 8/11/02.]

[Title 388 WAC—p. 517]

WAC 388-112-0345 When can DSHS prohibit a home from conducting its own training? DSHS may prohibit a home from providing its own basic, modified basic, specialty, or caregiver specialty training when:

(1) DSHS determines that the training fails to meet the standards under this chapter;

(2) The home's instructor does not meet the applicable qualifications under WAC 388-112-0375 through 388-112-0395; or

(3) The home's instructor has been a licensee, boarding home administrator, or adult family home resident manager, as applicable, of any home subject to temporary management or subject to a revocation or summary suspension of the home's license, a stop placement of admissions order, a condition on the license related to resident care, or a civil fine of five thousand dollars or more, while the instructor was the licensee, administrator, or resident manager; or

(4) The home has been operated under temporary management or has been subject to a revocation or suspension of the home license, a stop placement of admissions order, a condition on the license related to resident care, or a civil fine of five thousand dollars or more, within the previous twelve months.

(5) Nothing in this section shall be construed to limit DSHS' authority under chapters 388-76 or 388-78A WAC to require the immediate enforcement, pending any appeal, of a condition on the home license prohibiting the home from conducting its own training programs.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0345, filed 7/11/02, effective 8/11/02.]

XIII—INSTRUCTOR APPROVAL

WAC 388-112-0350 What trainings must be taught by an instructor who meets the applicable minimum qualifications under this chapter? (1) The following trainings must be taught by an instructor who meets the applicable minimum qualifications for that training: Basic training; modified basic training; mental health, dementia, and developmental disability specialty training; and caregiver specialty training that is not taught by the boarding home administrator (or designee) or adult family home provider or resident manager.

(2) Nurse delegation training and residential care administrator training must be taught by an instructor who is approved by DSHS.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0350, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0355 What are an instructor's or training entity's responsibilities? The instructor or training entity is responsible for:

(1) Coordinating and teaching classes,

(2) Assuring that the curriculum used is taught as designed,

(3) Selecting qualified guest speakers where applicable,

(4) Administering or overseeing the administration of DSHS competency and challenge tests,

(5) Maintaining training records including student tests and attendance records for a minimum of six years,

(6) Reporting training data to DSHS in DSHS-identified time frames, and

(7) Issuing or reissuing training certificates to students.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0355, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0360 Must instructors be approved by DSHS? (1) DSHS-contracted instructors

(a) DSHS must approve any instructor under contract with DSHS to conduct basic, modified basic, specialty, or nurse delegation core training classes using the training curricula developed by DSHS.

(b) DSHS may select contracted instructors through a purchased services contract procurement pursuant to chapter 236-48 WAC or through other applicable contracting procedures. Contractors must meet the minimum qualifications for instructors under this chapter and any additional qualifications established through a request for qualifications and quotations (RFQQ) or other applicable contracting procedure.

(2) Homes conducting their own training

Homes conducting their own training programs using the training curricula developed by DSHS or alternative curricula approved by DSHS must ensure that their instructors meet the minimum qualifications for instructors under this chapter.

(3) Other instructors

DSHS must approve all other instructors not described in subsection (1) and (2) of this section.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0360, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0365 Can DSHS deny or terminate a contract with an instructor or training entity? (1) DSHS may determine not to accept a bid or other offer by a person or organization seeking a contract with DSHS to conduct basic, modified basic, specialty, or nurse delegation core training classes using the training curricula developed by DSHS. The protest procedures under chapter 236-48 WAC, as applicable, are a bidder's exclusive administrative remedy. No administrative remedies are available to dispute DSHS' decision not to accept an offer that is not governed by chapter 236-48 WAC, except as may be provided through the contracting process.

(2) DSHS may terminate any training contract in accordance with the terms of the contract. The contractor's administrative remedies shall be limited to those specified in the contract.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0365, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0370 What is a guest speaker, and what are the minimum qualifications to be a guest speaker for basic and developmental disabilities specialty training? Guest speakers for basic and developmental disabilities specialty training teach a specific subject in which they have expertise, under the supervision of the instructor. A

guest speaker must have as minimum qualifications, an appropriate background and experience that demonstrates that the guest speaker has expertise on the topic he or she will teach. The instructor must select guest speakers that meet the minimum qualifications, and maintain documentation of this background. DSHS does not approve guest speakers.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0370, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0375 What are the minimum general qualifications for an instructor teaching a DSHS curriculum or DSHS-approved alternate curriculum as defined under chapter 388-112 WAC? An instructor teaching a DSHS curriculum or DSHS-approved alternate curriculum must meet the following minimum general qualifications:

- (1) Twenty-one years of age; and
- (2) Has not had a professional health care or social services license or certification revoked in Washington state (however, no license or certification is required).

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0375, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0380 What are the minimum qualifications for an instructor for basic or modified basic training? An instructor for basic or modified basic training must meet the following minimum qualifications in addition to the general instructor qualifications in WAC 388-112-0375:

- (1) Education and work experience:
 - (a) Upon initial approval or hire, must have:
 - (i) A high school diploma and one year of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting; or
 - (ii) An associate degree in a health field and six months professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting.
 - (2) Teaching experience:
 - (a) Must have one hundred hours of experience teaching adults on topics directly related to the basic training; or
 - (b) Must have forty hours of teaching while being mentored by an instructor who meets these qualifications, and attend a class in adult education that meets the requirements of WAC 388-112-0400.
- (3) The instructor must be experienced in caregiving practices and capable of demonstrating competency with respect to the course content or units being taught;
- (4) Instructors who will administer tests must have experience or training in assessment and competency testing; and
- (5) If required under WAC 388-112-0075 or 388-112-0105, instructors must successfully complete basic or modified basic training prior to beginning to train others.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0380, filed 7/11/02, effective 8/11/02.]

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WAC 388-112-0385 What are the minimum qualifications for instructors for manager and caregiver mental health specialty? (1) Instructors for manager mental health specialty training: The minimum qualifications for instructors for manager mental health specialty, in addition to the general qualifications in WAC 388-112-0375 include:

(a) The instructor must be experienced in mental health caregiving practices and capable of demonstrating competency in the entire course content;

(b) Education

(i) Bachelor's degree, registered nurse, or mental health specialist, with at least one year of education in seminars, conferences, continuing education, or in college classes, in subjects directly related to mental health, such as, but not limited to, psychology. (One year of education equals twenty-four semester hours, thirty-six quarter hours, or one hundred ninety-two hours of seminars, conferences, and continuing education.)

(ii) If required under WAC 388-112-0160, successful completion of the mental health specialty training, prior to beginning to train others.

(c) Work experience - Two years full-time equivalent direct work experience with people who have a mental illness; and

(d) Teaching experience

(i) Two hundred hours experience teaching mental health or closely related subjects; and

(ii) Successful completion of an adult education class or train the trainer as follows:

(A) For instructors teaching alternate curricula, a class in adult education that meets the requirements of WAC 388-112-0400, or a train the trainer class for the curriculum they are teaching;

(B) For instructors teaching DSHS-developed mental health specialty training, successful completion of the DSHS-developed train the trainer.

(e) Instructors who will administer tests must have experience or training in assessment and competency testing.

(2) Instructors for caregiver mental health specialty training:

(a) Caregiver mental health specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager mental health specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.

(b) Caregiver mental health specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager mental health specialty in subsection (1).

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0385, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0390 What are the minimum qualifications for instructors for manager and caregiver dementia specialty? (1) The minimum qualifications for instructors for manager dementia specialty, in addition to the general qualifications under WAC 388-112-0375, include:

[Title 388 WAC—p. 519]

(a) The instructor must be experienced in dementia caregiving practices and capable of demonstrating competency in the entire course content;

(b) Education

(i) Bachelor's degree, registered nurse, or mental health specialist, with at least one year of education in seminars, conferences, continuing education or college classes, in dementia or subjects directly related to dementia, such as, but not limited to, psychology. (One year of education equals twenty-four semester hours, thirty-six quarter hours, or at least one hundred ninety-two hours of seminars, conferences, or continuing education.)

(ii) If required under WAC 388-112-0160, successful completion of the dementia specialty training, prior to beginning to train others.

(c) Work experience - Two years full-time equivalent direct work experience with people who have dementia; and

(d) Teaching experience

(i) Two hundred hours experience teaching dementia or closely related subjects; and

(ii) Successful completion of an adult education class or train the trainer as follows:

(A) For instructors teaching alternate curricula, a class in adult education that meets the requirements of WAC 388-112-0400, or a train the trainer class for the curriculum they are teaching;

(B) For instructors teaching DSHS-developed dementia specialty training, successful completion of the DSHS-developed train the trainer.

(d) Instructors who will administer tests must have experience or training in assessment and competency testing.

(2) Instructors for caregiver dementia specialty training:

(a) Caregiver dementia specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager dementia specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.

(b) Caregiver dementia specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager dementia specialty in subsection (1).

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0390, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0395 What are the minimum qualifications for instructors for manager and caregiver developmental disabilities specialty? (1) The minimum qualifications for instructors for manager developmental disabilities specialty, in addition to the general qualifications under WAC 388-112-0375, include:

(a) Education and work experience:

(i) Bachelor's degree with at least two years of full-time work experience in the field of disabilities; or

(ii) High school diploma or equivalent, with four years full time work experience in the field of developmental disabilities, including two years full time direct work experience with people who have a developmental disability.

[Title 388 WAC—p. 520]

(b) Successful completion of developmental disabilities specialty training under WAC 388-112-0120; and

(c) Teaching experience:

(i) Two hundred hours of teaching experience; and

(ii) Successful completion of adult education or train the trainer as follows:

(A) For instructors teaching alternative curricula, a class in adult education that meets the requirements of WAC 388-112-0400, or a train the trainer class for the curriculum they are teaching;

(B) For instructors teaching DSHS-developed developmental disabilities specialty training, successful completion of the DSHS-developed train the trainer.

(d) Instructors who will administer tests must have experience in assessment and competency testing.

(2) Instructors for caregiver developmental disabilities specialty training:

(a) Caregiver developmental disabilities specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager developmental disabilities specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.

(b) Caregiver developmental disabilities specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager developmental disabilities specialty in subsection (1).

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0395, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0400 What must be included in a class on adult education? A class on adult education must include content, student practice, and evaluation of student skills by the instructor in:

(1) Adult education theory and practice principles;

(2) Instructor facilitation techniques;

(3) Facilitating learning activities for adults;

(4) Administering competency testing; and

(5) Working with adults with special training needs (for example, English as a second language or learning and literacy issues).

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0400, filed 7/11/02, effective 8/11/02.]

SECTION XIV—PHYSICAL RESOURCES AND STANDARD PRACTICES FOR TRAINING

WAC 388-112-0405 What physical resources are required for basic, modified basic, specialty, or nurse delegation core classroom training and testing? (1) Classroom space used for basic, modified basic, specialty, or nurse delegation core classroom training must be accessible to trainees and provide adequate space for learning activities, comfort, lighting, lack of disturbance, and tools for effective teaching and learning such as white boards and flip charts. Appropriate supplies and equipment must be provided for

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teaching and practice of caregiving skills in the class being taught.

(2) Testing sites must provide adequate space for testing, comfort, lighting, and lack of disturbance appropriate for the written or skills test being conducted. Appropriate supplies and equipment necessary for the particular test must be provided.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0405, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0410 What standard training practices must be maintained for basic, modified basic, specialty, or nurse delegation core classroom training and testing? The following training standards must be maintained for basic, modified basic, specialty or nurse delegation core classroom training and testing:

- (1) Training, including all breaks, must not exceed eight hours within one day;
- (2) Training provided in short time segments must include an entire unit, skill or concept;
- (3) Training must include regular breaks; and
- (4) Students attending a classroom training must not be expected to leave the class to attend to job duties, except in an emergency.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0410, filed 7/11/02, effective 8/11/02.]

Chapter 388-148 WAC

LICENSING REQUIREMENTS FOR CHILD FOSTER HOMES, STAFFED RESIDENTIAL HOMES, GROUP CARE PROGRAMS/FACILITIES, AND AGENCIES

WAC

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- 388-148-0005 What is the purpose of this chapter?
- 388-148-0010 What definitions do I need to know to understand this chapter?
- 388-148-0015 Am I required to have a license to provide care to children?
- 388-148-0020 When is a license not required if I provide care to children?
- 388-148-0025 How do you decide how many children I may serve in my home or facility?

GENERAL REQUIREMENTS—STAFF QUALIFICATIONS

- 388-148-0030 How old do I have to be to apply for a license to provide care to children?
- 388-148-0035 What personal characteristics do I need to provide care to children?

GENERAL REQUIREMENTS—TRAINING REQUIRED

- 388-148-0040 What first aid training is required?
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GENERAL REQUIREMENTS—APPLICATION AND LICENSING PROCESS

- 388-148-0050 How do I apply for a license?
- 388-148-0055 How long do I have to complete the licensing application packet?
- 388-148-0060 When am I not allowed to receive a license from a child-placing agency?
- 388-148-0065 When may I be certified to provide care to children?
- 388-148-0070 Is there a difference between licensing and certification?
- 388-148-0075 May I be licensed with the department and a child-placing agency at the same time?

- 388-148-0080 What may I do if I disagree with the decision of a child-placing agency that I do not meet the licensing requirements?

GENERAL REQUIREMENTS—CORRECTIVE ACTION

- 388-148-0085 Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements?
- 388-148-0090 Does the department issue probationary license?
- 388-148-0095 When are licenses denied, suspended or revoked?
- 388-148-0100 Are there any other reasons that might cause me to lose my license?
- 388-148-0105 How do you notify me if you have modified, denied, suspended, or revoked my license?
- 388-148-0110 What may I do if I disagree with your decision to modify, deny, suspend or revoke my license?
- 388-148-0115 May I appeal the decision of the office of administrative hearings' administrative law judge?

GENERAL REQUIREMENTS—RECORD-KEEPING/REPORTING/PERSONNEL POLICIES/POSTING OF LICENSE

- 388-148-0120 What incidents involving children must I report?
- 388-148-0125 What are your requirements for keeping client records?
- 388-148-0130 What information may I share about a child or a child's family?
- 388-148-0135 What changes to my home or facility must I report to my licenser?
- 388-148-0140 What personnel policies must I have?
- 388-148-0145 Where do I post my license?

GENERAL REQUIREMENTS—HEALTH AND GENERAL SAFETY

- 388-148-0150 Are local ordinances part of your licensing requirements?
- 388-148-0155 What physical structure safety requirements must my home or facility meet?
- 388-148-0160 What measures must I take for pest control?
- 388-148-0165 Do I need to be concerned about the location of my home or facility?
- 388-148-0170 What steps must I take to ensure children's safety around outdoor bodies of water?
- 388-148-0175 What are your requirements regarding pets and animals in my home or facility?
- 388-148-0180 Are alcoholic beverages allowed at my home or facility?
- 388-148-0185 Is smoking permitted around children?
- 388-148-0190 May I have firearms in my home or facility?
- 388-148-0195 What are your requirements for storing dangerous chemicals or other substances?

- 388-148-0200 Do I need first-aid supplies?
- 388-148-0205 What requirements are there for the storage of medications?
- 388-148-0210 What requirements do I need to follow when I transport children?
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- 388-148-0220 What fire safety requirements must I follow to qualify for a license?
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- 388-148-0235 What are your requirements for smoke detectors?
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- 388-148-0245 What fire escape measures must be taken for multi-level dwellings?
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- 388-148-0270 What are the requirements for beds?

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- 388-148-0275 Do I need a telephone at my home or facility?
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PURPOSE AND DEFINITIONS

WAC 388-148-0005 What is the purpose of this chapter? The department issues or denies a license or certification on the basis of compliance with licensing requirements. This chapter defines general and specific licensing requirements for foster homes, staffed residential homes, group facilities, and child-placing agencies. We include licensing requirements for people who operate foster homes, group care programs and facilities, staffed residential homes, and child-placing agencies. In addition, we describe our requirements for specialized services offered in these homes and facilities, including: maternity services, day treatment services, crisis residential centers, services for children with severe developmental disabilities and programs for medically fragile children. Unless noted otherwise, these requirements apply to people who want to be licensed, certified, relicensed and recertified.

The department is committed to ensuring that the children who receive care experience health, safety, and well-being. We want these children's experiences to be beneficial to them not only in the short run, but also in the long term. Our licensing requirements reflect our commitment to children.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0005, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0010 What definitions do I need to know to understand this chapter? The following definitions are important to understand these rules:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child where the child's health, welfare and safety are harmed.

"Capacity" means the maximum number of children that a home or facility is licensed to care for at a given time.

"Care provider" means any licensed or certified person or organization that provides twenty-four-hour care for children.

"Case manager" means the private agency employee who coordinates the planning efforts of all the persons working on behalf of a child. They are responsible for implementing the child's case plan, assisting in achieving those goals, and assisting with day-to-day problem solving.

"Certification" means:

(1) Department approval of a person, home, or facility that does not legally need to be licensed, but wishes to have evidence that they met the minimum licensing requirements; or

(2) Department licensing of a child-placing agency to certify a foster home and/or a group care program meets licensing requirements.

"Children" or **"youth,"** means individuals who are:

(1) Under eighteen years old, including expectant mothers under eighteen years old; or

(2) Up to twenty-one years of age and enrolled in high school, equivalent course of study, GED, or educational program;

(3) Up to twenty-one years of age with developmental disabilities; or

(4) Up to twenty-one years of age if under the custody of the Washington state juvenile rehabilitation administration.

"Child-placing agency" means an agency licensed to place children for temporary care, continued care or adoption.

"Crisis residential center (CRC)" means an agency under contract with DSHS that provides temporary, protective care to children in a foster home, regular (semi-secure) or secure group setting.

"Compliance agreement" means a written licensing improvement plan to address specific skills, abilities or other issues of a fully licensed home or facility to maintain and/or increase the safety and well-being of children in their care.

"DCFS" means the division of children and family services.

"DDD" means division of developmental disabilities.

"Department" means the department of social and health services (DSHS).

"Developmental disabilities" means the language used by DSHS, division of developmental disabilities as defined in RCW 71A.10.020.

"DLR" means the division of licensed resources.

"Firearms" means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

"Foster-adopt" means placement of a child with a foster parent(s) who intends to adopt the child, if possible.

"Foster home or foster family home" means person(s) regularly providing care on a twenty-four-hour basis to one or more children in the person's home.

"Full licensure" means an entity meets the requirements established by the state for licensing or approved as meeting state licensing requirements.

"Group care facility for children" means a location maintained and operated for a group of children on a twenty-four-hour basis.

"Hearing" means the department's administrative review process.

"I" refers to anyone who operates or owns a foster home, staffed residential home, and group facilities, including group homes, child-placing agencies, maternity homes, day treatment centers, and crisis residential centers.

"Infants" means children under one year of age.

"License" means a permit issued by the department affirming that a home or facility meets the licensing requirements.

"Licensor" means:

(1) A division of licensed resources (DLR) employee at DSHS who:

(a) Approves licenses or certifications for foster homes and group facilities; and

(b) Monitors homes and facilities to ensure that they continue to meet health and safety requirements.

(2) An employee of a child-placing agency who:

(a) Attests that a foster home and/or group home facility supervised by the child-placing agency meets licensing requirements; and

(b) Monitors the homes and facilities to ensure they continue to meet the licensing standards for the health and safety of the children in care.

"Maternity service" means an individual, program or facility providing or arranging for care for:

(1) Expectant mothers before and during pregnancy; and

(2) Mothers and their infants after pregnancy.

These services are provided to mothers who are under eighteen years of age.

"Medically fragile" means the condition of a child who has a chronic illness or severe medical disabilities requiring regular nursing visits, regular medical check-ups, or under a physician's care.

"Multidisciplinary teams (MDT)" means groups formed to assist children who are considered at-risk youth or children in need of services, and their parents.

"Nonambulatory" means not able to walk.

"Nonmobile" refers to children who are not yet walking, are unable to walk, or unable to use a wheelchair or other device to move about freely.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Probationary license" means a license issued as a disciplinary measure to an individual or agency that has previously been issued a full license but is out of compliance with licensing standards.

"Psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include anti-psychotic, antidepressants and anti-anxiety medications.

"Relative" means a person who is related to the child as defined in RCW 74.15.020 (4)(a)(i), (ii), (iii), and (iv) only.

"Respite" means brief, relief care provided to foster parents with the respite provider fulfilling some or all of the functions of the care-taking responsibilities of the foster parent.

"Secure facilities" means a crisis residential center that has locking doors and windows, or secured perimeters intended to prevent children from leaving without permission.

"Severe developmental disabilities" means significant disabling, physical and/or mental condition(s) that cause a child to need external support for self-direction, self-support and social participation.

"Social service staff" means child placing agency or group care program staff who is an employee of the agency or hired to provide consultation on developing and implementing the child's individual service and treatment plans.

"Staffed residential home" means a licensed home providing twenty-four-hour care for six or fewer children or expectant mothers. The home may employ staff to care for children or expectant mothers. It may or may not be a family residence.

"We" or **"our"** refers to the department of social and health services, including DLR licensors and DCFS social workers.

"You" refers to anyone who operates a foster home, staffed residential home, and group facilities, including group homes, maternity programs, day treatment programs, crisis residential centers, and child-placing agencies.

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0010, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0015 Am I required to have a license to provide care to children? (1) If you regularly provide care to a child who is not related to you, you must be licensed.

(2) The types of homes or facilities that need a license include:

- (a) Foster homes;
- (b) Group care programs;
- (c) Programs for medically fragile children and children with severe developmental disabilities;
- (d) Maternity services;

- (e) Day treatment programs;
- (f) Crisis residential centers;
- (g) Staffed residential homes; and
- (h) Child-placing agencies.

Note: Homes and facilities offering maternity services, day treatment, crisis residential centers, services to medically fragile children and/or children with severe developmental disabilities will need to follow the specific program requirements outlined in this chapter as well.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0015, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0020 When is a license not required if I provide care to children? The department does not require licenses for people providing care in any of the situations as defined in RCW 74.15.020(2).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0020, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0025 How do you decide how many children I may serve in my home or facility? (1) The department approves the number of children that a home or facility may serve, based on an evaluation of these factors:

- (a) Physical accommodations in your home or facility;
- (b) The number of staff, family members and volunteers available for providing care;
- (c) Your skills and the skills of your staff; and
- (d) The ages and characteristics of the children you are serving.

(2) Based on the evaluation, the department may license you for the care of fewer children than you normally would serve in your category of care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0025, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—STAFF QUALIFICATIONS

WAC 388-148-0030 How old do I have to be to apply for a license to provide care to children? You must be at least twenty-one years old to apply for a license to provide care to children.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0030, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0035 What personal characteristics do I need to provide care to children? If you are requesting a license, certification, or a position as an employee, volunteer, intern, or contractor in a foster home, group care facility, staffed residential home, or child-placing agency you must have the following specific personal characteristics:

(1) You must demonstrate that you have the understanding, ability, physical health, emotional stability and personal-ity suited to meet the physical, mental, emotional, and social needs of the children under your care.

(2) You must not have been disqualified by our background check (chapter 388-06 WAC) prior to having unsupervised access to children.

(3) You must have the ability to furnish the child with a nurturing, respectful, supportive, and responsive environment.

(4) The department may require you to give additional information. We may request this information at any time and it may include, but is not limited to:

- (a) Substance and alcohol abuse evaluations and/or documentation of treatment;
 - (b) Psychiatric evaluations;
 - (c) Psycho-sexual evaluations; and
 - (d) Medical evaluations and/or medical records.
- (5) Any evaluation requested under WAC 388-148-0035 (4)(a)-(d) will be at the applicant/licensees expense.
- (6) The licenser must be given permission to speak with the evaluator/provider prior to and after the evaluation.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0035, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—TRAINING REQUIRED

WAC 388-148-0040 What first aid training is required? You and your staff must have the following first-aid training:

(1) If you have a home or facility that provides care, the care givers must have current training in:

- (a) Basic standard first aid; and
- (b) Age-appropriate cardiopulmonary resuscitation (CPR).

(2) Approved first aid and CPR training must be in accordance with a nationally recognized standard such as the American Red Cross or American Heart Association.

(3) For any facilities other than foster homes, the person with first aid and CPR training must be on the premises at all times when children are present.

(4) The requirement for CPR training may be waived for persons with a statement from their physician that the training is not advised for medical reasons.

(5) You must keep records in your home or facility showing who has completed current first aid and CPR training.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0040, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0045 What HIV/AIDS training is required? (1) You must provide or arrange for training for yourself and any of your staff on the prevention, transmission, and treatment of HIV and AIDS. Such training must include infection control requirements.

(2) You must use infection control requirements and educational material consistent with the approved curriculum *Know - HIV/AIDS Prevention Education for Health Care Facility Employees*, published by the department of health, office on HIV/AIDS.

(3) The staff of group care programs are required to complete blood borne pathogen training.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0045, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—APPLICATION AND LICENSING PROCESS

WAC 388-148-0050 How do I apply for a license? To apply for a license, the person or legal entity responsible for your home or facility must follow these procedures:

(1) You must send the application form to your licensor at DLR or a child-placing agency.

(2) With the application form, you must send the following information:

(a) Written verification for each applicant of:

(i) A tuberculosis test or x-ray unless you can demonstrate religious reasons prohibiting the test;

(ii) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(iii) HIV/AIDS training including infection control standards.

(b) A completed background check form for each applicant, family member, staff person, board member, intern or volunteer who:

(i) Is at least sixteen years old;

(ii) Is not a foster child; and

(iii) Has unsupervised access to children (see chapter 388-06 WAC).

(c) If you have lived in Washington state less than three years, you must provide us with a completed FBI fingerprint form.

(d) We may require additional information from you including, but not limited to:

(i) Substance and alcohol abuse evaluations and/or documentation of completed treatment;

(ii) Psychiatric evaluations;

(iii) Psycho-sexual evaluations; and

(iv) Medical evaluations and/or medical records.

(3) Except foster homes, if you are applying for a license renewal, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0050, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0055 How long do I have to complete the licensing application packet? You must complete your licensing application with supporting documents, such as training certificates, within ninety days of first applying for your license. If you fail to meet this deadline and have not contacted your licensor, your licensor may consider your application withdrawn.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0055, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0060 When am I not allowed to receive a license from a child-placing agency? (1) You or your relatives, are not allowed to be certified by a child-placing agency if you or your relative is in an administrative or supervisory role or directly involved in certification, placement, or authorization of payment to yourself or your relative for that same child-placing agency.

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(2) You or your relative may apply to a different child-placing agency for a license.

(3) Licensed foster parents who become employed by the department or a child-placing agency must be relicensed through an agency other than their employer within six months of employment.

Note: Relative as defined under RCW 74.15.020 (4)(i) through (iv).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0060, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0065 When may I be certified to provide care to children? You may apply for certification of your home or facility by the department rather than a license, if you:

(1) Are exempt from needing a license (per chapter 74.15 RCW);

(2) Meet the licensing requirements; and

(3) Wish to serve department-funded children.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0065, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0070 Is there a difference between licensing and certification? (1) The department has the sole legal authority to license or approve homes and facilities for the care of children in out-of-home placement.

(2) The department may license a child-placing agency, including a Tribal CPA, to operate foster home and/or group care facilities.

(3) The child-placing agency is only authorized to "certify" or attest to the department that the home or facility meets the licensing requirements.

(4) The licensing and certification requirements are the same and are contained in this chapter.

(5) The department has the final approval for licensing the home or facility that the CPA will be supervising.

(6) The department's representative signs the license of the home or facility.

(7) A home "certified" by a child-placing agency (CPA) and licensed by the department must be supervised by that CPA to have a valid license to care for children.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0070, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0075 May I be licensed with the department and a child-placing agency at the same time? You may not be licensed to provide care to children at the same time by both the department and a child-placing agency.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0075, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0080 What may I do if I disagree with the decision of a child-placing agency that I do not meet the licensing requirements? If you disagree with the child-placing agency's decision, you must abide by the child-placing agency's grievance process to challenge the decision.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0080, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—CORRECTIVE ACTION

WAC 388-148-0085 Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements? (1) At its discretion, the department may make exceptions and license or continue to license a home or facility that does not meet the minimum licensing requirements.

(2) Exceptions are approved for nonsafety requirements only.

(3) The safety and well-being of the children receiving care must not be compromised.

(4) The request for an exception to the licensing requirements must be in writing.

(5) You must keep a copy of the approved exception to the licensing requirements for your files.

(6) Along with an exception to the licensing requirements, the department may limit or restrict a license issued to you and/or require you to enter into a compliance agreement to ensure the safety and well-being of the children in your care.

(7) You do not have appeal rights if the department denies your request for an exception to our requirements.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0085, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0090 Does the department issue probationary license? (1) The department may issue a probationary license as part of a corrective action plan with a licensed provider.

(2) The department must base its decision as to whether a probationary license will be issued on the following:

(a) Intentional or negligent noncompliance with the licensing rules;

(b) A history of noncompliance with the rules;

(c) Current noncompliance with the rules;

(d) Evidence of a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0090, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0095 When are licenses denied, suspended or revoked? (1) A license must be denied, suspended or revoked if the department decides that you cannot provide care for children in a way that ensures their safety, health and well-being.

(2) The department must, also, disqualify you for any of the reasons that follow.

(a) You have been disqualified by your background check (see chapter 388-06 WAC).

(b) You have been found to have committed child abuse or neglect or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

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(c) You or anyone living on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults.

(d) You try to get a license by deceitful means, such as making false statements or leaving out important information on the application.

(e) You commit, permit or assist in an illegal act on the premises of a home or facility providing care to children.

(f) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(g) You knowingly allowed employees or volunteers who made false statements on their applications to work at your agency.

(h) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(i) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(j) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

(k) You have failed to comply with the federal and state laws for any Native American children that you have under care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0095, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0100 Are there any other reasons that might cause me to lose my license? (1) The department may suspend or revoke your license if you exceed the conditions of your home or facility license by:

(a) Having more children than the license allows;

(b) Having children with ages different than the license allows;

(c) Failing to provide a safe, healthy and nurturing environment for children under your care;

(d) Failing to comply with any of our other licensing requirements; or

(e) Failing to meet the health and safety requirements to receive a certificate of compliance as required by the department of health and/or office of the state Fire Marshal.

(2) The department must suspend your license to provide care to children, if we receive a notice from the division of child support that you are not in compliance with a support order.

Note: The governing authority is RCW 43.20A.205 and 74.20A.320.

(3) The suspension of your license for noncompliance of a support order would be effective the date you receive a notice that we received the certificate of noncompliance from the division of child support.

(4) Your license would remain suspended until you provide proof that you are in compliance with the child support order.

(5) You would not have a right to an administrative hearing based on a suspension of your license due to noncompliance of a child support order.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0100, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0105 How do you notify me if you have modified, denied, suspended, or revoked my license? The department sends you a certified letter informing you of the decision to modify, deny, suspend or revoke your license. In the letter, the department also tells you what you need to do if you disagree with the decision.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0105, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0110 What may I do if I disagree with your decision to modify, deny, suspend or revoke my license? You have the right to appeal any decision the department makes to deny, modify, suspend, or revoke your license.

(1) You may request a department administrative hearing to disagree with the department's decision to modify, suspend, revoke or deny your license.

(2) You must request a department administrative hearing within twenty-eight days of receiving a certified letter with the department's decision (see chapter 34.05 RCW).

(3) You must send a letter to the office of administrative hearings, P.O. Box 42489, Olympia, Washington 98504-2489, 1-800-583-8271 requesting an administrative hearing. The letter must have the following attachments:

(a) A specific statement of your reasons for disagreeing with the department decision and any laws that relate to your reasons; and

(b) A copy of the certified letter from the department that you are disputing.

(4) The administrative hearing will take place before an employee of the office of administrative hearings.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0110, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0115 May I appeal the decision of the office of administrative hearings' administrative law judge? (1) The decision of the administrative law judge (ALJ) will become the final decision of the department, unless either you or the department files a petition for review with DSHS board of appeals within twenty-one days after the administrative law judge's initial decision is mailed to the parties.

(2) The procedure for requesting, or responding to, a petition for review with the board of appeals is in WAC 388-02-0560 through 388-02-0635.

(3) If either party asks for a review, the decision of the board of appeals review judge will be the department's final decision.

(4) If you disagree with the decision of the board of appeals, you may file a petition in superior court and ask for judicial review. The procedure for judicial review is in RCW 34.05.510 to 34.05.598.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0115, filed 8/28/01, effective 9/28/01.]

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GENERAL REQUIREMENTS—RECORD-KEEPING/REPORTING/PERSONNEL POLICIES/POSTING OF LICENSE

WAC 388-148-0120 What incidents involving children must I report? (1) You or your staff must report any of the following incidents immediately and in no instance later than forty-eight hours to your local children's administration intake staff:

(a) Any reasonable cause to believe that a child has suffered child abuse or neglect;

(b) Any violations of the licensing or certification requirements;

(c) Death of a child;

(d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(e) Any use of physical restraint that is alleged improper or excessive;

(f) Sexual contact between two or more children that is not considered typical play between preschool age children;

(g) Any disclosures of sexual or physical abuse by a child in care;

(h) Physical assaults between two or more children that result in injury requiring off-site medical treatment or hospitalization;

(i) Unexpected health problems that require off-site medical treatment;

(j) Any medication that is given incorrectly and requires off-site medical treatment;

(k) Serious property damage that is a safety hazard and is not immediately corrected; or

(l) Any emergent medical care.

(2) You or your staff must report immediately or in no instance later than forty-eight hours, any of the following incidents to the child's social worker, if the child is in the department's custody:

(a) Suicidal/homicidal ideations, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems that do not require professional medical treatment;

(c) Any incident of medication incorrectly administered;

(d) Physical assaults between two or more children that result in injury but did not require professional medical treatment;

(e) Runaways; and

(f) Use of physical restraints for routine behavior management.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0120, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0125 What are your requirements for keeping client records? (1) Any identifying and personal information about a child and the child's family must be kept confidential.

(2) You must keep records about children and their families in a secure place. If the child is in the department's custody, at the end of the child's placement, reports written by others about the child or the child's family must be returned to the child's social worker.

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(3) During a placement in your foster home, your records must be kept at your home and contain, if available, at a minimum, the following information:

- (a) The child's name, birth date, and legal status;
- (b) Name and telephone number of the social worker for each child in care;
- (c) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;
- (d) Information on specific cultural needs of the child;
- (e) Medical history including any medical problems, name of doctor, type of medical coverage and provider;
- (f) Mental health history and any current mental health and behavioral issues, including medical and psychological reports when available;
- (g) Other pertinent information related to the child's health;
- (h) Record of immunizations. Receiving and interim care homes and facilities do not need to keep records of immunizations for children in their care less than thirty days. Crisis residential centers do not need to keep records of immunizations for children in their care;
- (i) Child's school records, report cards, school pictures, and individual education plans (IEP);
- (j) Special instructions including supervision requirements and suggestions for managing problem behavior;
- (k) Inventory of personal belongings at the time of placement; and
- (l) The child's visitation plan.

(4) During a child's placement in a staffed residential home or a group care program, your records must be kept at your site and contain, at a minimum, the following information in addition to the information in subsection (3)(a) through (l) of this section:

- (a) Written consent from the child placing agency, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);
- (b) Names, addresses, and telephone numbers of persons authorized to take the child under care out of the facility;
- (c) A copy of the court order or voluntary placement agreement that gives approval to place the child;
- (d) Case plans, such as children's administration's "individual service and safety plan;" and
- (e) Daily logs of therapy treatment received by children with the signature of the person making the entry in the log.

(5) If you operate a group care program, staffed residential home, or child-placing agency and have client files with information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0125, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0130 What information may I share about a child or a child's family? (1) Information about a child or the child's family is confidential and must only be shared with people directly involved in the case plan for a child. Confidential information must not be shared with:

- (a) Friends,
- (b) Relatives,
- (c) Neighbors.

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(2) You may discuss information about the child, the child's family and the case plan only with:

- (a) A representative of the department, including staff from DCFS and DLR; department of health and the office of the state fire marshal;
- (b) A child-placing agency case manager assigned to the child;
- (c) The child's assigned guardian ad litem or court-appointed special advocate; or
- (d) Others designated by the child's social worker.

(3) You may check with your child's social worker for guidance about sharing information with the child's teacher, counselor or doctor, respite care provider or any other professional.

(4) Child-placing agencies and the department must share with the child's care provider any information about the child and child's family related to the case plan.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0130, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0135 What changes to my home or facility must I report to my licensor? (1) You must report to your licensor immediately any changes in the original licensing application. Changes include any of the following:

- (a) Changes in your location or designated space, including address;
- (b) Changes in your phone number;
- (c) Changes in the maximum number, age ranges, and sex of children you wish to serve;
- (d) Changes in the structure of your facility or premises from events causing damage, such as a fire, or from remodeling;
- (e) Addition of any new staff person, employee, intern, contractor, or volunteer, who might have unsupervised contact with the children in care; or
- (f) Changes in household composition, such as:
 - (i) A marriage, separation or divorce;
 - (ii) Incapacity or serious illness of a foster parent or member of the household;
 - (iii) The death of anyone in the household;
 - (iv) A change in employment status or significant change in income; or
 - (v) A change in who resides in the household or is on the premises for more than fourteen days.

(2) A license is valid only for the person or organization named on the license at a specific address. If you operate a group facility or child-placing agency, you must also report any of the following changes to your licensor:

- (a) A change of your agency's executive director or any staff changes;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in the name of a licensed corporation, or the name by which your facility is commonly known; or
- (d) Changes in an agency's articles of incorporation and bylaws.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0135, filed 8/28/01, effective 9/28/01.]

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WAC 388-148-0140 What personnel policies must I have? You must follow the personnel requirements listed below, at any home or facility we license.

(1) Each employee, intern, contractor, or volunteer who has unsupervised access to children must have completed an application for employment and signed a form enabling us to do a background check (chapter 388-06 WAC).

(2) Misrepresentation by the prospective employee, interns, or volunteer will be grounds for termination or denial of employment or volunteer service.

(3) If you have five or more staff, volunteers, or interns you must have written policies covering qualifications, training, and duties for employees, interns, and volunteers.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0140, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0145 Where do I post my license? (1) Foster home parents do not need to post their license.

(2) If you operate any other kind of home, facility, or agency you must post your license where the public can easily view it.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0145, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—HEALTH AND GENERAL SAFETY

WAC 388-148-0150 Are local ordinances part of your licensing requirements? (1) Local ordinances (laws), such as zoning regulations and local building codes, fall outside the scope of our licensing requirements.

(2) We may require you to provide proof that you have met local ordinances.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0150, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0155 What physical structure safety requirements must my home or facility meet? You must keep the equipment and the physical structures in your home or facility safe and clean for the children you serve. You must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair;

(2) Provide handrails for steps, stairways, and ramps; if required by the department;

(3) Have emergency lighting devices available and in operational condition;

(4) Furnish your home or facility appropriately, based on the age and activities of the children under care.

(5) Have washable, water-resistant floors in your home or facility bathrooms, kitchens, and any other rooms exposed to moisture. The department may approve washable, short-pile carpeting that is kept clean and sanitary for your home or facility's kitchens.

(6) All homes and facilities must provide tamper proof or tamper resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other per-

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sons with limited mental capacity or who might be endangered by access to them.

(7) Have easy access to rooms occupied by children in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

(8) Except for foster homes, have posted a written disaster plan for emergencies such as fire and earthquakes.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0155, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0160 What measures must I take for pest control? You must make reasonable attempts to keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0160, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0165 Do I need to be concerned about the location of my home or facility? (1) Your address must be clearly visible on the home, facility, or mailbox so that firefighters or medics can easily find your location.

(2) Your home or facility must be accessible to emergency vehicles.

(3) Your home or facility must be located on a well-drained site, free from hazardous conditions. The safety of the children in care is paramount. You must discuss with the licensor any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

(4) A supervision plan must be written for the children in care if it is decided that hazardous conditions are present. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0165, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0170 What steps must I take to ensure children's safety around outdoor bodies of water? (1) You must ensure children in your care or placed in your home or facility are safe around bodies of water.

(2) You must daily empty and clean any portable wading pool that children use.

(3) Children under twelve must be in continuous visual or auditory range at all times when they are swimming, wading, or boating by an adult with current age appropriate first aid and CPR.

(4) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and around man-made and natural bodies of water.

(5) You must lock hot tub and spa areas when they are not in use.

(6) You must place a fence designed to discourage climbing and have a locking gate around a pool. The pool must be inaccessible to children when not in use.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0170, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0175 What are your requirements regarding pets and animals in my home or facility? (1) In a foster home, staffed residential home, or group care facility, you must not have any common household pets, exotic pets, animals, birds, insects, reptiles, or fish that are dangerous to the children in care.

(2) The department, at its discretion, may limit the type and number of common household pets, exotic pets, animals, birds, insects, reptiles or fish accessible to children if the department determines there are risks to the children in care.

(3) You must ensure that common household pets, exotic pets, animals, birds, insects, reptiles, and fish are free from disease and cared for in a safe and sanitary manner.

(4) Common household pets, exotic pets, animals, birds, insects, reptiles, and fish must be cared for in compliance with state regulations and local ordinances.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0175, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0180 Are alcoholic beverages allowed at my home or facility? (1) In a foster home, you may have alcoholic beverages on the premises as long as they are inaccessible to children.

(2) Any other facility must not have alcohol on the premises. The staff of these facilities may not consume alcohol on the premises or during breaks.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0180, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0185 Is smoking permitted around children? (1) You must prohibit smoking in the living space of any home or facility caring for children and in motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors away from children.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American ceremonies involving the use of tobacco.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0185, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0190 May I have firearms in my home or facility? (1) Except for foster homes, you must not permit firearms, ammunition, and other weapons on the premises of homes or facilities that provide care to children.

(2) If you are licensed as a foster home, firearms, ammunition, and other weapons must be kept in locked container, gun cabinet, gun safe, or another storage area made of strong, unbreakable material when not in use.

(a) If the storage cabinet has a glass or another breakable front, the guns must be secured with a locked cable or chain placed through the trigger guards.

(b) Ammunition must be stored in a place that is separate from weapons or locked in a gun safe.

(c) Weapons and ammunition must be accessible only to authorized persons.

(3) You may allow a child to use a firearm only if:

(a) The child's social worker approves;

(b) Competent adults are supervising use; and

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(c) The youth has completed an approved gun safety or hunter safety course.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0190, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0195 What are your requirements for storing dangerous chemicals or other substances? (1) You must store the following items in a place that is not accessible to preschool children or other persons with limited mental capacity or who might be endangered by access to these products:

(a) Cleaning supplies;

(b) Toxic or poisonous substances;

(c) Aerosols; and

(d) Items with warning labels.

(2) When containers are filled with toxic substances from a stock supply, you must label containers filled from a stock supply.

(3) Toxic substances must be stored separately from food items.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0195, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0200 Do I need first-aid supplies? (1) You must keep first aid supplies on hand for immediate use, including unexpired syrup of ipecac that is to be used only when following the instruction of the poison control center.

(2) The following first aid supplies must be kept on hand:

(a) Barrier gloves and one-way resuscitation mask;

(b) Bandages;

(c) Scissors and tweezers;

(d) Ace bandage;

(e) Gauze; and

(f) Thermometer.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0200, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0205 What requirements are there for the storage of medications? (1) You must keep all medications, including pet medications, vitamins and herbal remedies, in locked storage.

(2) Pet and human medications must be stored in separate places.

(3) You must store external medications separately from internal medications.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0205, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0210 What requirements do I need to follow when I transport children? When you transport children under your care, you must follow these requirements.

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children in the vehicle;

(b) Staff-to-child ratio guidelines or your contract require a second staff person; or

(c) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability and insurance policy.

(5) Your vehicles must be equipped with, seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) Buses approved by the state patrol are not required to have seat belts.

(8) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0210, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0215 May I use wheeled baby walkers? The department prohibits the use of wheeled baby walkers in foster homes and facilities.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0215, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—FIRE SAFETY

WAC 388-148-0220 What fire safety requirements must I follow to qualify for a license? (1) If you operate a program or facility other than a foster home, staffed residential home, or child-placing agency, you must follow the regulations developed by the Washington State Fire Marshal's office. The regulations are minimum requirements for protecting life and property against fire. You can find these contained in the current Uniform Fire Code with Washington state amendments.

(2) Foster homes and staffed residential homes need inspections by fire marshal or local fire department if either:

(a) Licensors request the inspections; or

(b) Local ordinances require these inspections.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0220, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0225 What fire safety requirements are there for exits? You must comply with the fire safety requirements that follow concerning exits from homes and facilities.

(1) Exit doors and rescue windows must be easily opened to the fully open position from the inside without requiring a key or special instructions.

(2) Locks on outside exit doors must automatically unlock when the doorknob is turned from the inside.

(3) Except in foster homes, night latches, dead bolts, security chains, manually operated edge or surface-mounted flush bolts and surface bolts must not be used.

(4) Each home and facility must have at least one swinging exit door that is pivoted or hinged on the side.

(5) Other exit doors in your home or facility may be sliding doors.

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(6) Each home or facility must have two exits, located at opposite ends of the building or one on each floor. The requirement for one of the two exits may be deleted if:

(a) A residential sprinkler system (complying with the state fire Marshal standards) is provided throughout the entire building; and

(b) The remaining exit is a door.

(7) Every occupied area must have access to at least one exit that does not pass through rooms or spaces that can be locked or blocked from the opposite side.

(8) Obstacles must not be placed in corridors, aisles, doorways, exit doors, stairways, ramps, or rescue windows.

(9) Barriers to exiting must be restricted to gates or other approved devices that are easily opened and do not delay exiting.

(10) Stoves or heaters must not block escape or exit routes.

(11) Flammable, combustible, or poisonous material must be stored away from exits and away from areas that are accessible to children under care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0225, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0230 Are there other fire safety requirements for inside a home or facility? You must comply with the fire safety requirements that follow.

(1) Every room used by children under care must have easy entry and exit, including one of these features:

(a) Two separate doors; or

(b) One door leading to an exit; and

(c) A window that opens to the outside and is large enough for emergency escape or rescue.

(2) No space may be lived-in by the children in care that is accessible only by a ladder, folding stairs, or a trap door.

(3) Every bathroom door lock must be designed to permit the opening of the locked door from the outside.

(4) Every closet door latch must be designed to be opened from the inside.

(5) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(6) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause a burn must have a barrier to prevent access by children under age six years.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0230, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0235 What are your requirements for smoke detectors? (1) You must place a smoke detector in good working condition in each bedroom or in areas close to where children sleep, such as a hallway. If the smoke detector is mounted on the wall, it must be twelve inches from the ceiling and a corner.

(2) If a sleeping or napping room has a ceiling height that is at least twenty-four inches higher than its adjoining hallway, you must install a smoke detector in both the hallway and the sleeping or napping room.

(3) In foster homes, if questions arise concerning fire danger, the local fire protection authority must be consulted.

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[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0235, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0240 What are your requirements for fire extinguishers? (1) You must have readily available at least one approved 2A10BC-rated or larger all purpose (ABC) fire extinguisher.

Note: Approved 2A10BC-rated means a fire extinguisher with an Underwriters' Laboratory label on the nameplate classifying the extinguisher as 2A10BC-rated. These extinguishers are usually multi-purpose, five-pound dry chemical units.

(2) Approved fire extinguisher(s) must be located in the area of the normal path of exiting. The maximum travel distance to an extinguisher from any place on the premises must not exceed seventy-five feet. When the travel distance exceeds seventy-five feet, additional extinguisher(s) are required.

(3) Fire extinguishers must be ready for use at all times.

(4) Fire extinguishers must be kept on a shelf or mounted in a bracket so that the top of the extinguisher is not more than five feet above the floor.

(5) Fire extinguishers must receive a maintenance certification by a licensed firm specializing in this work, based on the manufacturer's recommended schedule. Maintenance means a thorough check of the extinguisher for:

- (a) Mechanical parts;
- (b) Extinguishing agent; and
- (c) Expelling means.

(6) Exception: New fire extinguishers do not need to receive an additional certification test during the first year.

(7) If local fire authorities require installation of a different type or size of fire extinguisher, those requirements apply instead of the departments, as long as at least the minimum size is maintained.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0240, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0245 What fire escape measures must be taken for multi-level dwellings? (1) Multi-level dwellings must have a means of escape from an upper floor.

(2) If a fire ladder is needed to escape from an upper story window, it must be stored in a location that is easily accessible.

(3) For foster homes and staffed residential homes, a local fire department official may be consulted to determine if a fire ladder is needed to ensure adequate safety.

(4) For group care programs, this determination is made by the state fire marshal representative.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0245, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0250 What fire safety instructions must I give to children? You must instruct children, under your care who are capable of understanding and following emergency evacuation procedures and conduct fire drills at regular intervals to test and practice the procedures.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0250, filed 8/28/01, effective 9/28/01.]

[Title 388 WAC—p. 534]

WAC 388-148-0255 What are the requirements for a fire evacuation plan? (1) You must develop a written fire evacuation plan for your home or facility. The evacuation plan must include an evacuation floor plan, identifying exit doors and windows. Except in foster homes, the plan must be posted at each exit door.

(2) You must ensure that the plan includes:

- (a) Action to take by the person discovering a fire;
- (b) Methods for sounding an alarm on the premises;
- (c) Action to take for evacuating the building that ensures responsibility for the children; and
- (d) Action to take while waiting for the fire department.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0255, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—ROOM REQUIREMENTS

WAC 388-148-0260 What are the general requirements for bedrooms? You must meet all of the following requirements for bedrooms if you provide full-time care in a home or facility.

(1) An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

(2) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(4) For facilities licensed after December 31, 1986, bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the occupants. Normally, this would be seven and a half feet; and

(b) A window of not less than one-tenth of the required floor space that can open into the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(5) For any children six years of age and over, you must furnish separate sleeping quarters for each gender.

(6) Children in care must not share the same bed.

(7) In group care facilities, single occupancy bedrooms must provide at least fifty square feet of floor space.

(8) In foster homes, single occupancy bedrooms must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0260, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0265 What are additional requirements for bedrooms having more than one person? (1) You must not allow a child over one year of age to share a bedroom with an adult who is not the child's parent.

(2) There must be no more than four persons to a bedroom.

(3) Multiple occupancy bedrooms must provide adequate floor space for safety and comfort of the children. Nor-

mally this would be at least fifty square feet of floor space per occupant, not including closets.

(4) When a mother and her infant sleep in the same room, the room must contain at least eighty square feet of usable floor space.

(5) You must allow only one mother and her newborn infant(s) to occupy a bedroom.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0265, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0270 What are the requirements for beds? (1) Each child in care must have a bed of his or her own.

(2) For each child in care, you must provide a bed at least thirty inches wide with a clean and comfortable mattress in good condition, pillow, sheets, blankets, and pillowcases. Each child's pillow must be covered with waterproof material or be washable.

(3) Bedding must be clean.

(4) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(5) You must provide an infant with a crib that ensures the safety of the infant and complies with chapter 70.111 RCW, Infant Crib Safety Act.

(6) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(7) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices.

(8) Crib bumpers, stuffed toys and pillows must not be used in cribs, infant beds, bassinets, or playpens.

(9) You must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep.

(10) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children under six years of age.

(11) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age, development or condition could hurt them. Examples: Preschool age children, expectant mothers and children with disabilities.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0270, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS— TELEPHONE/LIGHTING/VENTILATION/WATER/ LAUNDRY/SEWAGE

WAC 388-148-0275 Do I need a telephone at my home or facility? The department has two requirements for the telephone that you must meet at your home or facility.

(1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

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(2) You must post emergency phone numbers next to the phone.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0275, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0280 What are the lighting requirements for my home or facility? (1) You must locate light fixtures and provide lighting that promotes good visibility and comfort for the children under your care.

(2) In addition, group care facilities must have nonbreakable light fixture covers or shatter resistant light bulbs or tubes.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0280, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0285 Do I need a housekeeping sink? Facilities licensed to provide group care services must have and use a method of drawing clean mop water and have and use an appropriate method of wastewater disposal.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0285, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0290 What does the room temperature for my home or facility need to be? You must maintain the temperature within your home or facility at a reasonable level while occupied. You must consider the age and needs of the children under your care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0290, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0300 How must I ventilate my home or facility? You must ensure that your physical facility is ventilated for the health and comfort of the persons under your care. A mechanical exhaust to the outside must ventilate toilets and bathrooms that do not have windows opening to the outside.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0300, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0305 What are your requirements for laundry facilities? The department has specific requirements for laundry facilities at your home or facility.

(1) You must have separate and adequate facilities for storing soiled and clean linen.

(2) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(3) You must locate laundry equipment in an area separate from the kitchen and child care areas unless you are doing foster care in your home.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0305, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0310 What are the requirements for washing clothes? You must use an effective way to sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials. You must sanitize laundry through temperature or chemicals.

[Title 388 WAC—p. 535]

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0310, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0315 What are your requirements for toilets, sinks, and bathing facilities? You must meet certain requirements for toilets, sinks, and bathing facilities.

(1) You must provide at least one indoor flush-type toilet, one nearby hand-washing sink with hot and cold running water, and a bathing facility.

(2) You must comply with all of the following requirements for toilet and bathing facilities:

(a) Toilet and bathing facilities must allow privacy for children who are five years of age or older and opposite genders.

(b) Toilet, urinals, and hand-washing sinks must be the appropriate height for the children served, or have a safe and easily cleaned step stool or platform that is water-resistant.

(c) Hand-washing and bathing facilities must be provided with hot running water that does not exceed one hundred twenty degrees.

(d) All bathing facilities must have a conveniently located grab bar unless we approve other safety measures, such as nonskid pads.

(e) You must provide potty-chairs and toilet training equipment for toddlers. You must regularly maintain this equipment and keep it in sanitary condition. You must put potty-chairs, when in use, on washable, water-resistant surfaces.

(f) In group care facilities, whenever urinals are provided, the number of urinals must not replace more than one-third of the total number of required toilets.

(g) You must provide soap and clean towels, disposable towels or other approved hand-drying devices to the persons under your care.

(h) In programs providing care to expectant mothers:

(i) Bathing facilities must have adequate grab bars in convenient places; and

(ii) Except in foster homes, all sleeping areas must have at least one toilet and hand-washing sink on the same floor.

(3) 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 bathrooms at the facilities shall apply:

	Toilets	Handwashing Sinks	Bathing Facilities
Group care programs and facilities	Two minimum and 1:8 ratio	Two minimum and 1:8 ratio	One minimum and 1:8 ratio
Foster family home and staffed residential home	One minimum	One minimum	One minimum

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0315, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0320 What are the requirements about drinking water? (1) You must provide the following:

(a) A public water supply or a private water supply approved by the local health authority at the time of licensing or relicensing; and

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(b) Disposable paper cups, individual drinking cups or glasses, or angled jet type drinking fountains.

(2) You must not use bubbler type fountains or common drinking cups.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0320, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0325 What are the requirements for sewage and liquid wastes? You must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0325, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—MEDICAL CARE AND MEDICATION MANAGEMENT

WAC 388-148-0330 Am I required to obtain a child's health history? (1) You may obtain the health history from the social worker or child-placing agency making the placement for all children that are accepted into your home or facility.

(2) The health history must include:

(a) The date of the child's last physical examination;

(b) Allergies;

(c) Any special health problems;

(d) A history of immunizations;

(e) Clinical and medical diagnoses and treatment plans; and

(f) All currently prescribed medications.

(3) When leaving the home or facility, the health history of the child must go with the child to the next placement for continuity of care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0330, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0335 When must I get medical exams for the children under my care? (1) You, together with the child's social worker, must schedule a medical exam for any child who, within the past year, has not:

(a) Been under regular medical supervision; or

(b) Had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) A physical exam (EPSDT) must be completed within thirty days of placement and annually thereafter.

Note: You may contact the child's social worker for information on this.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0335, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0340 What are your requirements for immunizations for children? (1) To receive care from you, children must have proof of current immunizations. Contact the child's social worker before beginning any immunization schedule to avoid duplication of immunizations.

(2) You may accept a child who has not received all immunizations on a conditional basis if immunizations are started as soon as medically possible.

(3) If you are providing care and have minor children of your own who are on the premises of a home or facility, your children must have proof of current immunizations.

(4) The department may give conditional approval for any of your own children who have not received all immunizations as long as their immunizations are started soon as medically possible.

(5) The department may grant exceptions to this requirement for immunizations for your children in two situations:

(a) You, as parent or guardian, have signed a statement indicating your religious, philosophical or personal objections to the requirement; or

(b) You have a physician's statement indicating that a valid medical reason exists for not obtaining immunizations for your own child.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0340, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0345 What must I do to prevent the spread of infections and communicable diseases? You must take precautions to guard against infections and communicable diseases infecting the children under care in your home or facility.

General communicable diseases and infections

(1) In each home or facility, other than a foster home, staff with a reportable communicable disease, as defined by the department of health, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(2) Each home or facility, other than a foster home, that cares for severely and multiple-handicapped children must have an infection control program supervised by a registered nurse.

(3) Foster homes with medically fragile children may use other alternatives, such as in-home nursing services, to consult on infection control procedures.

Tuberculosis

(4) Applicants for a license or adults authorized to have unsupervised access to children in a home or facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(5) The department does not require a tuberculin skin test if:

(a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or

(b) A physician indicates that the test is medically inadvisable.

(6) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(7) The department does not require retesting unless a person believes they have been exposed to someone with

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tuberculosis or if testing is recommended by their health care provider.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0345, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0350 How do I manage medications for children under my care? (1) You must meet the department's requirements for managing prescription and nonprescription medication for children under your care.

(2) If you care for children in the custody of a tribal court you must follow the direction of that court regarding giving or applying prescription and nonprescription medications or ointments.

(3) Only you or another authorized care provider may give or have access to medications for the child under your care;

(4) 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;

(5) Except for foster homes, keep a record of all medications you give a child;

(6) Foster homes must keep a record of all prescription medication given to foster children; and

(7) Properly dispose of medications that are no longer being taken or have expired.

Prescription medications

(8) You or another authorized care provider must:

(a) Give prescription medications:

(i) Only as specified on the prescription label; or

(ii) As otherwise approved by a physician or another person legally authorized to prescribe medication.

(b) Check with the physician or pharmacist about possible side effects for any prescription medications and interactions with nonprescription drugs the child is taking.

Psychotropic medications

(9) Care providers must not approve giving psychotropic medications to a child in care. Approval can only be given by one of these:

(a) The child's parent;

(b) Dependency guardians;

(c) A court order; or

(d) The child's social worker, if:

(i) The child is legally free and in the permanent custody of the department; or

(ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

(10) Children who are at least thirteen years old may decline to take prescription psychotropic medication. If this happens contact the child's social worker immediately.

Nonprescription medications

(11) Children taking psychotropic medications must have the prescribing physician's authorization before any nonprescription drugs are given.

(12) You or another authorized care provider must follow these requirements for nonprescription medications. You must:

(a) Give certain classifications of nonprescribed medications, only with the dose and directions on the manufacturer's label for the age and/or weight of the child needing the med-

ication. These nonprescribed medications include but are not limited to:

- (i) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;
- (ii) Nonnarcotic cough suppressants;
- (iii) Decongestants;
- (iv) Antacids and anti-diarrhea medication;
- (v) Anti-itching ointments or lotions intended specifically to relieve itching;
- (vi) Shampoo for the removal of lice;
- (vii) Diaper ointments and powders intended specifically for use in the diaper area of children;
- (viii) Sun screen; and
- (ix) Antibacterial ointments for first aid use.

(b) Give any other nonprescription medications only when approved in writing by a physician. These nonprescription medications may be given with a physician's standing order. Physician's standing orders must be patient specific.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0350, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0355 May I accept medicine from a child's parent or guardian? (1) The only medicine you may accept from the child's parent, guardian, or responsible relative is medicine in the original container labeled with:

- (a) The child's first and last names;
- (b) The date the prescription was filled;
- (c) The medication's expiration date; and
- (d) Legible instructions for administration (manufacturer's instructions or prescription label).

(2) You must notify the child's social worker when you receive a prescription from a child's parent or guardian.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0355, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0360 Whom do I notify about medication changes and reactions? (1) You must notify the child's social worker of changes in prescribed medications.

(2) You must notify the child's social worker and physician about any adverse reactions the child has to medications.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0360, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0365 When may children take their own medicine? (1) You may permit children under your care to take their own medicine as long as:

- (a) They are physically and mentally capable of properly taking the medicine; and
- (b) The social worker or guardian if they have custody, approves in writing.

(2) You must keep the written approval by the child's social worker in your records.

(3) When a child is taking their own medication, the medication and medical supplies must be kept locked so they are inaccessible to unauthorized persons.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0365, filed 8/28/01, effective 9/28/01.]

[Title 388 WAC—p. 538]

GENERAL REQUIREMENTS—FOOD/DIET/INFANT CARE

WAC 388-148-0370 What food and meal guidelines must I follow? (1) Food served to children in your care must meet the needs of the children.

(2) For an educational and social environment during mealtimes, children must not be routinely separated from the adults and/or required to have separate menus unless ordered by the child's health care provider.

(3) You must provide the facilities for proper storage, preparation, and service of food to meet the needs of the program.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0370, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0375 How often must I feed children? (1) You must provide all children a minimum of three meals in each twenty-four-hour period. You may vary from this guideline only if you write to your licensor requesting a change and the request is approved by the department.

(2) The time interval between the evening meal and breakfast must not be more than fourteen hours.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0375, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0380 How do I handle a child's special diet? You must have written instructions by a physician, parent or guardian before serving nutrient concentrates, nutrient supplements, vitamins, and modified diets (therapeutic and allergy diets).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0380, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0385 Do you have special requirements for serving milk? You must follow these requirements for serving milk:

(1) Serve only pasteurized milk or a pasteurized milk product.

(2) Not serve the following types of milk to any child less than twenty-four months of age unless you have written permission by a physician:

- (a) Skim milk;
- (b) Reconstituted nonfat dry milk; and
- (c) One and two percent butterfat milk.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0385, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0390 What home-canned foods may I use? (1) In all homes and facilities, except foster homes, you may serve only home-canned high-acid foods with a pH of less than 4.6 such as canned fruits, jams, jellies, and pickles.

(2) In foster homes, all home-canned foods must be preserved following published procedures that are approved by the extension service.

(3) You must be able to provide the printed procedure that you followed.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0390, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0395 What requirements must I meet for feeding babies? You must meet the following requirements for feeding babies:

(1) In group care settings, all formulas must be in sanitized bottles with nipples and labeled with the child's name and date prepared if more than one child is bottle-fed.

(2) You must refrigerate filled bottles if bottles are not used immediately and contents must be discarded if not used within twenty-four hours.

(3) If you reuse bottles and nipples, you must sanitize them.

(4) If breast milk is provided by anyone other than a baby's biological mother, approval must be obtained from the child's social worker.

(5) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room and within observation range. You must take bottles from the child when the child finishes feeding or when the bottle is empty.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0395, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0400 What are your requirements for diapers and diaper-changing areas? In a foster home or group care program you must follow the requirements for diapers, diaper-changing rooms and potty-chairs.

(1) You must separate diaper-changing areas from food preparation areas.

(2) You must sanitize diaper-changing areas between each use or you must use a nonabsorbent, disposable covering that is discarded after each use.

(3) For cleaning children, you must use either disposable towels or clean cloth towels that have been laundered between each use.

(4) You and any caregiver must wash hands before and after diapering each child.

(5) In group care programs, you must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(6) In group care programs, diaper-changing procedures must be posted at the changing areas.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0400, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—CLOTHING AND PERSONAL HYGIENE

WAC 388-148-0405 Do I have responsibility for a child's clothing? You must provide or arrange for appropriate clothing for the children under your care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0405, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0410 May a child take personal belongings after being discharged from a home or facility? You must permit a child who is discharged from your home or facility to take with them the personal belongings they brought with them or acquired while in care. This includes clothing, personal mementos, bicycles, gifts, and

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any saved money or regular allowance. There are two ways this may occur:

(1) The child may take these belongings upon leaving your home or facility; or

(2) If it is impossible for the child to take their belongings at the time they leave, you are required to secure the child's belongings for up to thirty days and cooperate with the child's social worker to transfer the belongings to the child, as soon as possible.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0410, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0415 Do I have responsibility for a child's personal hygiene? You must provide or arrange for children under your care to have items needed for grooming and personal hygiene. You must assist these children in using these items, based on the child's developmental needs.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0415, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—CLIENT RIGHTS

WAC 388-148-0420 What are the requirements for protecting a child under my care from abuse and neglect? As part of ensuring a child's health, welfare and safety, you must protect children under your care from all forms of child abuse and neglect (see RCW 26.44.020(12) and chapter 388-15 WAC for more details).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0420, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0425 What are the requirements about nondiscrimination? You must follow all state and federal laws regarding nondiscrimination while providing services to children in your care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0425, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0430 May I take a foster child to church services, temple, or synagogue? (1) You may have a child attend church services, temple, or synagogue, if the child chooses to participate.

(2) You must respect the religious rights of the children under your care.

(3) Children have the right to practice their own faith.

(4) Children have the right not to practice your faith without consequences.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0430, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0435 Do I have to admit or retain all children? (1) A foster home or other program has the right to refuse to admit or retain a child in a program.

The exceptions to this requirement are the individual programs that have contracts that specify a child can not be denied admission.

(2) A joint decision may be made by the provider and the placement agency to serve the child elsewhere, for the health and safety of the child or others.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0435, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0440 What must I consider in assigning work to children in my home or facility? (1) Children may do regular household tasks without payment.

(2) Children may do work assignments other than household tasks that are appropriate to their age and physical conditions and receive monetary compensation if this is part of their service plan.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0440, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0445 What activities must I provide to children? You must provide children with safe and suitable activities that contribute to developing their physical, mental, social, and emotional skills. Activities must be designed for the developmental stages of the children you serve.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0445, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0450 What types of toys must I provide to children? You must provide safe and suitable toys and equipment for all children in your care. You must have toys that relate to the different developmental stages of the children you serve.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0450, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0455 Do I need permission to travel on an overnight trip or out-of-state with my foster child? Contact the child's social worker prior to overnight trips, out-of-state, or out-of-country travel.

Note: The social worker with the agency having legal custody of the child is the contact person.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0455, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—SUPERVISION

WAC 388-148-0460 What requirements do you have for supervising children? (1) You must provide or arrange for care and supervision that is appropriate for the child's age, developmental level, and condition.

(2) You must supervise children who help with food preparation in the kitchen, based on their age and skills.

(3) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(4) Foster parents and facility staff must provide the children in their care with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

(5) In group care children must be supervised during sleeping hours by at least one awake staff when:

(a) There are more than six children in care; and

(b) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; or

[Title 388 WAC—p. 540]

(c) The youth's behavior poses a risk to self or others.

(6) In foster homes and staffed residential homes, children must be supervised during sleeping hours by at least one awake staff when it is part of the written supervision plan with the child's social worker.

(7) Adequate supervision should be arranged and maintained during times of crisis when one or more family members or staff members may be unavailable to provide the necessary supervision or coverage for other children in care.

(8) When special supervision is required and agreed upon between the department and the agency or foster parent, the agency or foster parent provides the necessary supervision. This supervision may require auditory or visual supervision at all times.

(9) When a child has exhibited behavior in a previous placement or the placement agency believes the child poses a risk to other children the agency must inform the provider and jointly develop a plan to address the risk.

(10) When a child exhibits behavior that poses a safety risk to other children in care, the child must not share a bedroom with other children.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0460, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—DISCIPLINE

WAC 388-148-0465 What requirements must I follow when disciplining children? (1) You are responsible for disciplining children in your care. This responsibility may not be delegated to a child.

(2) Discipline must be based on an understanding of the child's needs and stage of development.

(3) Discipline must be designed to help the child under your care to develop inner control, acceptable behavior and respect for the rights of others.

(4) Discipline must be fair, reasonable, consistent, and related to the child's behavior.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0465, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0470 What types of disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

(a) Spanking children with a hand or object;

(b) Biting, jerking, kicking, hitting, or shaking the child;

(c) Pulling the child's hair;

(d) Throwing the child;

(e) Purposely inflicting pain as a punishment;

(f) Name calling, using derogatory comments;

(g) Threatening the child with physical harm;

(h) Threatening or intimidating the child; or

(i) Placing or requiring a child to stand under a cold water shower.

(2) You must not use methods that interfere with a child's basic needs. These include, but are not limited to:

(a) Depriving the child of sleep;

(b) Providing inadequate food, clothing or shelter;

(c) Restricting a child's breathing;

(d) Interfering with a child's ability to take care of their own hygiene and toilet needs; or

(e) Providing inadequate medical or dental care.

(3) You must not use methods that deprive a child of necessary services. These include, but are not limited to, contacting:

(a) The assigned social worker;

(b) The assigned legal representative;

(c) Parents or other family members who are identified in the case plan; or

(d) Individuals providing the child with therapeutic activities as part of the child's case plan.

(4) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(5) You must not use medications for a child that has been prescribed for someone else.

(6) You must not physically lock doors or windows in a way that prohibits a child from exiting.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0470, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0475 Do you require a written statement describing my discipline methods? (1) You must provide a written statement with your application and reapplication for licensure describing the discipline methods you use.

(2) If your discipline methods change, you must immediately provide a new statement to your licensor describing your current practice.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0475, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—PHYSICAL RESTRAINT

WAC 388-148-0480 What types of physical restraint are acceptable for children in homes and group care settings? (1) You must use efforts other than physical restraint to redirect or deescalate a situation, unless the child's behavior poses an immediate risk to physical safety.

(2) In foster homes, in emergencies and only when the child's behavior poses an immediate risk to physical safety may you use physical restraint. The restraint must be reasonable and necessary to:

(a) Prevent a child on the premises from harming themselves or others; or

(b) Protect property from serious damage.

(3) If your group care program is approved by DLR for the use of physical restraint, the licensee and staff must be trained in the appropriate use of restraining techniques in accordance with the department's behavior management policy before restraining a child.

(4) Medication prescribed by a physician to control behavior must be only given as prescribed.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0480, filed 8/28/01, effective 9/28/01.]

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WAC 388-148-0485 What types of physical restraint are not acceptable for children? Homes and facilities must follow these requirements. You must not:

(1) Use physical restraint as a form of punishment or discipline.

(2) Use mechanical restraints, such as handcuffs and belt restraints.

(3) Use locked time-out rooms.

(4) Use physical restraint techniques that restrict breathing, inflict pain as a strategy for behavior control, or that might injure a child. These include, but are not limited to:

(a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;

(b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;

(c) Arm twisting;

(d) Hair holds;

(e) Choking or putting arms around the throat; or

(f) Chemical restraints, including but not limited to pepper spray.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0485, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0490 What must I do following an incident that involved using physical restraint? (1) In foster homes, the foster parent must send a copy of the documented use of physical restraint to the child's social worker and licensor within forty-eight hours; or if the foster home is supervised by a child-placing agency to the case manager. The CPA case manager will furnish a copy to the child's DCFS social worker and DLR licensor.

(2) For group care programs, the director or program supervisor must review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0490, filed 8/28/01, effective 9/28/01.]

FOSTER HOME REQUIREMENTS

WAC 388-148-0500 May I receive more than one in-home care license? (1) In exceptional situations, a family that has demonstrated exceptional abilities in relation to meeting the special needs of children to be cared for may be granted approval to be licensed for foster care and another type of family home care. Approval may be granted if it appears to be in the best interest of the child and would not jeopardize the health and safety of children in the home.

(2) The approval must be in writing and signed by the division of licensed resources director or designee.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0500, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0505 What services must a foster parent be able to provide? (1) Foster parents must be able to meet the child's basic needs and have the knowledge and skills to:

(a) Protect and nurture children in a safe, healthy environment with unconditional positive support;

[Title 388 WAC—p. 541]

(b) Support relationships among children and their parents, siblings, and kin;

(c) Meet the developmental needs of the child by:

(i) Helping the child cope with separation and loss;

(ii) Helping the child build positive attachments to appropriate adults;

(iii) Building self-esteem;

(iv) Giving positive guidance;

(v) Supporting cultural identity;

(vi) Using discipline appropriate to the child's age and stage of development;

(vii) Supporting intellectual and educational growth;

(viii) Encouraging and modeling positive social relationships and responsibilities; and

(ix) Helping the child gain age appropriate skills for independence.

(2) Foster parents must support the permanent placement plan for the child, focusing first on the birth family reuniting, and then, on options leading to a permanent placement.

(3) Foster parents are encouraged to participate as members of the child's treatment team.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0505, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0510 What educational support must I provide to children under my care? If you operate a foster home, you must:

(1) Assist the child to attend school on a regular basis if this is part of the child's service plan;

(2) Provide a suitable study area for the children under your care; and

(3) Provide opportunities to learn appropriate skills for the development of self-sufficiency.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0510, filed 8/28/01, effective 9/28/01.]

FOSTER HOMES—FOSTER PARENT QUALIFICATIONS/TRAINING/CAPACITY ALLOWED

WAC 388-148-0515 What is the minimum age to be a foster parent? You need to be at least twenty-one years old to be a foster parent.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0515, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0520 What are the training requirements for prospective foster parents? (1) To receive a foster home license, you must attend required orientation and preservice training programs that the department sponsors, or that your licensed child-placing agency offers.

(2) You need proof of completion of current first-aid/CPR training that is geared for the ages of the foster children you want in your home.

(3) You need proof of completion of HIV/AIDS training.

(4) The primary care givers must complete all required DLR-approved training after licensing.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0520, filed 8/28/01, effective 9/28/01.]

[Title 388 WAC—p. 542]

WAC 388-148-0525 How many children may my foster home serve? (1) The department may restrict the number of children a foster home is licensed to serve. The age of the foster and birth children, and the physical and emotional condition of the children are considered in making this decision. These requirements are for all foster homes, including those that only have foster children for a short time (sometimes called a "receiving home").

(2) In a two-parent household, the total number of children in your home is restricted to six children, including your own children.

(3) In a single parent household, the total number of children in your home is restricted to four children, including your own children.

(4) A home may be licensed for the care of at least one child when the foster parents have more of their own children than specified in subsection (2) of this section, if they meet the other licensing requirements.

(5) You may have only two children under two years of age in your home at a time. This includes foster children and your own children.

(6) The capacity restrictions in this section may be exceeded in extraordinary situations, such as to place a sibling group, to place a child with a relative, or because the foster family has demonstrated exceptional abilities in relation to the special needs of a foster child, if this appears to be in the best interest of the child and would not jeopardize the health and safety of the other children in the home. Approval to exceed the capacity restrictions must be in writing and signed by the DLR manager or designee.

(7) The department may license a foster home for up to three foster children with mental or physical disabilities that are severe enough to need semi-skilled maintenance or supportive services if:

(a) Your training and/or experience qualifies you to provide proper care;

(b) The children's treatment requires nursing service oversight; and

(c) The total number of children with mental or physical disabilities in your home is three or fewer.

(8) The department may license a foster family for up to two nonmobile children.

(9) While providing respite care, you may only exceed the number of children you are licensed to serve with prior approval by the DLR director or designee.

(10) The department may license a foster home to serve up to four children with developmental disabilities as defined in RCW 71A.10.020, at any one time.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0525, filed 8/28/01, effective 9/28/01.]

FOSTER HOMES—FOSTER PARENT EMPLOYMENT

WAC 388-148-0530 May I be employed if I am a foster parent? (1) If you are a single parent or both parents of a two-parent household are employed outside the home, you must give the child-placing agency or the department a written outline of your plan for supervising the children under your care while you are working.

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(2) At least one parent must be available to respond to school crisis.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0530, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0535 Do I need to have income separate from foster care payments? You must have sufficient regular income to maintain your own family, without the foster care payments made for the children in care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0535, filed 8/28/01, effective 9/28/01.]

FOSTER HOMES—RESPITE CARE PROVIDED

WAC 388-148-0540 When may I use respite care? (1) Foster families may arrange for respite (brief relief) care only with the prior consent of the child's social worker.

(2) Respite care may be arranged in advance or on an emergency basis.

(3) Respite care may be arranged to support the care a foster parent is providing or to provide substitute care in the absence of foster parents.

(4) Respite care given outside the foster parent's home must be provided by licensed providers.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0540, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0545 May I place my foster child with another family temporarily? Foster parents must not place a child in another home temporarily or otherwise without the written consent of:

- (1) The child's social worker; or
- (2) The child placing agency case manager, if any.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0545, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0550 May my foster children participate in routine activities without a licensed provider supervising the activity? Contact the child's social worker for prior approval for your foster child's participation in routine activities without a licensed provider supervising the activity, such as clubs, social outings with classmates or friends.

Note: The social worker with the agency having legal custody of the child is the contact person.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0550, filed 8/28/01, effective 9/28/01.]

REQUIREMENTS FOR ALL LICENSES, EXCEPT FOSTER HOMES—PROGRAM AND SERVICES

WAC 388-148-0555 Do I need a social summary for children under my care? (1) Except for foster homes, all programs must develop a written diagnostic social summary for each child accepted for care.

(2) The social summary must serve as the basis of the child's admission to care.

(3) If a child needs to be accepted for emergency care, such as placement in a crisis residential center, the depart-

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ment does not require the social study to be completed prior to admission. In these cases, if the child remains in care beyond thirty days, a summary must be completed as soon as possible.

(4) The study must contain the following information for the child:

(a) Copies of psychological or psychiatric evaluations, if any, on the child under care.

(b) A narrative description of the child's background and family that identifies the immediate and extended family resources;

(c) The child's interrelationships and the problems and behaviors that have required care away from his or her own home;

(d) The child's primary and alternate permanency plan;

(e) Previous placement history, if any; and

(f) An evaluation of the child's need for the particular services and type of care you provide.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0555, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0560 Do I need a treatment plan for children under my care? (1) If you operate a staffed residential home or a group care program you must assist in developing and implementing a written treatment plan for each child accepted for care in any of the programs you provide.

(2) The treatment plan must:

(a) Identify the service needs of the child, parent or guardian;

(b) Describe the treatment goals and strategies for achieving those goals;

(c) Include a running account of the treatment received by the child and others involved in the treatment plan, such as any group treatment or individual counseling; and

(d) Be updated at least quarterly to show the progress toward meeting goals and list barriers to the permanent plan.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0560, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0565 Do you need to approve the program that I offer for children under my care? (1) The department must approve the program that you have developed for children under your care.

(2) You must send to DLR a detailed written program description outlining educational, recreational, and therapeutic services you will provide to children and their families. A sample of the schedule of daily activities for children under care must be included.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0565, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0570 What education and vocational instruction must I provide to the children under my care?

(1) If you operate a staffed residential home or a group care program, you must meet the following requirements for providing education and vocational instruction to the children under your care. You must:

(a) Develop or arrange for an educational plan for each child in care who has not completed high school and/or the GED (high school equivalency examination);

(b) Support each child participating in their education plan; and

(c) Provide suitable study areas for children under your care.

(2) If the instruction is given on your premises, you must:

(a) Have the program certified by the office of the superintendent of public instruction and provide classrooms separate from the living area;

(b) Send the department a written description of how you will provide an educational program for children under your care; and

(c) Provide or arrange for independent living skills education for developing self-sufficiency for the children under your care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0570, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0575 What medical policies and procedures must I have? (1) If you operate a staffed residential home or a group care program, you must have written policies and procedures about the control of infections. These must include, but are not limited to, the following areas:

(a) Isolation;

(b) Aseptic procedures;

(c) Reporting communicable diseases;

(d) Hygiene, including hand washing, using the toilet, diapering, and laundering.

(2) Group care facilities must maintain current written medical policies and procedures to be followed on:

(a) Prevention of the transmission of communicable diseases including:

(i) Hand washing for staff and children;

(ii) Management and reporting of communicable diseases.

(b) Medication management;

(c) First aid;

(d) Care of minor illnesses;

(e) Actions to be taken for medical emergencies;

(f) Infant care procedures when infants are under care;

and

(g) General health practices.

(3) If you are licensed as a group home or as a facility that can care for thirteen or more persons at once, you must arrange to have one of the following help you develop and periodically review your medical policies and procedures:

(a) An advisory physician,

(b) A physician's assistant, or

(c) A registered nurse.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0575, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0580 What nursing services must I provide? (1) If you operate a staffed residential home or facility caring for chronically ill children or medically fragile children, you must arrange for regular nursing visits.

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(a) These must include at least monthly visits unless a different agreement is specified in the individual child's treatment plan.

(b) The nurse must be registered and currently licensed in the state of Washington.

(2) The nurse's name, address and telephone number must be readily available to the staff at your home or facility.

(3) The nurse must assist the agency in setting up a program that provides for regular medical check-ups and follow-up for special health care needs specified by the child's physician or your staff.

(4) The nurse must advise and assist nonmedical staff at your home or facility in maintaining child health records, meeting daily health needs and caring for children with minor illnesses and injuries.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0580, filed 8/28/01, effective 9/28/01.]

ALL LICENSES EXCEPT FOSTER HOMES— SOCIAL SERVICE STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0585 What social service staff do I need for my home or facility? You must provide or arrange for social services by qualified persons who have specific educational training. Except for juvenile detention facilities, social service staff must meet education and training requirements that follow:

(1) One person who provides social services must have a master's degree in social work or a closely related field from an accredited school.

(2) Social service staff without a master's degree in social work or closely related field must have a bachelor's degree in social work or a closely related field. A person with a master's degree must consult at least eight hours per month with any social service staff who have only a bachelor's degree.

(3) When social services are provided by another agency, you must have a written agreement with the agency describing the scope of service they provide. Written agreements must meet the requirements of this rule.

(4) A social service staff person must review and sign approving the child's treatment plan.

(5) A social service staff person must review and sign approving licensing application packets before they are submitted to DLR.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0585, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0590 What clerical, accounting and administrative services do I need for my home or facility? You must have sufficient clerical, accounting and administrative services to maintain proper records and carry out your program.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0590, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0595 What support and maintenance staff do I need for my home or facility? If you operate a

home or facility other than a foster home, you must have sufficient support and maintenance services to maintain and repair your facility, prepare and serve meals.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0595, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0600 Do I need professional consultants for my program? (1) Except for foster homes, you must have consultants available, as needed to work with your staff, the children you serve, and the children's families. The consultants that are used by your program must meet the full professional competency requirements in their respective fields. The consultant or consultants must have:

- (a) A master's degree from a recognized school of social work or similar academic training in the field they will be advising;
 - (b) The training, experience, knowledge and demonstrated skills in each area that he or she will be supervising; and
 - (c) The ability to ensure your staff develop their skills and understanding needed to effectively manage their cases.
- (2) Consultants may be hired as staff or operate under a contract with your program.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0600, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0605 Is in-service training required? If you have employees in your home or facility, you must offer in-service training programs for developing and upgrading staff skills.

- (1) If you have five or more employees or volunteers, your training plan must be in writing.
- (2) You must discuss with the staff your policies and procedures as well as the rules contained in this chapter.
- (3) You must provide or arrange for your staff to have training for the services that you provide to children under your care.
- (4) Your training on behavioral management must be approved by DLR and must include nonphysical age-appropriate methods of redirecting and controlling behavior, as described in the department's behavior management policy.
- (5) You must record the amount of time and type of training provided to staff.
- (6) This information must be kept in each employee's file or in a separate training file.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0605, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0610 What are the required ratios of social service staff to children under care? You must meet the minimum ratios of social service staff to children under care as shown in the chart below:

Type of Program	Minimum Ratio of Full-Time Social Service Staff to Children Under Care
Day treatment program	1 to 15
Group homes	1 to 25
Child-placing agency	1 to 25

Maternity services	1 to 25
Regular and secure crisis residential centers	1 to 5

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0610, filed 8/28/01, effective 9/28/01.]

ALL LICENSES, EXCEPT FOSTER HOMES AND CHILD-PLACING AGENCIES FIRE SAFETY REQUIREMENTS

WAC 388-148-0615 Are there specific fire safety requirements for the care of nonmobile children? (1) Floors located more than four feet above ground (one-half story up) or in the basement must not be used for care of nonmobile children for safety reasons.

(2) In your staffed residential home, if you care for more than one nonmobile child at a time, the care for both children must be on the ground floor.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0615, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0620 What safety features do I need for hazardous areas? The department requires hazardous areas in your staffed residential home or group care facility to have certain safety features.

(1) Hazardous areas must be separated from the staffed residential home or group care facility by at least a "one-hour" fire-resistant wall. Hazardous areas include rooms or spaces containing:

- (a) A commercial-type cooking kitchen;
- (b) A boiler;
- (c) A maintenance shop;
- (d) A janitor closet;
- (e) A woodworking shop;
- (f) Flammable or combustible materials; or
- (g) Painting operations.

(2) We do not require a fire-resistant wall when:

- (a) A kitchen contains only a domestic cooking range; and
- (b) Food preparation does not produce smoke or grease-laden vapors.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0620, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0625 What other requirements must I follow for smoke detectors? (1) Smoke detectors must have a UL approval sticker and sound an alarm that is audible in all sleeping and napping areas.

(2) In new construction, required smoke detectors must receive their primary power from building wiring from a commercial source. Wiring must be permanent, with a disconnecting switch only for overcurrent protection.

(3) Smoke detectors must also:

- (a) Be equipped with a battery backup; and
- (b) Emit a signal when the batteries are low.

(4) If installed in existing buildings or buildings without commercial power, smoke detectors may be solely battery operated.

(5) Single-station smoke detectors must be tested at monthly intervals or in a manner specified by the manufacturer. Records of such testing must be maintained upon the premises.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0625, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0630 What fire prevention measures must I take? The department requires that you must take the following fire prevention measures for your staffed residential home and group care facility:

(1) You must request the local fire department to visit your home or facility to:

(a) Assist care givers in meeting all necessary fire safety requirements; and

(b) Become familiar with your home or facility.

(2) You must assure that furnace rooms are:

(a) Maintained free of lint, grease, and rubbish; and

(b) Suitably isolated, enclosed, or protected.

(3) Flammable or combustible materials must be stored away from exits and in areas that are not accessible to children. Combustible rubbish must not be allowed to collect and must be removed from the building or stored in closed, metal containers away from building exits.

(4) All trash must be removed daily from the building and thrown away in a safe manner outside the building. All containers used for the disposal of waste material must consist of noncombustible materials and have tops.

(5) All electrical motors must be kept free of dust.

(6) Open-flame devices capable of igniting clothing must not be left on, unattended or used in a manner that could result in an accidental ignition of children's clothing.

(7) Candles must not be used.

(8) All electrical circuits, devices and appliances must be properly maintained. Circuits must not be overloaded. Extension cords and multi-plug adapters must not be used in place of permanent wiring and proper outlets.

(9) House and facility numbers must be clearly visible from the street or road in front of the property. Where the home or facility is not clearly visible from the road, the address must be posted at the head of the driveway.

Note: This is to allow emergency vehicles and fire trucks to easily find addresses.

(10) Fireplaces, woodstoves, and similar devices must be installed and approved according to the rules that were in effect at the time of installation (see the local building permit). These devices must be properly maintained and must be cleaned and certified at least once a year or maintained according to the manufacturer's recommendations.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0630, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0635 What are the requirements for fire sprinkler systems? If you have sprinkler systems installed in your staffed residential home or group care facility for fire prevention, you must have them tested and certified yearly by a Washington state licensed fire sprinkler contractor.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0635, filed 8/28/01, effective 9/28/01.]

[Title 388 WAC—p. 546]

WAC 388-148-0640 What fire safety procedures to do staffed residential home and group care program staff need to know? You and your staff at the staffed residential home or group care facility must be familiar with safety procedures related to fire prevention.

(1) You and your staff must be familiar with all aspects of the fire drill.

(2) You and your staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types); and

(c) Conduct frequent inspections of the home or facility to identify fire hazards and take action to correct any hazards noted during the inspection.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0640, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0645 What are the requirements for fire drills? (1) You must conduct a fire drill in your staffed residential home or group care facility at least once each month.

(2) You must maintain a written record on the premises that indicates the date and time that drill practices were completed.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0645, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0650 What requirements do you have regarding windows in staffed residential homes and group care facilities? For safety, all escape or rescue windows must not be less than twenty-four inches high by twenty inches wide and not more than forty-four inches off the floor for exits in staffed residential homes and group care facilities.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0650, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0655 Are there different construction and fire safety requirements for facilities that have mixed groups in the same building? (1) If a facility, such as a regular or a secure crisis residential center (CRC) or group home and a CRC, has mixed groups in the same building, the facility must follow the most stringent construction and fire safety requirements of the two groups.

(2) If a facility is certified by the department of health, such as a secure residential treatment center, the facility must meet construction and fire safety standards for psychiatric hospital security rooms when they have a secure CRC or a secure residential treatment center within the physical structure.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0655, filed 8/28/01, effective 9/28/01.]

ALL LICENSES, EXCEPT FOSTER HOMES AND CHILD PLACING AGENCIES—FOOD AND MEALS

WAC 388-148-0660 Do mealtimes need to be established? You must establish and post a schedule of mealtimes.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0660, filed 8/28/01, effective 9/28/01.]

(2003 Ed.)

WAC 388-148-0665 Do you have general menu requirements? The department has menu requirements for group care facilities that care for children.

(1) If you operate a facility other than a foster home or a staffed residential home you must prepare and date daily menus, including snacks, at least one week in advance.

(2) You must provide for the proper storage, preparation, and service of food to meet the needs of the program.

(3) Your program must be in compliance with the department of health standards in chapter 246-215 WAC on food service sanitation.

(4) A menu must specify a variety of foods for adequate nutrition and meal enjoyment.

(5) You must keep the menus on file for a minimum of six months so that we can review your menus.

(6) You must post each person's dietary restrictions, if any, for staff to follow.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0665, filed 8/28/01, effective 9/28/01.]

GROUP CARE—PROGRAM REQUIREMENTS AND SERVICES

WAC 388-148-0670 What types of group care programs are licensed to provide care to children? The following types of programs may be licensed as group care to provide care for children on a twenty-four-hour basis:

(1) Group home programs;

(2) Independent living skills programs;

(3) Maternity services;

(4) Services to children with severe developmental disabilities and medically fragile children; and

(5) Crisis residential centers and secure crisis residential centers; and

(6) Day treatment programs. Day treatment programs are considered group care programs under this chapter, though they are not twenty-four-hour residential programs.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0670, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0680 What basic elements must a group care program include? (1) Your group care program must provide a safe and healthy group living environment that meets the developmental needs of the children in your care, including;

(a) A clean, homelike environment;

(b) Basic necessities such as adequate food, appropriate clothing and recreational opportunities;

(c) Safety;

(d) An age-appropriate environment with necessary structure, routine, and rules to provide for a healthy life, growth and development.

(2) Your program must be staffed with employees who are competent to provide for the safety and needs of the children in your care.

(3) Your program must have a written statement that includes your mission, goals, and a description of the services you provide.

(2003 Ed.)

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0680, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0685 Who may I serve as a group care program provider? (1) If you are a group care program provider, you may serve children who are at least six years of age and meet one of the following conditions:

(a) Have behavior that cannot be safely or effectively managed in foster care;

(b) Need temporary placement awaiting a more permanent placement;

(c) Need emergency placement during a temporary disruption of a current placement;

(d) Have emotional, physical, or mental disabilities; or

(e) Need a transitional living setting.

(2) If your group care program serves children with severe developmental disabilities, medically fragile children, maternity services, or meets RCW 74.15.020 (2)(m), the children may be younger than six years of age.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0685, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0690 What services must I provide if I have a group care license? You must provide specialized services that are needed by the group that you serve. These services may be provided through your own program or through using other community resources.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0690, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0695 Must I give a child an allowance? Group care facilities must give the children under their care allowances based on age, needs and ability to handle money. These facilities must keep track of allowances given to children in a ledger.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0695, filed 8/28/01, effective 9/28/01.]

GROUP CARE—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0700 What are the qualifications for an executive director for a group care program? (1) A group care program executive director or person responsible for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(a) Be able to communicate to the department the roles, expectations and purposes of the program; and

(b) Work with representatives of other agencies.

(2) They must also meet one of these education or experience requirements:

(a) Have a bachelor's degree in social science or closely related field from an accredited school; or

(b) Have a minimum of two years of successful, full-time relevant experience, such as working in a group care facility; or

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(c) Have a minimum of two years as a foster parent with a letter of recommendation from the licensing agency and supervising agency.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0700, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0705 Do I need an on-site program manager at each group care facility? Each group care facility must have an on-site program manager or person with the equivalent training and experience at each facility during business hours.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0705, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0710 What are the responsibilities of the on-site program manager for a group care program? The on-site program manager has the following responsibilities:

- (1) Coordinates the day-to-day operations of the program;
- (2) Supervises the child care staff;
- (3) Oversees the completion of each child's plan of care and treatment.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0710, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0715 What qualifications must the on-site program manager for a group care program have? Each on-site program manager must have the following qualifications:

- (1) A bachelor's degree in a social science or closely allied field from an accredited school; or
- (2) Five years of successful full-time experience in a relevant field; and
- (3) Supervisory abilities that promote effective staff performance; and
- (4) Relevant experience, training, and demonstrated skills in each area that he or she will be supervising.
- (5) The same person may have the responsibilities of the executive director and the on-site program manager if that person meets the qualifications for both positions.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0715, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0720 What qualifications must the child care staff for a group care program have? The child care staff person is responsible for the care, supervision, and behavior management of children under your care. The department requires the child care staff of each group care program:

- (1) Be at least twenty-one years old;
- (2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;
- (3) Have a high school diploma or GED;
- (4) Have one year of experience working with children;
- (5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and

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(6) Have effective communication and problem solving skills.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0720, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0725 What is the ratio of child care staff to children in group care facilities? The department has specific requirements for the ratio of child care staff to children in group care.

(1) The ratio for group homes is at least one child care staff member on site for every eight children during waking hours.

Note: Crisis residential centers, staffed residential homes, maternity programs, and programs for children with severe developmental disabilities have different requirements.

(2) At least two adults, including at least one child care staff person, must be on site whenever more than eight children are on the premises.

(3) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff and maintenance staff may serve temporarily as child care staff if they have adequate training.

(4) During sleeping hours of youth, at least one staff person must be awake in all group home programs when:

- (a) There are more than six youth in care; and
- (b) The major focus of the program is behavioral change rather than the development of independent living skills, such as teen parent and independent living skills programs; or
- (c) The youth's behavior poses a safety risk to self or others.

(5) When only one child care staff is on site, a second staff must be on call.

(6) You must have relief staff so that all staff can have the equivalent of two days off a week.

(7) If you have more than one program in one building, such as a group care program and a crisis residential center, you must follow the most stringent staffing ratio requirements.

(8) For certified juvenile detention facilities, at least one child care staff member must be on duty for every ten children in care during the sleeping and waking hours.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0725, filed 8/28/01, effective 9/28/01.]

GROUP CARE—ROOM REQUIREMENTS

WAC 388-148-0730 Do you have room requirements for group care facilities? You must meet the following room requirements to operate a group care facility.

(1) You must provide rooms that are ample in size and properly furnished for the number of children you serve.

(2) You must have a comfortably furnished living room.

(3) You must have a dining room area that is ample in size and suitably furnished for your residents.

(4) Exception: Juvenile detention facilities are not required to meet these first three standards.

(5) With more than twelve children, you must provide at least one separate indoor recreation area. Its size and location

must be sufficient for the age and number of the children to engage in recreational and informal education activities.

(6) You must provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for social service staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office.

(7) You must provide a space that can be used as a visiting area.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0730, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0735 When do I need a special care room? (1) If you operate a group facility, you must provide a special care room reserved for the care of a person who needs to be separated from the group due to injury, illness or the need for additional rest.

(2) A special care room must:

(a) Be located in a place that easily allows the person to be supervised;

(b) Have toilet and lavatory facilities that are easily accessible to any person staying in the special care room.

(3) After each use have the area and equipment sanitized if used by any person who is suspected of having a communicable disease.

(4) You may use the special care room for other purposes when it is not needed for the separation and care of an ill or injured person.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0735, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0740 What are the kitchen requirements? (1) You must provide facilities to properly store, prepare, and serve food to meet the needs of the children under your care.

(2) All food service facilities and food handling practices in day treatment programs and group care facilities must comply with rules and regulations of the state board of health governing food service sanitation (see chapter 246-215 WAC).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0740, filed 8/28/01, effective 9/28/01.]

SPECIFIC PROGRAM REQUIREMENTS— MATERNITY SERVICES

WAC 388-148-0745 Who may provide maternity services? The following programs, homes, facilities, and agencies that may provide or arrange for maternity services include:

- (1) Foster homes;
- (2) Staffed residential homes;
- (3) Group homes for new mothers with infants;
- (4) Independent living programs; and
- (5) Child placing agencies.

Note: The rules in WAC 388-148-0745 through 388-148-0795 apply exclusively to licensing requirements for agencies providing or arranging maternity service.

(2003 Ed.)

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0745, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0750 What maternity services must I provide? If you operate a licensed program for expectant mothers and new mothers with infants, you must provide or arrange for the following services:

(1) Information and referral services to every expectant and new mother who applies for care.

(2) Individual or group counseling sessions, if necessary, about the following topics:

- (a) Pregnancy counseling;
- (b) Independent living education;
- (c) Infant and child care training;
- (d) Living arrangements;
- (e) Medical care planning;
- (f) Legal issues;
- (g) Vocational or educational guidance;
- (h) Plans for the child;
- (i) Financial, emotional or psychological problems;
- (j) Relations with parents and birth father; and
- (k) Home management and consumer education.

(3) An expectant mother's delivery in a licensed hospital or licensed birthing facility.

(4) Postpartum medical examinations, as prescribed by a physician, to a new mother.

(5) Childcare, as needed.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0750, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0755 How are maternity services delivered? (1) Maternity services must not be contingent upon a parent's decision to keep or relinquish her child.

(2) If you do not directly provide maternity services to an expectant or new mother in your facility, you must either:

- (a) Arrange for these services through formal agreements with other community agencies; or
- (b) Assist the clients in your program to get these services.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0755, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0760 Do you need to approve daily activities that I offer to expectant or new mothers? The department must approve the program of daily activities that you've developed for expectant or new mothers, whether your program is residential or nonresidential.

(1) The department requires that you provide us with a written program description about the daily activities you offer. The program description must outline educational, recreational, and therapeutic services that you intend to provide to expectant mothers and new mothers with infants.

(2) You must also provide us with a schedule of typical daily activities for the mothers under your care.

Exception: Foster homes are not required meet the standard in this section.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0760, filed 8/28/01, effective 9/28/01.]

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WAC 388-148-0765 What types of health education must I offer expectant and new mothers? You need to offer or arrange health education for expectant and new mothers that includes the following areas:

- (1) Pregnancy hygiene;
- (2) Suitable preparation for childbirth;
- (3) The physiological changes during pregnancy;
- (4) Examinations and childbirth procedures;
- (5) Postnatal and pediatrics care;
- (6) Contraception and family planning;
- (7) Nutritional requirements for mother and child;
- (8) Child health and development; and
- (9) Psychological and emotional changes during and after pregnancy.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0765, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0770 Is a group care program required to provide child care? (1) If your program serves parents with children, you must provide or assist the parent in arranging for licensed childcare when appropriate. An example is when parents are working or are in school and need childcare.

- (2) The child care home or facility must be licensed.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0770, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0775 Do expectant and new mothers need to be under a physician's care? Expectant and new mothers must be under a physician's care for prenatal care to receive maternity services from programs or facilities licensed by the department.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0775, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0780 What are my responsibilities if a specialist is required? You must provide or arrange for consultation regarding prenatal care by specialists meeting their full professional qualifications when the physician requests prenatal consultants.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0780, filed 8/28/01, effective 9/28/01.]

MATERNITY SERVICES—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services? Residential programs provide twenty-four-hour care to expectant mothers and to new mothers with infants.

- (1) These programs must employ sufficient numbers of residential staff to meet the physical, safety, health and emotional needs of the residents. Residential staff are in charge of supervising the day-to-day living situation for youth.

Note: Child care staff may carry out any maintenance tasks that do not detract from their primary function.

- (2) When youth are on the premises, the ratio of staff to residents must be as follows:

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- (a) At least one residential staff member must be on duty for every eight mothers.

- (b) When more than eight persons (including mothers and children) are on the premises, at least two adults, including at least one child care staff must be on duty.

- (3) You must have relief staff so that all staff can have the equivalent of two days off a week.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0785, filed 8/28/01, effective 9/28/01.]

MATERNITY SERVICES—ROOM REQUIREMENTS

WAC 388-148-0790 Do you have room requirements for facilities offering maternity services? (1) If you have a residential program for expectant mothers or new mothers with infants, you must meet the room requirements for group facilities (WAC 388-148-0730).

- (2) If your facility offers medical clinics, you must have a separate, adequately equipped examination room with adequate nursing equipment.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0790, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0795 How is capacity determined for a maternity services facility? We count the number of mothers and children in determining capacity. The space required for a mother and infant bedroom needs to be considered when determining the capacity of a facility or home (see WAC 388-148-0670).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0795, filed 8/28/01, effective 9/28/01.]

DAY TREATMENT PROGRAMS—PROGRAM AND SERVICES

WAC 388-148-0800 What is the purpose of day treatment programs? (1) A day treatment program must provide educational and therapeutic group experiences for emotionally disturbed children who are not in need of residential care. These services are provided during part of the twenty-four-hour day, usually during a five-day week.

- (2) Day treatment is for children who are:

- (a) Unable to adjust to school programs due to disruptive behavior, family stress, learning disabilities or other serious emotional disabilities; and/or

- (b) Are unable to profit from outpatient child guidance clinic services and related programs.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0800, filed 8/28/01, effective 9/28/01.]

DAY TREATMENT PROGRAMS—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0805 What staff must my day treatment program have? (1) Your day treatment program must have an executive director to manage the financial and administrative operations of the program and an on-site program manager to supervise the child care staff and the treatment program at the facility.

Note: The executive director and on-site program manager may be the same person if that person is qualified for both positions.

(2) Either the executive director or on-site program manager must be on the premises while the children are in care. Another competent person may be left in charge during the director's and/or program supervisor's temporary absence.

(3) The qualifications for executive director and on-site program manager are outline in WAC 388-148-0700 and 388-148-0715, respectively.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0805, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0810 What consultants must my day treatment program have? If you operate a day treatment program, you must use psychiatrists, psychologists, teachers, and group counselors for children under care as follows. Your day treatment program must:

(1) Receive regular consultation from a child psychiatrist;

(2) Provide or arrange for a psychologist for psychological testing and related services if the child's school does not provide these services;

(3) Provide or arrange for teaching by certified teachers qualified by training or experience in remedial education; and

(4) Use group counselors who are qualified by training or by experience in the care of disturbed children.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0810, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0815 What is the ratio of counselor and teaching staff to children in a day treatment program? There must be one counselor or teacher for every six children who are in a day treatment program.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0815, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN AND CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—PROGRAM AND SERVICES

WAC 388-148-0820 What type of care is offered for medically fragile children and children with severe developmental disabilities? Specialized group care programs are designed to provide residential care to children who need intensive personal care due to medical fragility and/or severe developmental disabilities. The children may require skilled health care, physical therapy, or other forms of therapy.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0820, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0825 Who provides services for medically fragile children and children with severe developmental disabilities? Individuals and agencies are licensed to provide services to medically fragile children and children with severe developmental disabilities, including staffed residential homes, group homes and child-placing agencies.

(2003 Ed.)

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0825, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0830 What services must you provide for medically fragile children and children with severe developmental disabilities? (1) If you care for medically fragile children and children with severe developmental disabilities you must ensure the following services are provided, if prescribed by a physician:

(a) An individualized treatment plan suited to the unique needs of each child in care; and

(b) Care by physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis.

(2) You must also provide the following nursing services, if prescribed by a physician, if you care for medically fragile children, or children with severe developmental disabilities unless these children are in a foster home:

(a) Sufficient licensed nursing staff to meet the nursing care needs of the children; or

(b) Regular nursing consultation that includes at least one weekly on-site visit by a registered nurse.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0830, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0835 Do I need to have a multidisciplinary care plan for medically fragile children and children with severe developmental disabilities? If you operate a program licensed for the care of medically fragile children and children with severe developmental disabilities, you must maintain a multidisciplinary plan of care for each child in care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0835, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0840 What must the multidisciplinary care plan for a medically fragile child or a child with severe developmental disabilities include? The multidisciplinary care plan must address the social service, medical, nutritional, rehabilitative, and educational needs of each medically fragile child or child with severe developmental disabilities.

(1) The plan must describe:

(a) The care given for each child;

(b) The goals to be accomplished; and

(c) The professional services responsible for each element of care.

(2) The care plan must be reviewed, evaluated, and updated annually by professional staff involved in the care of the child to reevaluate each child's condition, progress, prognosis and need for ongoing care and services.

(3) You must record progress reports in the child's record on a quarterly basis.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0840, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0845 What are the requirements for nurses in programs who care for medically fragile children or children with severe developmental disabilities? If nursing services are prescribed by a physician, the department has several requirements for programs that care for medically fragile children or children with severe developmental disabilities.

(1) The registered nurse's name, address, and telephone number must be readily available.

(2) The agency or program must have the nurse assist in implementing a regular health care program that both:

(a) Oversees the health of all children; and
(b) Provides follow-up care of special health needs identified by the child's physician or facility or program staff.

(3) The agency or program must have the nurse advise and assist nonmedical personnel in maintaining medical records, meeting daily health needs, and caring for children with minor illnesses and injuries.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0845, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0850 When do I use a nurse? You must use a nurse to consult with you at your home or facility if you have infants, medically fragile children or children with severe developmental disabilities under your care and meet these specific conditions:

(1) If you have four or more infants, you must arrange for monthly on-site visits with a registered nurse that is trained or experienced in the care of young children.

(2) You must have a written agreement with the registered nurse about your infant care program.

(3) If you have children with severe developmental disabilities requiring nursing services, you must have a registered nurse on staff or under contract.

(4) The nurse must advise you and your staff on your infant care program and your child health program.

(5) You must document the nurse's on-site visits.

(6) The nurse's name and telephone number must be posted or otherwise available in your home or facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0850, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN OR CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—ROOM REQUIREMENTS

WAC 388-148-0855 Do I need to provide a therapy room for children with severe developmental disabilities?

(1) If you care for children with severe developmental disabilities, you must provide them with a room for physical and occupational therapy, if these services are prescribed by a physician. The room must be adequate for storing equipment used during therapy sessions.

(2) If you do not have a room for physical and occupational therapy, you must arrange for these therapies outside of your facilities.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0855, filed 8/28/01, effective 9/28/01.]

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WAC 388-148-0860 Are there additional room requirements if I serve children with severe developmental disabilities? If you operate a group care program that serves children with severe developmental disabilities, you must follow these additional room requirements.

(1) If you are licensed to care for thirteen or more children, you must provide separate, safe play areas for children under one year of age or children not walking. The department must approve the rooms or areas.

(2) Children under one year of age must be cared for in rooms or areas separate from older children.

(3) No more than eight children under one year of age may be in the room at a time.

(4) Hand-washing facilities must be available in these rooms.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0860, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN AND CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—FOOD AND MEALS

WAC 388-148-0865 What food requirements exist for medically fragile children and children with severe developmental disabilities? There may be specific food requirements if you operate a home or facility that cares for medically fragile children and children with severe developmental disabilities:

(1) All modified diets must be planned, reviewed, and approved by a dietitian. You must use the services of a dietitian who meets current registration requirements of the American dietetic association.

(2) You must follow the dietary plan for each child as prescribed by the child's physician. You must document in the child's file that staff are following the physician's order.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0865, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN AND CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—RECORD-KEEPING

WAC 388-148-0870 What additional record-keeping requirements exist for medically fragile children and children with severe developmental disabilities? (1) In addition to meeting standard requirements for keeping records (see WAC 388-148-0120 through 388-148-0140), you must also keep the following information for any medically fragile child and child with severe developmental disabilities:

(a) Information you received upon admission including family background, current diagnosis and medical status, 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 treatment plans, medications, observations, medical examinations, physicians' orders, allergic responses, consent autho-

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rizations, releases, diagnostic reports, and revisions of assessments;

(c) Upon discharge, a summary including diagnoses, treatments, and prognosis by the person responsible for providing care, and any instructions and referrals for continuity of care; and

(d) Evidence of meeting criteria for eligibility for services from the division of developmental disabilities.

(2) If the child has died, you must also have the following information:

(a) The time and date of death;

(b) Apparent cause of death;

(c) Notification of the physician and relevant others (including the coroner if necessary); and

(d) Regarding the disposal of the child's body and how the child's personal effects will be dealt with.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0870, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS— PROGRAM/LEVELS OF SECURITY/PLACEMENT AND SERVICES

WAC 388-148-0875 What types of crisis residential centers may be licensed? (1) A facility may be licensed as a regular crisis residential center (CRC) or a secure crisis residential center.

(2) A foster home may be licensed as a family CRC. The foster home licensed, as a CRC, must meet the licensing standards for foster homes outlined in this chapter.

(3) Family CRCs and regular CRCs are not locked facilities, but are operated in a way that reasonably assures that youth placed there will not run away.

Note: Regular CRCs are also known as semi-secure CRCs, as referred to in RCW 13.32A.030 (13) and (14).

(4) A secure facility is designed and operated to prevent a youth from leaving without permission of the staff. This facility has locking doors, locking windows, or secured perimeters.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0875, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0880 What levels of secure CRCs exist? The department licenses two types of secure crisis residential centers (CRCs): Level one and level two. Level one is the most secure facility and level two is the least secure facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0880, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0885 What are the requirements for a level-one secure CRC? A level-one crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit, or separate building within a campus with windows and exterior doors that prevent exit.

(2) Meet or exceed the current state building code when locking doors and windows prevent exit.

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(3) Ensure that no youth is kept in a locked room that isolates the youth from the general population and/or staff.

(4) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support youth's vigorous physical activity. (Any fences used to secure the recreation area must meet or exceed the specifications of the level-two CRC referenced in WAC 388-148-0890(3)).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0885, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0890 What are the requirements for a level-two secure CRC? A level-two secure crisis residential center (CRC) must meet each of these requirements:

(1) Prevent unauthorized entering and exiting with a nonscalable fence around the perimeter of the facility property;

(2) Not prevent exit by locking facility doors or windows;

(3) Design the nonscalable fence that does not cause injury, such as avoiding use of electrification, razor wire or concertina wire;

(4) Ensure that no youth is kept in a locked room that isolates him or her from the general population and/or staff; and

(5) Maintain a recreation area surrounded by a nonscalable fence that can support youth's vigorous physical activity.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0890, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0895 May a juvenile detention center operate as a secure CRC? (1) A juvenile detention center may operate as a secure crisis residential center (CRC). The physical facility must be operated so that no direct communication or physical contact can be made between a resident of the secure crisis residential center and a person held in the detention facility.

(2) Staff assigned to the secure crisis residential center youth must not be simultaneously assigned to the juvenile detention center residents on the same shift.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0895, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0900 What youth may a CRC serve? All CRCs

A crisis residential center (CRC) provides emergency, temporary residence to youth ages twelve through seventeen who meet one of the following criteria:

(1) Are beyond the control of their parents or guardians and behave in a way that endangers any person's welfare;

(2) Need assistance getting food, shelter, health care, clothing, educational services, and/or resolving family conflicts;

(3) Need temporary protective custody; or

(4) Have parents who are not able or willing to continue efforts to keep the family together.

Secure CRCs

Youth ordered by the court to serve time for contempt on CHINS, APY, or truancy orders may be ordered into a secure CRC that is co-located with a detention facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0900, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0905 Can law enforcement officers place youth in secure CRCs? Law enforcement officers must place youth in secure crisis residential centers (CRCs), when available, when youth:

- (1) Are runaways;
- (2) Are in dangerous situations; or
- (3) Are in violation of curfew.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0905, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0910 What hours do CRCs have to be open? Crisis residential centers (CRC) must be open twenty-four hours a day, seven days a week.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0910, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0915 What steps must be taken after a youth is admitted into a CRC?

All CRCs

(1) The director or designee of a crisis residential center (CRC) must immediately notify the parents of the youth who has been admitted.

(2) If the director or designee of any CRC is unable to contact the youth's parents within, forty-eight hours, he or she must:

(a) Contact the department and request that the case be reviewed for dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(b) Document the contact with the department in the youth's case record.

Secure CRCs

(3) Within the first twenty-four hours after admitting a youth to a secure crisis residential center, and each twenty-four hours after, the director or designee must assess the youth's risk of running.

(4) The CRC director or designee must determine what type of CRC, regular or secure, would be best for the youth.

(5) The CRC director or designee must use the following criteria in making the decision, considering the safety, health and welfare of the youth and others:

- (a) The youth's age and maturity;
 - (b) The youth's physical, mental, and emotional condition upon arrival at the center;
 - (c) The circumstances that led to the youth's placement at the facility;
 - (d) The youth's behavior;
 - (e) The youth's history of running away;
 - (f) The youth's willingness to cooperate in conducting the assessment;
 - (g) The youth's need for continued assessment, protection, and intervention services in a CRC; and
 - (h) The likelihood the youth will remain at a CRC.
- (6) The CRC director or designee must put the decision about the youth's status in writing in the youth's file.

(7) After a youth is admitted, the CRC director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.

(8) By the first school day after admission, the crisis residential center staff must:

(a) Notify the youth's school district about the youth's placement; and

(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0915, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0920 What if a youth seems unlikely to remain in a regular CRC? If a crisis residential center (CRC) director or designee decides that a youth is unlikely to stay in a regular facility, he or she must make reasonable efforts to transfer the youth to a secure facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0920, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0925 What happens when no space exists at a secure CRC? If space is not available in a secure crisis residential center (CRC), the director or designee of the secure CRC may transfer a different youth from that facility to a regular CRC as long as the youth:

(1) Has been in the secure facility for at least twenty-four hours; and

(2) Is considered likely to remain at a regular CRC facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0925, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0930 How is a youth transferred from one type of CRC to another? After deciding that a youth needs to be transferred from one type of crisis residential center (CRC) to another, the director or designee initiating the change must take these steps:

(1) Obtain the department's agreement with the transfer decision.

(2) Communicate with the CRC where the youth is being relocated:

(a) Assure mutual agreement with the transfer decision; and

(b) Make sure that space for the youth is available to support the transfer.

(3) Document all communication related to the transfer into the youth's file.

(4) The CRC director or designee initiating the transfer must establish and maintain the following written documents:

(a) Transfer procedures for the transfer of youth to another crisis residential center; and

(b) Protocols/agreements with the other crisis residential center's director for youth transfers.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0930, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0935 How long may a youth stay at a CRC? All CRCs

- (1) Youth may stay in any crisis residential center (CRC) for up to five days.
- (2) If a youth has been transferred between CRCs, the total number of days spent in both CRCs may not exceed five days.

Secure CRCs

- (3) Any youth admitted to a secure CRC must remain there for at least twenty-four hours, unless their parent or guardian removes them.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0935, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0940 What does a youth's orientation to a CRC need to include? (1) As part of admission to a crisis residential center (CRC), the CRC staff must give an orientation to youth that includes, but is not limited to:

- (a) A description of the CRC's program and services;
- (b) The physical facility;
- (c) The department-approved policy that states that youth may not have guns and other weapons, alcohol, tobacco, and drugs within the facility; and
- (d) The department-approved policy on client visitation that includes access to the youth's attorney.

- (2) Written documentation of this orientation must be in each youth's file.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0940, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0945 What intervention services must be provided or arranged for by the CRC? (1) Crisis residential centers (CRCs) must provide or arrange, at a minimum, the following services:

- (a) Assessment of the family in order to develop a treatment plan for the youth;
- (b) Family counseling focused on communication skills development and problem solving;
- (c) Individual and/or group counseling; and
- (d) Referrals to transition the family to community-based services.

- (2) Intervention services must be documented, in writing, in the youth's case record.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0945, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0950 What behavior management practices are required for a CRC? (1) Crisis residential centers (CRC) must follow the department's behavioral management policy as specified in the general licensing requirement section of this chapter (see WAC 388-148-0465 through 388-148-0490).

- (2) A CRC must develop policies and procedures when the behavior management practices include use of physical restraint, including:

- (a) Who may authorize the use of physical restraint; and
- (b) Under what circumstances physical restraint may be used, including time limitations, re-evaluation procedures, and supervisory monitoring.

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- (3) Written policies and procedures about using physical restraint must be submitted to the department for approval before the policies and procedures are implemented.

- (4) All staff must be trained in behavior management techniques prior to using physical restraint.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0950, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—MULTIDISCIPLINARY TEAM

WAC 388-148-0955 What is the purpose of a multidisciplinary team in a CRC? (1) Crisis residential centers (CRC) must have multidisciplinary teams available as a service to youth and their families, if they request the service.

- (2) The purpose of the multidisciplinary team is to evaluate the youth and the youth's family and when agreed to by the family, assist the with any of the following services:

- (a) Developing a plan for accessing available social and health-related services;
- (b) Obtaining referrals to a chemical dependency specialist and/or county-designated mental health professional;
- (c) Recommending no further intervention because the youth and family have worked out the problems that were causing family conflicts; and
- (d) Reconciling the youth and family.

- (3) Members of multidisciplinary teams may include:

- (a) Educators;
- (b) Law enforcement personnel;
- (c) Court personnel;
- (d) Family therapists or mental health providers;
- (e) Chemical dependency treatment providers;
- (f) Licensed health care practitioners;
- (g) Social service providers;
- (h) Youth residential placement providers;
- (i) Other family members;
- (j) Church representatives; and
- (k) Members of the family's community.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0955, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0960 When may a multidisciplinary team be requested? (1) After a youth is admitted into a crisis residential center (CRC), the CRC director or designee must advise the parent or guardian and the youth of their rights to request a multidisciplinary team.

- (2) The director or designee also may set up a multidisciplinary team when he or she:

- (a) Believes that the:
 - (i) Youth is a "child in need of services" under RCW 13.32A.030; and
 - (ii) Parent is unavailable or unwilling to continue efforts to maintain the family structure.
- (b) Needs help contacting the youth's parents. If the director or designee is unable to contact the parent or guardian within forty-eight hours, the director or designee must:

- (i) Contact the department and request the case be reviewed for a dependency filing under chapter 13.34 RCW

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or a "child in need of services" filing under chapter 13.32A WAC; and

- (ii) Document this information in the child's case file.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0960, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0965 How is a multidisciplinary team convened? (1) The crisis residential center (CRC) director or designee must notify the members of the multidisciplinary team of the need to convene.

- (2) The director or designee must:

(a) Tell the youth's parents or guardians about the multidisciplinary team if the parents did not make the initial request to form a team;

(b) Advise the parents of their right to select additional members; and

(c) Assist in getting prompt involvement of additional persons that the parent or youth have requested to be added to the multidisciplinary team.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0965, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0970 May a parent disband the multidisciplinary team? (1) The crisis residential center (CRC) director or designee must advise the parents of their right to disband the multidisciplinary team within twenty-four hours after they receive notice of the team forming, excluding weekends and holidays.

- (2) Parents may disband the multidisciplinary team:

(a) Unless a dependency petition has been filed (under RCW 13.32A.140); or

(b) After a dispositional hearing has taken place ordering out-of-home placement for the youth.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0970, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0975 What qualifications must a crisis residential center executive director have? A crisis residential center executive director must meet the same qualifications that are specified for group care executive directors (see WAC 388-148-0700).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0975, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0980 Do I need a program manager on-site at each facility? Each crisis residential center facility must have an on-site program manager or person meeting those qualifications to coordinate the day-to-day operations of the facility on the premises during business hours, when youth are present.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0980, filed 8/28/01, effective 9/28/01.]

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WAC 388-148-0985 What qualifications must the on-site program manager for a crisis residential program have? Each on-site program manager must meet the qualifications outlined under WAC 388-148-0710.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0985, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0990 What additional qualifications must the crisis residential center youth care staff have?

(1) At a crisis residential center (CRC), the primary duties of the youth care staff are the care, supervision, and behavioral management of youth. All youth care staff in a CRC must meet the qualifications for youth care staff in a group care program (see WAC 388-148-0715).

Additional CRC youth care staff qualifications

(2) Additional requirements for youth care staff that work in a CRC are as follows:

(a) At least fifty percent of the youth care staff must have completed:

- (i) A bachelor's degree; or

(ii) At least two years of college and one year of work in a residential care program for adolescents.

Note: Youth care staff may substitute experience for education on a year-for-year basis. A Bachelor of Arts degree in behavioral or social science may substitute for experience.

(3) The remaining youth care staff must have at least a high school diploma or GED and one of the following:

(a) One year of successful experience working with youth in a group setting;

(b) One year of successful experience as a foster parent for three or more children;

(c) Have skills and abilities to work successfully with the challenging behaviors of children in care; and

(d) Have effective communication and problem solving skills.

Note: Two years of college may be substituted for the required experience.

(4) Each youth care staff person must be at least twenty-one years of age, unless they are between eighteen and twenty-one, enrolled and participating in an internship program with an accredited college or university.

Note: Staff under twenty-one years of age must be supervised by a staff twenty-one years old or older.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0990, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?

(1) You must ensure the safety of the youth that are residing in crisis residential centers (CRCs) by maintaining staffing ratios. This may require a staffing ratio higher than the minimum listed if necessary for the health and safety of youth and/or staff.

Regular CRCs

(2) At all times, regular crisis residential centers must have at least one youth care staff on duty for every four youth in care.

(3) Regular crisis residential centers must have at least two awake youth care staff on duty during waking hours of the youth.

(4) Regular crisis residential centers must have at least one awake youth care staff on duty during sleeping hours of the youth. One or more additional (back-up) staff must be on the premises during sleeping hours to maintain staffing ratios.

Under extraordinary circumstances, the DLR director may approve an alternative back-up plan.

Secure CRCs

(5) At all times, secure crisis residential centers must have at least two staff on duty at all times when youth are present.

(6) At all times, secure crisis residential centers must have at least one youth care staff on duty for every three youth in care.

(7) At all times, secure crisis residential centers that are located in the same facility as detention facilities must have the at least one awake youth care staff on duty for every four youth in care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0995, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—STAFF TRAINING

WAC 388-148-1000 What training must staff at a crisis residential center have? (1) All staff working at a crisis residential center (CRC) must complete a minimum of sixteen hours of preservice job orientation prior to beginning unsupervised child care responsibilities. Training must include:

(a) Presentation of the CRC agency's policies and procedures manual;

(b) Behavior management techniques;

(c) Crisis intervention techniques;

(d) Family intervention techniques;

(e) Child abuse and neglect reporting requirements;

(f) Youth supervision requirements; and

(g) HIV/AIDS/Blood-borne pathogen training.

(2) Staff working at a CRC must complete a minimum of twenty-four hours of on-going education and in-service training annually. This training must include:

(a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;

(b) Behavior management techniques;

(c) Substance abuse;

(d) Suicide assessment and intervention;

(e) Family intervention techniques;

(f) Cultural diversity;

(g) Mental health issues and interventions;

(h) Mediation skills;

(i) Conflict management/problem-solving skills;

(j) Physical and sexual abuse; and

(k) Emergency procedures.

(3) All staff working at a CRC must have current first aid and CPR training.

(4) The director or designee of the CRC must document completion of all training in each staff person's personnel file.

(2003 Ed.)

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1000, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—RECORD-KEEPING

WAC 388-148-1005 What record keeping is required for crisis residential centers? (1) Crisis residential centers (CRC) must follow the general licensing requirements for record keeping (see WAC 388-148-0125).

(2) In addition, a CRC must record:

(a) The time and date a placement is made;

(b) The names of the person and organization making the placement; and

(c) Reasons for the placement.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1005, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1010 What additional record-keeping requirements exist for secure crisis residential centers?

(1) If you operate secure crisis residential centers (CRC), you must maintain, at a minimum, hourly logs of where the youth are physically located.

(2) You must have a policy on the use and retention of these logs, including but not limited to staff briefings between shifts to verify:

(a) Where youth are physically located at each shift change; and

(b) That weekly inspections take place of any security devices.

(3) You must retain these logs for seven years.

(4) You must also maintain a log and written report that identifies all incidents requiring physical restraints for a youth. (see WAC 388-148-0490)

(5) Within seven days of a youth's discharge, you must send the child's social worker a written summary that includes, but is not limited to:

(a) Community-based referrals;

(b) Assessment information on the family and child;

(c) Family reconciliation attempts;

(d) Contacts with families and professionals involved;

(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) You must retain a copy of any discharge summaries in the youth's case record at the secure crisis residential center.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1010, filed 8/28/01, effective 9/28/01.]

STAFFED RESIDENTIAL HOMES—PROGRAM AND SERVICES

WAC 388-148-1015 What is the purpose of a staffed residential home? A staffed residential home may employ staff to provide twenty-four-hour care to children who:

(1) Are unable to successfully live in a foster home;

(2) Have emotional disturbances or physical or mental disabilities;

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- (3) Are medically fragile; or
- (4) Are in transition from residential care to a foster home.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1015, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1020 Must a staffed residential home operate in conjunction with another program? A staffed residential home for children may be operated only in conjunction with a licensed child-placing agency or group care program. It may also be operated under a contract or written agreement with children's administration or the division of developmental disabilities.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1020, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1025 What must be included in a written agreement to provide services as a staffed residential home? A written agreement with the department to provide services to children at a staffed residential home must include but is not limited to:

- (1) The number of children served at one time;
- (2) The expectations of services to be provided;
- (3) The steps to be taken to include the child's family;
- (4) The plan on how coordination will occur with community partners;
- (5) The plan on how permanency planning for the children will take place;
- (6) A safety and supervision plan for each child; and
- (7) A behavior management plan for each child, as appropriate.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1025, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1030 What services must a staffed residential home provide? (1) A staffed residential home must be able to provide the specialized services required by the group that is served in the staffed residential home. These services may be provided through your own program or through using other community resources.

(2) You must provide care and supervision for children you serve in a staffed residential home, considering their ages and physical conditions.

(3) You must submit a written program description for department approval that includes:

- (a) A list of services that you will provide to children and their families;
 - (b) Who and how these services will be carried out; and
 - (c) A schedule of typical daily activities for the children under your care.
- (4) Services for children must include:
- (a) Transportation;
 - (b) Teaching social and living skills;
 - (c) Opportunities for play and recreation; and
 - (d) Opportunities to participate in community and cultural activities.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1030, filed 8/28/01, effective 9/28/01.]

[Title 388 WAC—p. 558]

STAFF RESIDENTIAL HOMES—STAFF QUALIFICATIONS, STAFFING RATIOS, AND CAPACITY

WAC 388-148-1035 Who must be on the premises when children are under care at a staffed residential home? The on-site program manager or a person meeting the same qualifications must be on the premises of the staffed residential home during business hours when children are under care if:

- (1) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; and
- (2) The youth's behavior poses a risk to self or others.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1035, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1040 What are the qualifications for staff at a staffed residential home? The executive director, on-site program manager, and child care staff at a staffed residential home must meet the qualifications outlined for group care program section (WAC 388-148-0700, 388-148-0715, and 388-148-0720).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1040, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1045 What is the ratio of child care staff to children in staffed residential homes? (1) You must meet the minimum ratios of child care staff to children under care at a staffed residential home.

(2) To keep the proper ratio of staff to children, the director, support staff and maintenance staff may serve as child care staff if they have adequate training.

(3) The ratio for staffed residential homes is, at least, one child care staff for every six children during waking hours of children.

(4) During sleeping hours of youth, at least, one staff person must be awake when:

(a) There is a written supervision agreement or a contract with the department of social and health services specifying an awake staff for either the program or a specific child; or

(b) The youth's behavior poses a safety risk to self and/or others.

(5) The need for overnight supervision must be documented in each child's treatment plan, if awake supervision is necessary.

(6) You may only be licensed for maximum of three pregnant or parenting youth.

(7) When only one child care staff person is on duty, a second person must be on call and available to respond within one half-hour.

(8) You must have relief staff so that all staff can have the equivalent of two days off a week. This is not required for family members if the staffed residential home a family residence.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1045, filed 8/28/01, effective 9/28/01.]

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WAC 388-148-1050 How many children may I serve in my staffed residential home? The department restricts the number of children that a licensed staffed residential home may serve.

(1) The department may license a staffed residential home for six or fewer children. The total number of children in your home or facility must not exceed six at any time.

(2) The department may restrict the number of children in a staffed residential home according to the age and needs of the children.

(3) If only one staff person is on duty at a staffed residential home providing maternity services, that home must not care for more than four persons under the age of eighteen. An additional staff person is required to care for more than four children.

(4) You may have only two children under two years of age in your home at a time.

(5) The department may license a staffed residential home for up to three children with mental or physical disabilities that are severe enough to require nursing care if you meet the following conditions:

(a) You provide staff that are qualified by training and experience to provide proper care, including necessary medical procedures; and

(b) The children's treatment is under the supervision of physicians.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1050, filed 8/28/01, effective 9/28/01.]

STAFFED RESIDENTIAL HOMES—ROOM REQUIREMENTS

WAC 388-148-1055 Are there room requirements for staffed residential homes? The department has certain requirements for rooms that you must meet in order to operate a staffed residential home.

(1) You must provide rooms that are ample in size and properly furnished for the number of children you serve.

(2) You must provide each of the following rooms or areas:

(a) Bedrooms that meet general licensing requirements (WAC 388-148-0260 through 388-148-0270) and have additional space for any special medical equipment needed by children;

(b) At least one comfortably furnished living room;

(c) A dining room area that is ample in size and suitably furnished for your residents;

(d) At least one separate indoor recreation area with a size and location that is suitable for recreational and informal education activities;

(e) A room or area that may be used as an administrative office; and

(f) A visiting area where visitors can have privacy.

(3) The licensor and staffed residential home director may decide what rooms may have multiple uses (for example, dining room and recreation area or visiting area and living room).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1055, filed 8/28/01, effective 9/28/01.]

(2003 Ed.)

CHILD PLACING AGENCIES—PROGRAM/SERVICES/OUT-OF-STATE PLACEMENTS

WAC 388-148-1060 What services may a child-placing agency provide? The department licenses child-placing agencies to provide:

(1) Certification of eligible foster homes meeting full licensing requirements;

(2) Maternity services to expectant mothers;

(3) Specialized (treatment) foster care;

(4) Residential care programs, such as group homes, crisis residential centers, and independent living skills programs; and

(5) Adoption services.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1060, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1065 Do child-placing agency foster homes and group care facilities need to be licensed before placements? The department must license all foster homes and group care facilities that are used by child-placing agencies before any children are placed in them (see WAC 388-148-0015).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1065, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1070 What health histories need to be provided to foster or adoptive parents? (1) To meet department requirements, your child-placing agency must provide adoptive (see WAC 388-25-0330), or foster parents with the following information when available, at the time of placement:

(a) The mental and physical health histories of the birth parents;

(b) A written health history for each child prior to placement, including a history of immunizations, allergies, previous illnesses, and conditions that may adversely affect the child's health; and

(c) The developmental and psychological history for the adoptive children.

Note: You must arrange for the child's medical examinations, immunizations, and health care as required by WAC 388-148-0335 and 388-148-0340.

(2) The adoptive parent(s) must sign one copy of the report, showing that they have received the information. You must retain this signed copy in the child's permanent file.

(3) When the child is being placed for adoption, your report must not contain information that might identify the birth parents.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1070, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1075 When may child-placing agencies from outside the state place children in this state? Child-placing agencies with offices in other states or another country may arrange to place children in Washington state under each of the following conditions:

[Title 388 WAC—p. 559]

(1) The out-of-state agency must be fully licensed, certified, or recognized for child-placing functions in its own home state or country.

(2) All public and private agencies must comply with the requirements of the "interstate compact on the placement of children (ICPC)" (see RCW 26.34.011).

Note: Contact the ICPC program manager with children's administration for more information.

(3) The in-state facility receiving children is responsible for:

(a) Conducting a study of the home where the child will be placed;

(b) Related case management; and

(c) Supervising the placement until the child is legally adopted, reaches eighteen years of age, or returns to the originating state.

(4) An out-of-state agency must give us copies of the following written documents:

(a) Written agreements with Washington state agencies;

(b) Evidence of the agency's legal authority to place the child; and

(c) Certification that the agency will assume financial responsibility for any child placed in Washington state until the child is adopted, financially independent, or reaches the age of eighteen.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1075, filed 8/28/01, effective 9/28/01.]

CHILD PLACING AGENCIES—ROOM REQUIREMENTS

WAC 388-148-1080 Are child-placing agencies required to have office space? You must be housed in offices that are adequately equipped to carry out your child-placing agency's programs and that can offer privacy for interviews with parents and children and storage space.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1080, filed 8/28/01, effective 9/28/01.]

CHILD PLACING AGENCIES—FOSTER CARE SERVICES

WAC 388-148-1085 How may my child-placing agency certify a foster home for licensing by the department? (1) To certify a foster home for licensing by the department, you must use applications, home study forms, and procedures that are approved by the department (see WAC 388-148-0050 through 388-148-0080).

(2) A foster home must be certified by your child-placing agency as meet the licensing requirements your child-placing in order to be licensed by the department.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1085, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1090 What children may child-placing agency foster homes accept? As part of our requirements, foster homes that child-placing agencies certify as meeting our licensing requirements may accept children only from:

(1) The licensed child-placing agency that certified the foster home; or

(2) The department, as long as these conditions are met:

(a) The child is in the legal custody of, or is under the department's supervision; and

(b) The child placements are approved in advance in writing by the child-placing agency responsible for supervising the foster home or facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1090, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1095 May different child-placing agencies share eligible foster parents for placement? (1) Different child-placing agencies may share eligible foster parents for placement as long as safety and health requirements are met.

(2) The participating agencies must have written agreements between them specifying the criteria and conditions for sharing foster parents prior to the placement of the children. This includes child-placing agencies placing children in DCFS foster homes.

(3) The written agreements must specify roles and responsibilities of each agency.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1095, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1100 What do I need to consider in making foster care placements? (1) In planning a foster care placement for a child, you must consider:

(a) The child's basic right to their own home and family;

(b) The importance of providing skillful professional service to the child's birth parents to help them meet each child's needs in the home;

(c) Each child's individual needs, cultural, and religious background and family situation;

(d) The wishes and participation of each child's parent(s); and

(e) The selection of a foster home that will enhance each child's capacities and meet each child's individual needs.

(2) You must use a written social summary for each child as the basis for acceptance for foster care and related social services.

(3) Every foster care placement that you facilitate must be based on well-planned, individual preparation of the child and the child's family. However, in an emergency situation, you may place a child in a foster home prior to preparing the child and the child's family.

(4) A child may be placed in foster care only with the written consent of the child's parents, a protective custody order, or under a court order. This consent or order must include approval for emergency medical care or surgery.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1100, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1105 May I share information about the child with the foster parents? (1) You must give foster parents any information that may be shared about the child and the child's family. Sharing information about behavioral and emotional problems is especially important. This helps

foster parents make an informed decision about whether or not to accept a child in their home.

(2) You must inform the foster parents that this information is confidential and can not be shared with persons who are not involved with the care of the child.

(3) You must document in the child's file that you have shared this information at the time of placement.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1105, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1110 How often should the case manager contact the foster child and family? The case manager must contact a foster child and the foster child's foster family, according to a case plan that reflects the child's needs. Case managers must make in-home health and safety visits as required by children's administration policy. Each foster child and one or both foster parents must be seen at each visit.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1110, filed 8/28/01, effective 9/28/01.]

CHILD PLACING AGENCIES—ADOPTION SERVICES

WAC 388-148-1115 Do you have requirements for adoptive services? (1) As a child-placing agency providing adoption services, you must meet the department's requirements under chapter 388-25 WAC.

(2) You must recruit potential adoptive families that reflect the diversity of children in your community.

(3) You must provide adoptive applicants with the following services, at a minimum:

- (a) Information about the adoption process;
 - (b) Your agency's policies, practices and legal procedures;
 - (c) Types of children available for adoption and implications for parenting different types of children; and
 - (d) Information on adoption support programs.
- (4) You must document that you provided this information to the adoptive applicant in the applicant's file.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1115, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1120 What is the process for adoptions? You must go through the following steps to place a child for adoption.

(1) The applicants must submit an application (including a completed background inquiry form) to the child-placing agency.

(2) Once you have received an application, but before you have sign a contract for services, you must give the applicants a written statement about:

- (a) The adoption agency's fixed fees and fixed charges to be paid by the applicant;
- (b) An estimate of additional itemized expenses to be paid by applicant; and
- (c) Specific services covered by fees that you offer for child placement or adoption.

(3) Your staff must complete an adoptive home study as required in RCW 26.33.190 with the participation of the

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applicant(s). For the study, your staff and the applicants need to decide about:

(a) The suitability of the applicant(s) to be adoptive parent(s); and

(b) The type of child(ren) for which the applicant or applicants are best suited.

(4) Your staff must accept or deny the application and give an explanation for your decision.

(5) You must file preplacement (home study) reports with the court (as required by RCW 26.33.180 through 26.33.190).

(6) Your staff must prepare the potential adoptive parent(s) for placement of a specific child by:

(a) Locating and providing information about the child and the birth family to the prospective adoptive family as described in chapter 388-25 WAC;

(b) Discussing the likely implications of the child's background for adjusting in the adoptive family.

(7) Your staff must reevaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1120, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1125 What requirements exist for specialized adoptive services? Specialized adoptive services are inter-country adoption, interstate adoption and adoptions for children with special needs (such as developmental disability or emotional disability).

(1) If your child-placing agency is providing specialized adoptive services, you must have:

- (a) Supervisory staff who have specialized training in the particular area of adoption that you want to provide; and
- (b) A written in-service training program for staff in these specialized adoptive services.

(2) If you are facilitating the adoptive placement of children who have special needs, you must:

- (a) Have adoptive families who are able to meet the children's special needs, such as behavioral disturbance, medical problems or developmental disabilities; or
- (b) Have a plan for active recruitment of suitable adoptive families.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1125, filed 8/28/01, effective 9/28/01.]

CHILD PLACING AGENCIES—ADOPTION RECORDS

WAC 388-148-1130 Must my child-placing agency retain the records of adopted children? Your child-placing agency must retain a record of each child you place in permanent custody. This record must contain all available identifying legal, medical, and social information and must be kept confidential, as required by chapter 26.33 RCW.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1130, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1135 What happens to the adopted children's records if my agency closes? If your agency

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closes, you must make arrangements for the permanent retention of the adopted children's records. You must inform DSHS, children's administration state adoption program manager about the closure of the agency and where the files will be kept (for example, by another adoption agency or Washington state archival files).

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-1135, filed 8/28/01, effective 9/28/01.]

Chapter 388-150 WAC

MINIMUM LICENSING REQUIREMENTS FOR CHILD DAY CARE CENTERS

WAC

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WAC 388-150-005 Authority. The following rules are adopted under chapters 74.12 and 74.15 RCW.

[Statutory Authority: RCW 74.12.340, 94-13-201 (Order 3745), § 388-150-005, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.030, 91-07-013 (Order 3151), § 388-150-005, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-005, filed 11/20/90, effective 12/21/90.]

WAC 388-150-010 Definitions. As used and defined under this chapter:

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"Center" means the same as **"child day care center."**

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances indicating the child's health, welfare, and safety is harmed thereby.

"Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a family child care home shall not be licensed as a day care center without meeting the requirements of WAC 388-150-020 (5)(a).

"Department" means the state department of social and health services.

"Department of health" means the state department of health.

"I," "you," and "your" refer to and mean the licensee or applicant for a child care license.

"Infant" means a child eleven months of age and under.

"License" means a permit issued by the department authorizing by law the licensee to operate a child day care center and certifying the licensee meets minimum requirements under licensure.

"Licensee" means the person, organization, or legal entity responsible for operating the center.

"Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.

"Preschool age child" means a child thirty months of age through five years of age not enrolled in kindergarten or an elementary school.

"School-age child" means a child five years of age through twelve years of age enrolled in kindergarten or an elementary school.

"Staff" means a child care giver or a group of child care givers employed by the licensee to supervise a child served at the center.

"Toddler" means a child twelve months of age through twenty-nine months of age.

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

"We" or "our" refer to and mean the department of social and health services, including division of child care and early learning licensors.

[Statutory Authority: Chapter 74.15 RCW, RCW 74.08.090, 02-16-062, § 388-150-010, filed 8/2/02, effective 10/1/02. Statutory Authority: RCW 74.15.030, 98-24-052, § 388-150-010, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-010, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-010, filed 11/20/90, effective 12/21/90.]

WAC 388-150-020 Scope of licensing. (1) The person or organization operating a child day care center shall be subject to licensing by authority under chapter 74.15 RCW, unless specifically exempted by RCW 74.15.020(4).

(2) The person or organization operating a child day care center and qualifying for exemption from requirements of this chapter under RCW 74.15.020(4) shall not be subject to licensure. The person or organization claiming an exemption shall provide the department proof of entitlement to the exemption on the department's request.

(3) RCW 74.15.020 (4)(c) exempts from licensing facilities where parents on a mutually cooperative basis exchange care of one another's children. To qualify for this cooperative exemption:

(a) At least one parent or guardian of each child attending the facility regularly shall be involved in the direct care of children at the facility;

(b) Parents or guardians shall be involved in the direct care of children on a relatively equal basis; and

(c) A person other than a parent or guardian of a child at the facility shall not be involved in the care of children or in the operation of the facility.

(4) The department shall not license the center legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify the center as meeting licensing and other pertinent requirements. In such cases, the department's requirements and procedures for licensure shall apply equally to certification.

(5) The department may certify a day care center for payment without further investigation if the center is:

(a) Licensed by an Indian tribe;

(b) Certified by the Federal Department of Defense; or

(c) Approved by the superintendent of public instruction's office. The center must be licensed, certified, or approved in accordance with national or state standards or standards approved by the department and be operated on the premises over which the entity operating the center has jurisdiction.

(6) The department shall not license the department employee or the member of the department employee's household when such person is involved directly, or in an administrative or supervisory capacity, in the:

(a) Licensing or certification process;

(b) Placement of a child in a licensed or certified center;

or

(c) Authorization of payment for the child in care.

(7)(a) The department may license the center located in a private family residence when the portion of the residence accessible to the child is:

(i) Used exclusively for the child during the center's operating hours or while the child is in care; or

(ii) Separate from the family living quarters.

(b) A child care facility in a separate building on the same premises as a private family residence is a child day care center.

(8) The person or organization desiring to serve state-paid children shall:

(a) Be licensed or certified;

(b) Follow billing policies and procedures in *Child Day Care Subsidies, A Booklet for Providers*, DSHS 22-877(X); and

(c) Bill the department at the person's or organization's customary rate or the DSHS rate, whichever is less.

[Statutory Authority: RCW 74.12.340, 94-13-201 (Order 3745), § 388-150-020, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-020, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 91-15-084 and 91-21-070 (Orders 3205 and 3205A), § 388-150-020, filed 7/23/91 and 10/17/91, effective 8/23/91 and 11/17/91; 90-23-078 (Order 3103), § 388-150-020, filed 11/20/90, effective 12/21/90.]

WAC 388-150-040 Local ordinances and codes. The department shall issue or deny a license on the basis of the applicant's compliance with minimum licensing and procedural requirements. The department shall notify the local planning office of the applicant's intention to operate a child care center within the local jurisdiction. Local officials shall be responsible for enforcing city ordinances and county codes, such as zoning and building regulations.

[Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-040, filed 11/20/90, effective 12/21/90.]

WAC 388-150-050 Waivers. (1) In an individual case, the department, for good cause, may waive a specific requirement and may approve an alternate method for the licensee or applicant to achieve the specific requirement's intent if the:

(a) Licensee or applicant submits to the department a written waiver request fully explaining the circumstances necessitating the waiver; and

(b) Department determines waiver approval will not jeopardize the safety or welfare of the child in care or detract from the quality of licensee-delivered services.

(2) 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.

(3) The department may limit or restrict a license issued to a licensee or an applicant in conjunction with a waiver.

(4) The licensee shall maintain on the premises a copy of the department's written waiver approval.

(5) 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, 90-23-078 (Order 3103), § 388-150-050, filed 11/20/90, effective 12/21/90.]

WAC 388-150-060 Dual licensure. The department may either:

(1) Issue a child day care center license to the applicant having a license involving full-time care; or

(2) Permit simultaneous care for the child and adolescent or adult on the same premises if the applicant or licensee:

(a) Demonstrates evidence that care of one client category will not interfere with the quality of services provided to another category of clients;

(b) Maintains the most stringent maximum capacity limitation for the client categories concerned;

(c) Requests and obtains a waiver permitting dual licensure; and

(d) Requests and obtains a waiver to subsection (2)(b) of this section, if applicable.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-060, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-060, filed 11/20/90, effective 12/21/90.]

WAC 388-150-070 Application and reapplication for licensing—Investigation. (1) The person or organization applying for a license or relicensure under this chapter and responsible for operating the center shall comply with application procedures the department prescribes and submit to the department:

(a) A completed department-supplied application for child care agency form, including required attachments, ninety or more days before the:

(i) Expiration of a current license;

(ii) Opening date of a new center;

(iii) Relocation of a center;

(iv) Change of the licensee; or

(v) Change of license category.

(b) A completed criminal history and background inquiry form for each staff person or volunteer having unsupervised or regular access to the child in care; and

(c) The annual licensing fee. The fee is forty-eight dollars for the first twelve children plus four dollars for each additional child.

(2) In addition to the required application materials specified under subsection (1) of this section, the applicant for initial licensure shall submit to the department:

(a) An employment and education resume of the person responsible for the active management of the center and the program supervisor;

(b) Diploma or education transcript copies of the program supervisor; and

(c) Three professional references each for the licensee, director, and program supervisor.

(3) The applicant for a license under this chapter shall be twenty-one years of age or older.

(4) The applicant, licensee, and director shall attend department-provided orientation training.

(5) The department may, at any time, require additional information from the applicant, licensee, staff person, volunteer, member of their households, and other person having access to the child in care as the department deems necessary, including, but not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

(6) The department may perform investigations of the applicant, licensee, staff person, volunteer, member of their households, and other person having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files.

(7) The applicant shall conform to rules and regulations approved or adopted by the:

(a) Department of health, promoting the health of the child in care, contained in this chapter; and

(b) State fire marshal's office, establishing standards for fire prevention and protection of life and property from fire, under chapter 212-12 WAC, "fire marshal standards."

(8) The department shall not issue a license to the applicant until the department of health and the state fire marshal's office have certified or inspected and approved the center.

[Statutory Authority: RCW 43.20B.110. 01-02-032, § 388-150-070, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-070, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-070, filed 11/20/90, effective 12/21/90.]

WAC 388-150-080 Licensed capacity. (1) The department shall issue the applicant or licensee a license for a specific number of children dependent on the:

(a) Department's evaluation of the center's premises, equipment, and physical accommodations;

(b) Number and skills of the licensee, staff, and volunteers; and

(c) Ages and characteristics of the children served.

(2) The department:

(a) Shall not issue the applicant or licensee a license to care for more children than permitted under this chapter; and

(b) May issue the applicant or licensee a license to care for fewer children than the center's maximum capacity.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-080, filed 11/20/90, effective 12/21/90.]

WAC 388-150-085 Initial license. (1) The department may issue an initial license to an applicant not currently licensed to provide child day care when the applicant:

(a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but

(b) Cannot demonstrate compliance with the rules pertaining to:

(i) Staff-child interactions,

(ii) Group size and staff-child ratios,

(iii) Behavior management and discipline,

(iv) Activity programs,

(v) Child records and information, and

(vi) Other rules requiring department observation of the applicant's ability to comply with rules.

(c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department shall evaluate the applicant's ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to the applicant demonstrating compliance with all rules contained in this chapter at any time during the period of initial licensure.

(5) The department shall not issue a full license to the applicant who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

[Statutory Authority: RCW 74.15.030, 96-20-095, § 388-150-085, filed 10/1/96, effective 11/1/96.]

WAC 388-150-090 When can my license application be denied and when can my license be suspended or revoked? (1) We must deny your license application, or suspend or revoke your license if you do not meet the requirements outlined this chapter.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-15-130;

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. The exception: If you can demonstrate by clear and convincing evidence that you have taken enough correction action or rehabilitation to justify the public trust and to operate the center according to the rules of this chapter, we may issue you a license;

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises; or

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the center's operation or to interview staff or a child in care.

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

[Statutory Authority: Chapter 74.120 RCW, RCW 74.12.340, and 74.15.030, 02-14-085, § 388-150-090, filed 6/28/02, effective 7/29/02. Statutory Authority: RCW 74.15.030, 96-10-043 (Order 3974), § 388-150-090, filed 4/26/96, effective 5/27/96. Statutory Authority: RCW 74.12.340, 94-13-201 (Order 3745), § 388-150-090, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-090, filed 11/20/90, effective 12/21/90.]

WAC 388-150-092 Civil penalties. (1) Before imposing a civil penalty, the department shall provide written notification by personal service, including by the licensor, or certified mail which shall include:

(a) A description of the violation and citation of the applicable requirement or law;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance;

(d) The maximum allowable penalty if timely compliance is not achieved;

(e) The means to contact any technical assistance services provided by the department or others; and

(f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) The length of time in which to comply shall depend on:

(a) The seriousness of the violation;

(c) The potential threat to the health, safety and welfare of children in care; or

(c) Previous opportunities to correct the deficiency.

(3) The department may impose a civil penalty based on but not limited to these reasons:

(a) The child care center has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) The child care center has previously been given notice of the same or similar type of violation of the same statute or rule; or

(c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.

(4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) The civil fine shall be payable twenty-eight days after receipt of the notice or later as specified by the department.

(6) The fine may be forgiven if the agency comes into compliance during the notification period.

(7) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding as governed by RCW 43.20A.215.

[Statutory Authority: RCW 74.15.030. 96-20-095, § 388-150-092, filed 10/1/96, effective 11/1/96.]

WAC 388-150-093 Civil penalties—Amount of penalty. Whenever the department imposes a civil monetary penalty per WAC 388-150-092(3), the department shall impose a penalty of two hundred and fifty dollars per violation per day. The department may assess and collect the penalty with interest for each day of noncompliance.

[Statutory Authority: RCW 74.15.030. 96-20-095, § 388-150-093, filed 10/1/96, effective 11/1/96.]

WAC 388-150-094 Civil penalties—Posting of notice of penalty. (1) The licensee shall post the final notice of a civil penalty in a conspicuous place in the facility.

(2) The notice shall remain posted until payment is received by the department.

[Statutory Authority: RCW 74.15.030. 96-20-095, § 388-150-094, filed 10/1/96, effective 11/1/96.]

WAC 388-150-095 Civil penalties—Unlicensed programs. Where the department has determined that an agency is operating without a license, the department shall send written notification by certified mail or other means showing proof of service. This notification shall contain the following:

(1) Advising the agency of the basis of determination of providing child care without a license and the need to be licensed by the department;

(2) The citation of the applicable law;

(3) The assessment of seventy-five dollars per day penalty of each day unlicensed care is provided. The fine would be effective and payable within thirty days of receipt of the notification;

(4) How to contact the office of child care policy;

(5) The need to submit an application to the office of child care policy within thirty days of receipt of the notification;

(6) That the penalty may be forgiven if the agency submits an application within thirty days of the notification; and

(7) The right of an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

[Statutory Authority: RCW 74.15.030. 96-20-095, § 388-150-095, filed 10/1/96, effective 11/1/96.]

WAC 388-150-096 Civil penalties—Separate violations. Each violation of a law or rule constitutes a separate violation and may be penalized as such. A penalty may be imposed as a flat amount of the maximum allowable, or may be imposed for each day the violation continues.

[Statutory Authority: RCW 74.15.030. 96-20-095, § 388-150-096, filed 10/1/96, effective 11/1/96.]

WAC 388-150-097 Civil penalties—Penalty for nonpayment. Penalty for nonpayment. The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty it has assessed within ten days after such assessment becomes final.

[Title 388 WAC—p. 566]

[Statutory Authority: RCW 74.15.030. 96-20-095, § 388-150-097, filed 10/1/96, effective 11/1/96.]

WAC 388-150-098 Probationary license. (1) The department shall base the decision as to whether a probationary license will be issued upon the following factors:

- (a) Willful or negligent noncompliance by the licensee,
- (b) History of noncompliance,
- (c) Extent of deviation from the requirements,
- (d) Evidence of a good faith effort to comply,
- (e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing requirements does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue, a probationary license may be issued as well as civil penalties or other sanctions. Such situations may include:

(a) Substantiation that a child (or children) was abused or neglected while in the care of the center,

(b) Disapproved fire safety or sanitation report,

(c) Use of unauthorized space for child care,

(d) Inadequate supervision of children,

(e) Understaffing for the number of children in care,

(f) Noncompliance with requirements addressing:

(i) Children's health,

(ii) Proper nutrition,

(iii) Discipline,

(iv) Emergency medical plan,

(v) Sanitation and personal hygiene practices.

(3) Licensee required to notify parents when a probationary licensed is issued:

(a) The licensee shall notify the parents or guardians of all children in care that it is in probationary status within five working days of receiving notification he or she has been issued a probationary license;

(b) The notification shall be in writing and shall be approved by the department prior to being sent;

(c) The licensee shall provide documentation to the department that parents or guardians of all children in care have been notified within ten working days of receiving notification that he or she has been issued a probationary license;

(d) The department may issue a probationary license for up to six months, and at the discretion of the department it may be extended for an additional six months.

[Statutory Authority: RCW 74.15.030. 96-20-095, § 388-150-098, filed 10/1/96, effective 11/1/96.]

WAC 388-150-100 Activity program. (1) The licensee shall implement an activity program designed to meet the developmental, cultural, and individual needs of the child served. The licensee shall ensure the program contains a range of learning experiences for the child to:

(a) Gain self-esteem, self-awareness, self-control, and decision making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety; and

(d) Experiment, create, and explore.

(2) The licensee shall ensure the center's program offers variety and options, including a balance between:

- (a) Child-initiated and staff-initiated activities;
- (b) Free play and organized events;
- (c) Individual and group activities; and
- (d) Quiet and active experiences.

(3) The licensee shall ensure the center's program affords the child daily opportunities for small and large muscle activities and outdoor play.

(4) The licensee shall operate the center's program under a regular schedule of activities with allowances for a variety of special events. The licensee shall implement a planned program of activities as evidenced by a current, written activity schedule, and afford staff classroom planning time.

(5) The licensee shall manage child and staff movements from one planned activity or care area to another to achieve smooth, unregimented transitions by:

- (a) Establishing familiar routines;
- (b) Contributing to learning experiences; and
- (c) Maintaining staff-to-child ratio and group size guidelines.

(6) The child may remain in care only ten hours or less per day except as necessitated by the parent's working hours and travel time from and to the center.

[Statutory Authority: RCW 74.15.030, 91-07-013 (Order 3151), § 388-150-100, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-100, filed 11/20/90, effective 12/21/90.]

WAC 388-150-110 Learning and play materials. The licensee shall provide the child a variety of easily accessible, developmentally appropriate learning and play materials of sufficient quantity to implement the center's program. The licensee shall ensure material is culturally relevant and promotes:

- (1) Social development;
- (2) Intellectual ability;
- (3) Language development and communication;
- (4) Self-help skills;
- (5) Sensory stimulation;
- (6) Large and small muscle development; and
- (7) Creative expression.

[Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-110, filed 11/20/90, effective 12/21/90.]

WAC 388-150-120 Staff-child interactions. (1) The licensee shall furnish the child a nurturing, respectful, supportive, and responsive environment through frequent interactions between the child and staff:

(a) Supporting the child in developing an understanding of self and others by assisting the child to share ideas, experiences, and feelings;

(b) Providing age-appropriate opportunities for intellectual growth and development of the child's social and language skills, including encouraging the child to ask questions;

(c) Helping the child solve problems;

(d) Fostering creativity and independence in routine activities, including showing tolerance for mistakes; and

(e) Treating equally all children in care regardless of race, religion, culture, sex, and handicapping condition.

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(2) The licensee shall furnish the child a pleasant and educational environment at meal and snack times. Staff shall provide good models for nutrition habits and social behavior by:

- (a) Sitting and eating with children, when possible; and
- (b) Encouraging conversation among children.

[Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-120, filed 11/20/90, effective 12/21/90.]

WAC 388-150-130 Behavior management and discipline. (1) The licensee shall guide the child's behavior based on an understanding of the individual child's needs and stage of development. The licensee shall promote the child's developmentally appropriate social behavior, self-control, and respect for the rights of others.

(2) The licensee shall ensure behavior management and discipline practices are fair, reasonable, consistent, and related to the child's behavior. Staff shall not administer cruel, unusual, hazardous, frightening, or humiliating discipline.

(3) The licensee shall be responsible for implementing the behavior management and discipline practices of the center. The child in care shall not determine or administer behavior management or discipline.

(4) The licensee shall prohibit and prevent:

(a) Corporal punishment by any person on the premises, including biting, jerking, shaking, spanking, slapping, hitting, striking, or kicking the child, or other means of inflicting physical pain or causing bodily harm;

(b) The use of a physical restraint method injurious to the child;

(c) The use of a mechanical restraint for disciplinary purposes, locked time-out room, or closet; or

(d) The withholding of food as a punishment.

(5) In emergency situations, the staff person competent to use restraint methods may use limited physical restraint when:

(a) Protecting a person on the premises from physical injury;

(b) Obtaining possession of a weapon or other dangerous object; or

(c) Protecting property from serious damage.

(6) The licensee shall document any incident involving the use of physical restraint.

[Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-130, filed 11/20/90, effective 12/21/90.]

WAC 388-150-140 Rest periods. (1) The licensee shall offer a supervised rest period to the child:

(a) Five years of age and under remaining in care more than six hours; or

(b) Showing a need for rest.

(2) The licensee shall plan quiet activities for the child not needing rest.

(3) The licensee shall allow the child twenty-nine months of age or younger to follow an individual sleep schedule.

[Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-140, filed 11/20/90, effective 12/21/90.]

[Title 388 WAC—p. 567]

WAC 388-150-150 Evening and nighttime care. (1) For the center offering child care during evening and nighttime hours, the licensee shall adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night.

(2) The licensee shall maintain the same staff-to-child ratio in effect during daytime care. At all times, including sleeping hours, staff shall keep the child within continuous visual or auditory range.

(3) The licensee shall arrange child grouping so the sleeping child remains asleep during the arrival or departure of another child.

(4) The licensee shall ensure that staff in charge during evening and nighttime hours meet at least the requirements of a lead worker.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-150, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-150, filed 11/20/90, effective 12/21/90.]

WAC 388-150-160 Off-site trips. (1) The licensee may transport or permit the off-site travel of the child to attend school, participate in supervised field trips, or engage in other supervised off-site activities only with written parent consent.

(2) The parent's consent may be:

(a) For a specific date and trip; or

(b) A blanket authorization describing the full range of trips the child may take. In such case, the licensee shall notify the parent in advance about the trip.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-160, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-160, filed 11/20/90, effective 12/21/90.]

WAC 388-150-165 Transportation. When the licensee provides transportation for the child in care:

(1) The licensee shall ensure that the motor vehicle operated by the facility is maintained in a safe operating condition;

(2) The licensee shall ensure the motor vehicle in which the child rides during hours of care is equipped with appropriate safety devices and individual seat belts or safety seats for each child to use when the vehicle is in motion. The licensee shall assure that children less than two years of age are restrained in a restraint system that complies with standards of the United States department of transportation. Seat belts are not required for buses approved by the state patrol;

(3) The licensee shall ensure the number of passengers does not exceed the seating capacity of the motor vehicle;

(4) The licensee or driver shall carry liability and medical insurance. The driver shall have a current Washington driver's license, valid for the classification of motor vehicle operated;

(5) The driver or staff supervising the child in the motor vehicle shall have current first aid and cardiopulmonary resuscitation training, except that when the center uses more than one vehicle for a field trip, only one person in the group is required to have this training;

[Title 388 WAC—p. 568]

(6) The licensee shall ensure a minimum of one staff person, other than the driver, is present in the motor vehicle when:

(a) Seven or more preschool age and younger children are present; or

(b) Staff-to-child ratio guidelines require additional staff.

(7) Staff or driver shall not leave the child unattended in the motor vehicle.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-165, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-165, filed 11/20/90, effective 12/21/90.]

WAC 388-150-170 Parent communication. (1) The licensee shall orally:

(a) Explain to the parent the center's policies and procedures;

(b) Orient the parent to the center's philosophy, program, and facilities;

(c) Advise the parent of the child's progress and issues relating to the child's care and individual practices concerning the child's special needs; and

(d) Encourage parent participation in center activities.

(2) The licensee shall give the parent the following written policy and procedure information:

(a) Enrollment and admission requirements;

(b) The fee and payment plan;

(c) A typical activity schedule, including hours of operation;

(d) Meals and snacks served, including guidelines on food brought from the child's home;

(e) Permission for free access by the child's parent to all center areas used by the child;

(f) Signing in and signing out requirements;

(g) Child abuse reporting law requirements;

(h) Behavior management and discipline;

(i) Nondiscrimination statement;

(j) Religious activities, if any;

(k) Transportation and field trip arrangements;

(l) Practices concerning an ill child;

(m) Medication management;

(n) Medical emergencies; and

(o) If licensed for the care of an infant or toddler:

(i) Diapering;

(ii) Toilet training; and

(iii) Feeding.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-170, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-170, filed 11/20/90, effective 12/21/90.]

WAC 388-150-180 Staff pattern and qualifications.

(1) General qualifications. The licensee, staff, volunteer, and other person associated with the operation of the center who has access to the child in care shall:

(a) Be of good character;

(b) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the child in care; and

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(c) Not have committed or been convicted of child abuse or any crime involving harm to another person.

(2) Center management. The licensee shall serve as or employ a director, responsible for the overall management of the center's facility and operation. The director shall:

(a) Be twenty-one years of age or older;

(b) Serve as administrator of the center, ensuring compliance with minimum licensing requirements;

(c) Have knowledge of child development as evidenced by professional references, education, experience, and on-the-job performance;

(d) Have the management and supervisory skills necessary for the proper administration of the center, including:

(i) Record maintenance;

(ii) Financial management; and

(iii) Maintenance of positive relationships with staff, children, parents, and the community;

(e) Have completed the following number of college quarter credits or department-approved clock hours in early childhood education/child development, or possess an equivalent educational background, or be a certified child development associate:

(i) In centers licensed for twenty-five or more children, the director shall have completed forty-five or more credits;

(ii) In centers licensed for thirteen through twenty-four children, the director shall have completed twenty-five or more credits;

(iii) In centers licensed for twelve or fewer children, the director shall have completed ten or more credits; and

(iv) In (i), (ii) and (iii) above, one-third of the credits may be clock hours.

(f) Have two or more years successful experience working with children of the same age level as those served by the center as evidenced by professional references and on-the-job performance;

(g) Have planning, coordination, and supervisory skills to implement a high quality, developmentally appropriate program;

(h) Have knowledge of children and how to meet children's needs; and

(i) Have completed one of the following prior to or within the first six months of employment or initial licensure, except as provided in subsection (2)(j) of this section:

(i) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training registry system (STARS); or

(ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education or child development; or

(iii) Associate of arts or AAS or higher college degree in early childhood education or child development.

(j) Directors who are already employed or licensed on the effective date of this rule must complete the training required in WAC 388-150-180 (2)(i) prior to or within twelve months after the effective date of this rule.

(3) When the director does not meet the qualifications specified in subsections (2)(e), (f), (g), and (h) of this section, the director or licensee shall employ a program supervisor responsible for planning and supervising the center's learning and activity program. In such a case, the director shall have

had at least one three credit college class in early childhood development. The program supervisor shall:

(a) Be twenty-one years of age or older;

(b) Meet the education, experience, and competency qualifications specified under subsection (2)(e), (f), (g), (h), (i), and (j) of this section; and

(c) Discharge on-site program supervisory duties twenty hours or more a week.

(4) For the center serving the school age child only, the program supervisor may substitute equivalent courses in education, recreation, or physical education for required education.

(5) The director and program supervisor may be one and the same person when qualified for both positions. The director or program supervisor shall normally be on the premises while the child is in care. If temporarily absent from the center, the director and program supervisor shall leave a competent, designated staff person in charge who meets the qualifications of a lead staff person.

(6) The director and program supervisor may also serve as child care staff when such role does not interfere with the director's or program supervisor's management and supervisory responsibilities.

(7) Center staffing. The licensee shall ensure the lead child care staff person in charge of a child or a group of children implementing the activity program:

(a) Is eighteen years of age or older; and

(b) Possesses a high school education or equivalent; or

(c) Has child development knowledge and experience;

(d) Has completed one of the following prior to or within the first six months of licensure or employment except as provided in subsection (7)(e) of this section:

(i) Twenty clock hours or two college quarter credits of basic training. Training shall be approved by the Washington state training and registry system (Washington STARS); or

(ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education or child development; or

(iii) Associate of arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education or child development.

(e) Lead child care staff persons who are already employed on the effective date of this rule must complete the training required in WAC 388-150-180 (7)(d) prior to or within twelve months after the effective date of this rule.

(8) The licensee may assign a child care assistant or aide to support lead child care staff. The child care assistant or aide shall be sixteen years of age or older. The child care assistant or aide shall care for the child under the direct supervision of the lead child care staff person. The licensee shall ensure no person under eighteen years of age is assigned sole responsibility for a group of children. The assistant or aide, eighteen years of age or older, may care for a child or group of children without direct supervision by a superior for a brief period time.

(9) The licensee may arrange for a volunteer to support lead child care staff. The volunteer shall be sixteen years of age or older. The volunteer shall care for the child under the direct supervision of the lead child care staff person. The lic-

ensee may count the volunteer in the staff-to-child ratio when the volunteer meets staff qualification requirements.

(10) Support service personnel. The licensee shall provide or arrange for fulfillment of administrative, clerical, accounting, maintenance, transportation, and food service responsibilities so the child care staff is free to concentrate on program implementation.

(11) The licensee shall ensure completion of support service duties occurs in a manner allowing the center to maintain required staff-to-child ratios.

[Statutory Authority: RCW 74.15.030, 98-24-052, § 388-150-180, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-180, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 91-07-013 (Order 3151), § 388-150-180, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-180, filed 11/20/90, effective 12/21/90.]

WAC 388-150-190 Group size and staff-child ratios.

(1) In centers licensed for thirteen or more children, the licensee shall conduct group activities within the following group size and staff-to-child ratio requirements, according to the age of the children:

AGE OF CHILDREN	STAFF-CHILD RATIO	MAXIMUM GROUP SIZE
1 mo. through 11 mos. (infant)	1:4	8
12 mos. through 29 mos. (toddler)	1:7	14
30 mos. through 5 years (preschooler)	1:10	20
5 years and older (school-age child)	1:15	30

(2) In centers licensed for twelve or fewer children, the licensee may combine children of different age groups, provided the licensee:

(a) Maintains the staff-to-child ratio designated for the youngest child in the mixed group; and

(b) Provides a separate care area when four or more infants are in care. In such case the maximum group size shall be eight children.

(3) The licensee shall conduct activities for each group in a specific room or other defined space within a larger area.

(4) The licensee shall ensure each group is under the direct supervision of a qualified staff person or team of staff involved in directing the child's activities.

(5) The department may approve reasonable variations to group size limitations if the licensee maintains required staff-to-child ratios, dependent on:

(a) Staff qualifications;

(b) Program structure; and

(c) Usable square footage.

(6) After consulting with the child's parent, the licensee may place the individual child in a different age group and serve the child within the different age group's required staff-to-child ratio based on the child's:

(a) Developmental level; and

(b) Individual needs.

(7) The licensee may briefly combine children of different age groups provided the licensee maintains the staff-to-child ratio and group size designated for the youngest child in the mixed group.

(8) In centers licensed for thirteen or more children, the licensee may group ambulatory children between one year, and two and one-half years of age with older children, provided:

(a) The total number of children in the group does not exceed twelve; and

(b) Two staff are assigned to the group.

(9) The licensee shall ensure the staff person providing direct care and supervision of the child is free of other duties at the time of care.

(10) The licensee shall maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods. During rest periods, staff may be involved in other activities if staff remain on the premises and each child is within continuous visual and auditory range of a staff person.

(11) The licensee shall ensure staff:

(a) Attend the child or group of children at all times; and

(b) Keep each child within continuous visual and auditory range, except when a toilet-trained child uses the toilet.

(12) When only one staff person is present, the licensee shall ensure a second staff person is readily available in case of an emergency.

[Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-190, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-190, filed 11/20/90, effective 12/21/90.]

WAC 388-150-200 Staff development and training.

(1) The licensee shall have an orientation system making the employee and volunteer aware of program policies and practices. The licensee shall provide staff an orientation including, but not limited to:

(a) Minimum licensing rules required under this chapter;

(b) Goals and philosophy of the center;

(c) Planned daily activities and routines;

(d) Child guidance and behavior management methods;

(e) Child abuse and neglect prevention, detection, and reporting policies and procedures;

(f) Special health and developmental needs of the individual child;

(g) The health care plan;

(h) Fire prevention and safety procedures;

(i) Personnel policies, when applicable;

(j) Limited restraint techniques;

(k) Cultural relevancy; and

(l) Developmentally appropriate practices.

(2) The licensee shall provide or arrange for regular training opportunities for the child care staff to promote ongoing employee education and enhance practice skills.

(3) The licensee shall conduct periodic staff meetings for planning and coordination purposes.

(4) The licensee shall ensure:

(a) A staff person with basic, standard, current first aid and cardiopulmonary resuscitation (CPR) training, or department of health approved training, is present at all times and in all areas the child is in care; and

(b) Staff's CPR training includes methods appropriate for child age groups in care.

(5) The licensee shall provide or arrange appropriate education and training for child care staff on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(6) The licensee shall ensure the staff person preparing full meals has a valid food handler permit.

(7) The licensee shall ensure that the director, program supervisor and lead staff annually, beginning one year after licensure or employment, complete ten clock hours or one college quarter credit of training approved by the Washington state training and registry system (STARS). For those already employed or licensed on the effective date of this rule, this requirement for annual training shall begin one year after the effective date of this rule.

For the director and the program supervisor, five of the ten hours of training shall be in program management and administration.

[Statutory Authority: RCW 74.15.030. 98-24-052, § 388-150-200, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-200, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-200, filed 11/20/90, effective 12/21/90.]

WAC 388-150-210 Health care plan. (1) The licensee shall maintain current written health policies and procedures for staff orientation and use, and for the parent. The health care plan shall include, but not be limited to, information about the center's procedures concerning:

- (a) Communicable disease prevention, reporting, and management;
- (b) Action taken for medical emergencies;
- (c) First aid;
- (d) Care of minor illnesses;
- (e) Medication management;
- (f) General hygiene practices;
- (g) Handwashing practices;
- (h) Food and food services; and
- (i) Infant care procedures and nursing consultation, where applicable.

(2) In centers licensed for thirteen or more children, the licensee shall use the services of an advisory physician, physician's assistant, or registered nurse to assist in the development, approval, and periodic review of the center's health care plan. This medical practitioner shall sign and date the health plan.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-210, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 91-07-013 (Order 3151), § 388-150-210, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-210, filed 11/20/90, effective 12/21/90.]

WAC 388-150-220 Health supervision and infectious disease prevention. (1) Child. The licensee shall encourage the parent to arrange a physical examination for the child who has not had regular health care or a physical examination within one year before enrollment.

(2) The licensee shall encourage the parent to obtain health care for the child when necessary. The licensee shall not be responsible for providing or paying for the child's health care.

(3) Before or on the child's first day of attendance, the licensee shall have on file a certificate of immunization status form prescribed by the department of health proving the child's full immunization for:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis (whooping cough);

- (d) Poliomyelitis;
- (e) Measles (rubeola);
- (f) Rubella (German measles);
- (g) Mumps; and
- (h) Other diseases prescribed by the department of health.

(4) The licensee may accept the child without all required immunizations on a conditional basis if immunizations are:

- (a) Initiated before or on enrollment; and
 - (b) Completed as rapidly as medically possible.
- (5) The licensee may exempt the immunization requirement for the child if the parent or guardian:
- (a) Signs a statement expressing a religious, philosophical, or personal objection; or
 - (b) Furnishes a physician's statement of a valid medical reason for the exemption.

(6) Program. Staff shall daily observe and screen the child for signs of illness. The licensee shall care for or discharge home the ill child based on the center's policies concerning the ill child.

(a) When the child has a severe illness or is injured, tired, or upset, staff shall separate the child from other children and attend the child continuously until:

- (i) The child is able to rejoin the group;
- (ii) Staff return the child to the parent; or
- (iii) Staff secure appropriate health care for the child.

(b) The licensee shall provide a quiet, separate care room or area allowing the child requiring separate care an opportunity to rest.

(c) Staff shall sanitize equipment used by the child if staff suspects the child has a communicable disease.

(d) The licensee may use the separate care room or area for other purposes when not needed for separation of the child.

(7) Staff shall wash, or assist the child to wash hands:

- (a) After the child's toileting or diapering;
- (b) Before the child eats; and
- (c) Before the child participates in food activities.

(8) Staff shall clean and disinfect toys, equipment, furnishings, and facilities according to the center's cleaning and disinfecting policies, as needed.

(9) The licensee shall have appropriate extra clothing available for the child who wets or soils clothes.

(10) Staff shall ensure the child does not share personal hygiene or grooming items.

(11) Staff. Each center employee, volunteer, and other person having regular contact with the child in care shall have a tuberculin (TB) skin test, by the Mantoux method, upon employment or licensure, unless against medical advice.

(a) The person whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within thirty days following the skin test.

(b) The licensee shall not require the person to obtain routine periodic TB retesting or x-ray (biennial or otherwise) after entry testing unless directed to obtain retesting by the person's health care provider or the local health department.

(12) The licensee shall not permit the person with a reportable communicable disease to be on duty in the center

or have contact with the child in care unless approved in writing by a health care provider.

- (13) Staff shall wash hands:
 - (a) After toileting and diapering the child;
 - (b) After personal toileting;
 - (c) After attending to an ill child; and
 - (d) Before serving or preparing food.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-220, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-220, filed 11/20/90, effective 12/21/90.]

WAC 388-150-230 Medication management. The center may have a policy of not giving medication to the child in care. If the center's health care plan includes giving medication to the child in care, the licensee:

(1) 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;

- (2) Shall give prescription medications:
 - (a) Only as specified on the prescription label; or
 - (b) As authorized, in writing, by a physician or other person legally authorized to prescribe medication.

(3) Shall give the following classifications of nonprescription medications, with written parent authorization, only at the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child needing the medication:

- (a) Antihistamines;
- (b) Nonaspirin 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 the child; and

- (g) Sun screen.

(4) Shall give other nonprescription medication:

(a) Not included in the categories listed in subsection (3) of this section; or

(b) Taken differently than indicated on the manufacturer's label; or

(c) Lacking labeled instructions, only when disbursement of the nonprescription medication is as required under subsection (4)(a), (b), and (c):

- (i) Authorized, in writing, by a physician; or
- (ii) Based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication.

(5) 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) Legible instructions for administration, such as manufacturer's instructions or prescription label.

(6) Shall keep medication, refrigerated or nonrefrigerated, in an orderly fashion, inaccessible to the child;

(7) Shall store external medication in a compartment separate from internal medication;

(8) Shall keep a record of medication disbursed;

(9) Shall return to the parent or other responsible party, or shall dispose of medications no longer being taken; and

(10) May, at the licensee's option, permit self-administration of medication by a child in care if the:

(a) Child is physically and mentally capable of properly taking medication without assistance;

(b) Licensee includes in the child's file a parental or physician's written statement of the child's capacity to take medication without assistance; and

(c) Licensee ensures the child's medications and other medical supplies are stored so the medications and medical supplies are inaccessible to another child in care.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-230, filed 11/20/90, effective 12/21/90.]

WAC 388-150-240 Nutrition. (1) The licensee shall provide food meeting the nutritional needs of the child in care, taking into consideration the:

- (a) Number of children in care;
- (b) Child's age and developmental level;
- (c) Child's cultural background;
- (d) Child's handicapping condition; and
- (e) Hours of care on the premises.

(2) The licensee shall provide only pasteurized milk or a pasteurized milk product.

(3) The licensee shall provide only whole milk to the child twenty-three months of age or younger except with written permission of the child's parent.

(4) The licensee may serve the child twenty-four months of age or older powdered Grade A milk mixed in the center provided the licensee completes the dry milk mixture, service, and storage in a safe and sanitary manner.

(5) The licensee may provide the child nutrient concentrates, nutrient supplements, a modified diet, or an allergy diet only with written permission of the child's health care provider. The licensee shall obtain from the parent or child's health care provider a written list of foods the child cannot consume.

(6) The licensee shall:

- (a) Record food and portion sizes planned and served;
- (b) Prepare and date menus one week or more in advance, containing meals and snacks to be served, including parent-provided snacks; and
- (c) Specify on the menu a variety of foods enabling the child to consume adequate nutrients.

(7) The licensee shall provide two weeks or more of meal and snack menu variety before repeating the menu.

(8) The licensee shall only make nutrition substitutions of comparable nutrient value and record changes on the menu.

(9) The licensee shall use the following meal pattern to provide food to the child in care in age-appropriate servings:

- (a) Providing the child in care for nine or less hours:
 - (i) Two or more snacks and one meal; or
 - (ii) Two meals and one snack.
- (b) Providing the child in care for nine or more hours:
 - (i) Two or more meals and two snacks; or

- (ii) One meal and three snacks.
- (c) Providing the child arriving after school a snack;
- (d) Providing the child food at intervals not less than two hours and not more than three and one-half hours apart; and
- (e) Allowing the occasional serving of party foods not meeting nutritional requirements.

(10) When serving food, the licensee shall provide the child the following:

- (a) At a minimum, the child's breakfast must contain:
 - (i) A dairy product, including fluid milk, cheese, yogurt, or cottage cheese;
 - (ii) Cereal or bread, whole grain or enriched; and
 - (iii) Fruit or vegetable or juice containing a minimum of fifty percent real juice.
- (b) At a minimum, the child's lunch or dinner must contain:
 - (i) A dairy product;
 - (ii) A protein food including lean meat, fish, poultry, egg, legumes, nut butters, or cheese;
 - (iii) Bread or bread alternate, whole grain or enriched; and
 - (iv) Fruit or vegetable, two total servings.
- (c) In centers not serving full meals, the child's snacks must include one or more dairy or protein source provided daily, and contain a minimum of two of the following four components at each snack:
 - (i) A dairy product;
 - (ii) A protein food;
 - (iii) Bread or bread alternate; or
 - (iv) Fruit or vegetable or juice containing a minimum of fifty percent real juice.

- (d) The child's food must contain:
 - (i) A minimum of one serving of Vitamin C fruit, vegetable, or juice, provided daily; and
 - (ii) Servings of food high in Vitamin A, provided three or more times weekly.

(11) The licensee shall provide:

- (a) Dinner to the child in evening care when the child did not receive dinner at home before arriving at the center;
- (b) A bedtime snack to the child in nighttime care; and
- (c) Breakfast to the child in nighttime care if the child remains at the center after the child's usual breakfast time.

(12) The licensee shall monitor sack lunches, snacks, and other foods brought from the child's home for consumption by the child, all children, or a group of children in care, ensuring safe preparation, storage, and serving and nutritional adequacy.

(13) For the center permitting sack lunches, the licensee shall have available food supplies to supplement food deficient in meeting nutrition requirements brought from the child's home and to nourish the child arriving without home-supplied food.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-240, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-240, filed 11/20/90, effective 12/21/90.]

WAC 388-150-250 Kitchen and food service. (1) The licensee shall provide equipment for the proper storage, preparation, and service of food to meet program needs.

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(2) The licensee shall meet food service standards by requiring:

- (a) The staff person preparing full meals have a valid food handler permit;
- (b) The staff person preparing and serving meals wash hands before handling food;
- (c) Handwashing facilities be located in or adjacent to food preparation areas;
- (d) Food be stored in a sanitary manner, especially milk, shellfish, meat, poultry, eggs, and other protein food sources;
- (e) Food requiring refrigeration be stored at a temperature no warmer than forty-five degrees Fahrenheit;
- (f) Frozen food be stored at a maximum temperature of zero degrees Fahrenheit;
- (g) Refrigerators and freezers be equipped with thermometers and be regularly cleaned and defrosted;
- (h) Food be cooked to correct temperatures;
- (i) Raw food be washed thoroughly with clean running water;
- (j) Cooked food to be stored be rapidly cooled and refrigerated after preparation;
- (k) Food be kept in original containers or in clean, labeled containers and stored off the floor;
- (l) Packaged, canned, and bottled food with a past expiration date be discarded;
- (m) Food in dented cans or torn packages be discarded; and
- (n) When food containing sulfiting agents is served, parents be notified.

(3) The child may participate in food preparation as an education activity. The licensee shall supervise the child when the child is in the kitchen or food preparation area.

(4) The licensee shall make kitchen equipment inaccessible to the child, except during planned and supervised kitchen activities. Staff shall supervise food preparation activities. The licensee shall make potentially hazardous appliances and sharp or pointed utensils inaccessible to the child when the child is not under direct supervision.

(5) The licensee shall install and maintain kitchen equipment and clean re-usable utensils in a safe and sanitary manner.

(6) The licensee shall sanitize reusable utensils in a dishwasher or through use of a three-compartment dishwashing procedure.

(7) The licensee shall use only single-use or clean cloths, used solely for wiping food service, preparation, and eating surfaces.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-250, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-250, filed 11/20/90, effective 12/21/90.]

WAC 388-150-260 Drinking and eating equipment.

(1) The licensee shall provide the child disposable single-use cups, individual drinking cups or glasses, or inclined jet-type drinking fountains.

(2) The department shall prohibit the center from using bubbler-type drinking fountains and common drinking cups or glasses.

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(3) The licensee shall provide the child durable eating utensils appropriate in size and shape for the child in care.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-260, filed 11/20/90, effective 12/21/90.]

WAC 388-150-270 Care of young children. (1) The licensee shall not accept for care a child under one month of age.

(2) Facility. The licensee shall:

(a) Provide a separate, safe play area for the child under one year of age, or the child not walking;

(b) In centers licensed for thirteen or more children, care for the child under one year of age in rooms or areas separate from older children, with:

(i) Not more than eight children under one year of age to a room or area; and

(ii) Handwashing facilities in or adjacent to each such room or area.

(3) Diapering and toileting. The licensee shall ensure:

(a) The diaper changing area is:

(i) Separate from food preparation areas;

(ii) Adjacent to a handwashing sink; and

(iii) Sanitized between use for different children; or

(iv) Protected by a disposable covering discarded after each use.

(b) The designated change area is impervious to moisture and washable;

(c) Diaper changing procedures are posted at the changing area;

(d) Disposable towels or clean, reusable towels, laundered between usage for different children, are used for cleaning the child;

(e) Staff wash hands after diapering the child or helping the child with toileting;

(f) Disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family are used;

(g) Soiled diapers are placed without rinsing into a separate, cleanable, covered container provided with a waterproof liner before transporting to the laundry, parent, or acceptable disposal;

(h) Soiled diapers are removed from the facility daily or more often unless the licensee uses a commercial diaper service;

(i) Toilet training is initiated when the child indicates readiness and in consultation with the child's parent;

(j) Potty chairs, when in use, are located on washable, impervious surfaces; and

(k) Toilet training equipment is sanitized after each use.

(4) Feeding. The licensee and the infant's parent shall agree on a schedule for the infant's feedings.

(a) Bottle feedings.

(i) The licensee or parent may provide the child's bottle feeding in the following manner:

(A) A filled bottle brought from home;

(B) Whole milk or formula in ready-to-feed strength; or

(C) Formula requiring no preparation other than dilution with water, mixed on the premises.

(ii) The licensee shall prepare the child's bottle and nipple in a sanitary manner in an area separate from diapering areas.

(iii) The licensee shall sanitize the child's bottle and nipple between uses.

(iv) The licensee shall label the child's bottle with the child's name and date prepared.

(v) The licensee shall refrigerate a filled bottle if the child does not consume the content immediately and shall discard the bottle's content if the child does not consume the content within twelve hours.

(b) To ensure safety and promote nurturing, the licensee shall ensure staff:

(i) Hold in a semi-sitting position for feedings the infant unable to sit in a high chair, unless such is against medical advice;

(ii) Interact with the child;

(iii) Do not prop a bottle;

(iv) Do not give a bottle to the reclining child, unless the bottle contains water only;

(v) Take the bottle from the child when the child finishes feeding; and

(vi) Keep the child in continuous visual and auditory range.

(c) The licensee shall provide semi-solid food for the infant, upon consultation with the parent, not before the child is four months of age and not later than ten months of age, unless such is not recommended by the child's health care provider.

(5) Sleeping equipment. The licensee shall furnish the infant a single-level crib, infant bed, bassinet, or play pen for napping until such time the licensee and parent concur the infant can safely use a mat, cot, or other approved sleeping equipment.

(6) When the licensee furnishes the infant or child a crib, the licensee shall ensure the crib is:

(a) Sturdy and made of wood, metal, or plastic with secure latching devices; and

(b) Constructed with two and three-eighths inches or less space between vertical slats when the crib is used for an infant six months of age or younger. The licensee may allow an infant to use a crib not meeting the spacing requirement provided the licensee uses crib bumpers or another effective method preventing the infant's body from slipping between the slats.

(7) The licensee shall not allow the infant or child to use a stacked crib.

(8) The licensee shall ensure the infant's or child's crib mattress is:

(a) Snug fitting, preventing the infant from being caught between the mattress and crib side rails; and

(b) Waterproof and easily sanitized.

(9) Program and equipment. The licensee shall provide the infant a daily opportunity for:

(a) Large and small muscle development;

(b) Crawling and exploring;

(c) Sensory stimulation;

(d) Social interaction;

(e) Development of communication; and

(f) Learning self-help skills.

(10) The licensee shall provide the infant safe, non-ingestible, and suitable toys and equipment for the infant's mental and physical development.

(11) Nursing consultation. The licensee licensed for the care of four or more infants shall arrange for regular nursing consultation to include one or more monthly on-site visits by a registered nurse trained or experienced in the care of young children.

(12) In collaboration with the licensee, the nurse shall advise the center on the:

- (a) Operation of the infant care program; and
- (b) Implementation of the child health program.

(13) The licensee shall obtain a written agreement with the nurse for consultation services.

(14) The licensee shall document the nurse's on-site consultations.

(15) The licensee shall ensure the nurse consultant's name and telephone number is posted or otherwise available on the premises.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-270, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-270, filed 11/20/90, effective 12/21/90.]

WAC 388-150-280 General safety, maintenance, and site. (1) The licensee shall operate the center:

- (a) On an environmentally safe site;
- (b) In a neighborhood free from a condition detrimental to the child's welfare; and
- (c) In a location accessible to other services to carry out the program.

(2) The licensee shall maintain the indoor and outdoor premises in a safe and sanitary condition, free of hazards, and in good repair. The licensee shall ensure furniture and equipment are safe, stable, durable, child-sized, and free of sharp, loose, or pointed parts.

(3) The licensee shall:

- (a) Install handrails or safety devices at child height adjacent to steps, stairways, and ramps;
- (b) Maintain a flashlight or other emergency lighting device in working condition;
- (c) Ensure there is no flaking or deteriorating lead-based paint on interior and exterior surfaces, equipment, and toys accessible to the preschool age and younger child;
- (d) Finish or cover rough or untreated wood surfaces; and
- (e) Maintain one or more telephones on the premises in working order, accessible to staff.

(4) The licensee shall supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring.

(5) The licensee caring for the preschool age and younger child shall equip child-accessible electrical outlets with nonremovable safety devices or covers preventing electrical injury.

(6) The licensee shall ensure staff can gain rapid access in an emergency to a bathroom or other room occupied by the child.

(7) The licensee shall shield light bulbs and tubes in child-accessible areas.

(8) The licensee shall keep the premises free from rodents, fleas, cockroaches, and other insects and pests.

(2003 Ed.)

(9) The licensee shall use a housekeeping sink or another appropriate method for drawing clean mop water and disposing waste water.

(10) The licensee shall ensure the mop storage area is ventilated.

(11) The licensee shall ensure no firearm or another weapon is on the premises.

(12) The licensee shall comply with fire safety regulations adopted by the state fire marshal's office.

(13) The licensee shall ensure that rooms or closets to be made inaccessible to children shall be equipped with a lock or approved safety latch.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-280, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 91-07-013 (Order 3151), § 388-150-280, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-280, filed 11/20/90, effective 12/21/90.]

WAC 388-150-290 Water safety. (1) The licensee shall maintain the following water safety precautions when the child uses an on-premises swimming pool, wading pool, or natural body of water, or enters the water on a field trip by ensuring:

(a) The on-premises pool or natural body of water is inaccessible to the child when not in use;

(b) During the child's use of a wading pool, an adult with current CPR training supervises the child at all times; and

(c) During the child's use of a swimming pool or open body of water, a certified lifeguard is present at all times, in addition to required staff.

(2) The licensee shall daily empty and clean portable wading pools when in use.

(3) The licensee shall not permit the child to use or access a hot tub, spa, whirlpool, tank, or similar equipment.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-290, filed 11/20/90, effective 12/21/90.]

WAC 388-150-295 Water supply, sewage, and liquid wastes. (1) The licensee shall obtain approval of a private water supply by the local health authority or department.

(2) The licensee shall ensure sewage and liquid wastes are discharged into:

(a) A public sewer system; or

(b) An independent sewage system approved by the local health authority or department.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-295, filed 8/18/93, effective 9/18/93.]

WAC 388-150-310 First-aid supplies. The licensee shall maintain on the premises adequate first-aid supplies, conforming with the center's first-aid policies and procedures. The licensee's first-aid supplies shall include unexpired syrup of ipecac which may be administered only on the advice of a physician or poison control center.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-310, filed 11/20/90, effective 12/21/90.]

WAC 388-150-320 Outdoor play area. (1) The licensee shall provide a safe and securely-fenced or department-approved, enclosed outdoor play area:

- (a) Adjoining directly the indoor premises; or
- (b) Reachable by a safe route and method; and
- (c) Promoting the child's active play, physical development, and coordination; and
- (d) Protecting the play area from unsupervised exit or entry by the child; and
- (e) Preventing child access to roadways and other dangers.

(2) The licensee shall ensure the play area contains a minimum of seventy-five usable square feet per child. If the center uses a rotational schedule of outdoor play periods so only a portion of the child population uses the play area at one time, the licensee may reduce correspondingly the child's play area size. The licensee shall ensure appropriate child grouping by developmental or age levels, staff-to-child ratio adherence, and group size maintenance.

(3) At its discretion, the department may approve the licensee providing drop-in care only or operating in a densely developed area to use equivalent, separate, indoor space for the child's large muscle play.

(4) The licensee providing full-time care shall ensure the center's activity schedule affords the child sufficient daily time to participate actively in outdoor play.

(5) The licensee shall provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities. The licensee shall arrange, design, construct, and maintain equipment and ground cover to prevent child injury. The licensee's quantity of outdoor play equipment shall offer the child a range of outdoor play options.

[Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-320, filed 11/20/90, effective 12/21/90.]

WAC 388-150-330 Indoor play area. (1) The center's indoor premises shall contain adequate area for child play and sufficient space to house a developmentally appropriate program for the number and age range of children served. The licensee shall provide a minimum of thirty-five square feet of usable floor space per child, exclusive of a bathroom, hallway, and closet. If the staff removes mats and cots when not in use, the licensee may use and consider the napping area as child care space.

(2)(a) The licensee may consider the kitchen usable space if:

- (i) Appliances and utensils do not create a safety hazard;
- (ii) Toxic or harmful substances are not accessible to the child;
- (iii) Food preparation and storage sanitation is maintained; and
- (iv) The space is located safely and appropriately for use as a child care activity area.

(b) The department may allow the licensee the use of a kitchen for occasional activities, but not include the kitchen in calculating the center's capacity.

(c) The department may allow the licensee to count the kitchen in calculating the center's capacity if the kitchen is:

- (i) Adjacent to the care area;
- (ii) Available for more than an occasional activity; and
- (iii) Large enough for group activities.

(3) The licensee shall provide a minimum of fifty square feet of usable floor space per child for the play and napping of the infant and other child requiring a crib.

(4) The licensee may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided the:

- (a) Room is of sufficient size; and
- (b) Room's usage for one purpose does not interfere with usage of the room for another purpose.

[Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-330, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-330, filed 11/20/90, effective 12/21/90.]

WAC 388-150-340 Toilets, handwashing sinks, and bathing facilities. (1) The licensee shall provide a minimum of one indoor flush-type toilet and one adjacent handwash sink for every fifteen children normally on site, except:

(a) The child eighteen months of age or younger and other children using toilet training equipment need not be included when determining the number of required flush-type toilets;

(b) If urinals are provided, the number of urinals shall not replace more than one-third of the total required toilets; and

(c) For the center serving the school age child only, the number of sinks and toilets for the child shall equal or exceed the number required by the local school district.

(2) The licensee shall supply the child warm running water for handwashing at a temperature range not less than eighty-five degrees Fahrenheit and not more than one hundred and twenty degrees Fahrenheit.

(3) The licensee shall locate the child's handwashing facilities in or adjacent to rooms used for toileting.

(4) The licensee shall provide toileting privacy for the child of opposite sex six years of age and older and for other children demonstrating a need for privacy.

(5) The licensee shall provide toilets, urinals, and handwashing sinks of appropriate height and size for the child in care or furnish safe, easily cleanable platforms impervious to moisture.

(6) The licensee shall provide a mounted toilet paper dispenser for each toilet.

(7) The licensee shall ensure rooms used for toileting are ventilated to the outdoors.

(8) When the center serves the child not toilet trained, the licensee shall provide developmentally appropriate equipment for the toileting and toilet training of the young child. The licensee shall sanitize the equipment after each child's use.

(9) The licensee shall provide the child with soap and individual towels or other appropriate devices for washing and drying the child's hands and face.

(10) If the center is equipped with a bathing facility, the licensee shall:

- (a) Make the bathing facility inaccessible to the child; or
- (b) Ensure the preschool age and younger child is supervised while using the bathing facility; and
- (c) Equip the bathing facility with a conveniently located grab bar or other safety device such as a nonskid pad.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-340, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-340, filed 11/20/90, effective 12/21/90.]

WAC 388-150-350 Laundry. (1) The licensee shall maintain access to laundry washing and drying facilities, which may include using on-premises or off-site equipment.

(2) The licensee shall use an effective method through temperature or chemical measures for adequately sanitizing the child's laundry contaminated with urine, feces, lice, scabies, or other infectious material.

(3) When washing or drying occurs on-site, the licensee shall locate equipment in an area separate from the kitchen and inaccessible to the child.

(4) The licensee shall store the child's soiled laundry separately from clean laundry.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-350, filed 11/20/90, effective 12/21/90.]

WAC 388-150-360 Nap and sleep equipment. (1) The licensee shall provide a clean, separate, firm mat, cot, bed, mattress, play pen, or crib for each child five years of age and under remaining in care for six or more hours and for another child requiring a nap or rest period.

(2) The licensee shall ensure the child's mat is of sufficient length, width, and thickness to provide adequate comfort for the child to nap. The licensee may use a washable sleeping bag meeting the mat requirements for the toilet-trained child.

(3) The licensee shall ensure the child's cot is of sufficient length and width and constructed to provide adequate comfort for the child to nap. The licensee shall ensure the cot surface is of a material which can be cleaned with a detergent solution, disinfected, and allowed to air dry.

(4) The licensee shall clean the child's nap equipment as needed and between use by another child.

(5) The licensee shall separate the child's nap equipment when in use to facilitate sanitation, child comfort, and staff access.

(6) The licensee shall ensure the child's bedding:

(a) Consists of a clean sheet or blanket to cover the sleeping surface and a clean, suitable cover for the child;

(b) Is laundered weekly or more often and between use by different children; and

(c) Is stored separately from bedding used by another child.

(7) The licensee shall not use the upper bunk of a double deck bed for a preschool age or younger child.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-360, filed 11/20/90, effective 12/21/90.]

WAC 388-150-370 Storage. (1) The licensee shall provide accessible individual space for the child to store clothes and personal possessions.

(2) The licensee shall provide space separate from child care area to store play and teaching equipment and supplies, records and files, cots, mats, and bedding.

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(3) The licensee shall store and make inaccessible to the child cleaning supplies, toxic substances, paint, poisons, aerosol containers, and items bearing warning labels.

(4) The licensee shall label a container filled from a stock supply to identify contents.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-370, filed 11/20/90, effective 12/21/90.]

WAC 388-150-380 Program atmosphere. (1) The licensee shall provide a cheerful learning environment for the child by:

(a) Covering walls and ceilings with light or bright colors; and

(b) Placing visually stimulating decorations, pictures, or other attractive materials at appropriate heights for the child.

(2) The licensee shall maintain a safe and developmentally appropriate noise level, without inhibiting normal ranges of expression by the child, so staff and child can be clearly heard and understood in normal conversation.

(3) The licensee shall locate light fixtures and provide lighting intensities promoting good visibility and comfort for the child care.

(4) The licensee shall maintain the temperature within the center at:

(a) Sixty-eight degrees Fahrenheit or more during the child's waking hours; and

(b) Sixty degrees Fahrenheit or more during the child's napping or sleeping hours.

(5) The licensee shall regulate the temperature and ventilate the center for the health and comfort of the child in care.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-380, filed 11/20/90, effective 12/21/90.]

WAC 388-150-390 Discrimination prohibited. (1) Child day care centers are defined by state and federal law as places of public accommodation and shall not discriminate in employment practices and client services on the basis of race, creed, color, national origin, sex, age, or disability.

(2) Day care centers shall:

(a) Post a nondiscrimination poster;

(b) Have a nondiscrimination plan;

(c) Have a nondiscrimination policy; and

(d) Comply with the requirements of the Americans with Disabilities Act in respect to accessibility.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-390, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 91-07-013 (Order 3151), § 388-150-390, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-390, filed 11/20/90, effective 12/21/90.]

WAC 388-150-400 Religious activities. (1) Consistent with state and federal laws, the licensee shall respect and facilitate the rights of the child in care to observe the tenets of the child's faith.

(2) The licensee shall not punish or discourage the child for exercising these rights.

(3) If the center conducts a religious activity program, the licensee shall maintain a written description of the center's religious policies and practices affecting the child in care.

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[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-400, filed 11/20/90, effective 12/21/90.]

WAC 388-150-410 Special requirements regarding American Indian children. When five percent or more of the center's child enrollment consists of Indian children, the licensee 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.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-410, filed 11/20/90, effective 12/21/90.]

WAC 388-150-420 Child abuse, neglect, and exploitation. The licensee and staff shall protect the child in care from child abuse, neglect, or exploitation, as required under chapter 26.44 RCW.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-420, filed 11/20/90, effective 12/21/90.]

WAC 388-150-430 Prohibited substances. (1) During operating hours or when the child is in care, the licensee, staff, and volunteers on center premises or caring for the child off-site shall not be under the influence of, consume, or possess an:

- (a) Alcoholic beverage; or
- (b) Illegal drug.

(2) The licensee shall prohibit smoking in the center when the child is present and in a motor vehicle when the licensee transports the child. The licensee may permit on premises smoking out doors, away from the building, where the child is not present.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-430, filed 11/20/90, effective 12/21/90.]

WAC 388-150-440 Limitations to persons on premises. (1) During center operating hours or while the child is in care, only the licensee, employee, or volunteer, or an authorized representative of a governmental agency, or parent shall have unsupervised or regular access to the child in care.

(2) The licensee shall allow the parent of the child in care unsupervised access only to the parent's child.

[Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-440, filed 11/20/90, effective 12/21/90.]

WAC 388-150-450 Child records and information. The licensee shall maintain on the premises organized confidential records and information concerning the child in care. The licensee shall ensure the child's record contains, at a minimum:

(1) Registration data:

(a) Name, birthdate, dates of enrollment and termination, and other identifying information;

(b) Name, address, and home and business telephone number of the parent and other person to be contacted in case of emergency; and

(c) Completed enrollment application signed by the parent, guardian, or responsible relative.

(2) Authorizations:

(a) Name, address, and telephone number of the person authorized to remove from the center the child under care;

(b) Written parental consent for transportation provided by the center, including field trips and swimming, when the child participates in these activities. A parent-signed blanket consent form may authorize the child's off-site travel; and

(c) Written parental consent, or court order, for providing medical care and emergency surgery, except for such care authorized by law.

(3) Medical and health data:

(a) Date and kind of illness and injury occurring on the premises, including the treatment given by staff;

(b) Medication given indicating dosage, date, time, and name of dispensing staff person; and

(c) A health history, obtained when the licensee or staff enrolls the child for care. The history includes:

(i) The date of the child's last physical examination;

(ii) Allergies;

(iii) Special health or developmental problems and other pertinent health information;

(iv) Immunization history as required under WAC 388-150-220; and

(v) Name, address, and telephone number of the child's health care provider or facility.

[Statutory Authority: RCW 74.15.030. 91-07-013 (Order 3151), § 388-150-450, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-450, filed 11/20/90, effective 12/21/90.]

WAC 388-150-460 Program records. The licensee shall maintain the following documentation on the premises:

(1) The daily attendance record:

(a) The parent, or other person authorized by the parent to take the child to or from the center, shall sign in the child on arrival and shall sign out the child at departure, using a full, legal signature; and

(b) When the child leaves the center to attend school or participate in off-site activities as authorized by the parent, the staff person shall sign out the child, and sign in the child on return to the center.

(2) A copy of the report sent to the licensor about the illness or injury to the child in care requiring medical treatment or hospitalization;

(3) Copies of meal and snack menus for a minimum of six months;

(4) The twelve-month record indicating the date and time the licensee conducted the required monthly fire evacuation drills;

(5) A written plan for staff development specifying the content, frequency, and manner of planned training;

(6) Activity program plan records;

(7) Nursing consultation records, if applicable, including:

(a) A copy of the written agreement with the nurse; and

(b) A summary of the nurse's on-site consultation activities.

(8) A record of:

(a) Accidents;

(b) Injuries; and

(c) Incidents requiring restraint.

(9) Attendance records and invoices for state-paid children for at least five years.

[Statutory Authority: RCW 74.12.340, 94-13-201 (Order 3745), § 388-150-460, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-460, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-460, filed 11/20/90, effective 12/21/90.]

WAC 388-150-470 Personnel policies and records.

(1) Each employee and volunteer having unsupervised or regular access to the child in care shall complete and submit to the licensee or director by the date of hire:

(a) An application for employment on a department-prescribed form, or its equivalent; and

(b) A criminal history and background inquiry form.

(i) The licensee shall submit this form to the department for the employee and volunteer, within seven calendar days of the employee's first day of employment, permitting a criminal and background history check.

(ii) The department shall discuss the inquiry information with the licensee or director, when applicable.

(2) Each employee serving as a director, program supervisor, or lead child care staff person shall complete and submit to the licensee or director by the date of hire a Washington state training and registry system (STARS) profile form. The licensee shall submit this form to the Washington state training and registry system within seven calendar days of the employee's first day of employment, to permit the department to track the employee's compliance with training requirements.

(3) The licensee employing five or more persons shall have written personnel policies describing staff benefits, if any, duties, and qualifications.

(4) The licensee shall maintain a personnel recordkeeping system, having on file, on the premises, for the licensee, staff person, and volunteer:

(a) An employment application, including work and education history;

(b) Documentation of criminal history and background inquiry form submission;

(c) A record of tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;

(d) Documentation of HIV/AIDS education and training;

(e) A record of participation in staff development training;

(f) Documentation of orientation program completion;

(g) Documentation of a valid food handler permit, when applicable;

(h) Documentation of current first aid and CPR training, when applicable; and

(i) Documentation of basic and annual training required under WAC 388-150-180 (2)(i) or (7)(b) and 388-150-200(7), when applicable.

[Statutory Authority: RCW 74.15.030, 98-24-052, § 388-150-470, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-470, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-470, filed 11/20/90, effective 12/21/90.]

(2003 Ed.)

WAC 388-150-480 Reporting of death, injury, illness, epidemic, or child abuse. The licensee or staff shall report immediately:

(1) A death, serious injury requiring medical treatment, or illness requiring hospitalization of a child in care, by telephone and in writing, to the parent, licenser, and child's social worker, if any;

(2) An instance when the licensee or staff has reason to suspect the occurrence of physical, sexual, or emotional child abuse, child neglect, or child exploitation as required under chapter 26.44 RCW, by telephone, to child protective services or local law enforcement; or

(3) An occurrence of food poisoning or communicable disease, as required by the state board of health, by telephone, to the local public health department.

[Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-480, filed 11/20/90, effective 12/21/90.]

WAC 388-150-490 Reporting of circumstantial changes. A child day care center license is valid only for the address, person, and organization named on the license. The licensee shall promptly report to the licenser any major changes in administrative staff, program, or premises affecting the center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

(1) Center's address, location, space, or phone number;

(2) Maximum number and age ranges of children the licensee wishes to serve as compared to current license specifications;

(3) Number and qualifications of the center's staffing pattern that may affect staff competencies to implement the specified program, including:

(a) Change of ownership, chief executive, director, or program supervisor; and

(b) The death, retirement, or incapacity of the licensee.

(4) Name of the licensed corporation, or name by which the center is commonly known, or changes in the center's articles of incorporation and bylaws;

(5) Occurrence of a fire, major structural change, or damage to the premises; and

(6) Plans for major remodeling of the center, including planned use of space not previously department approved.

[Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-490, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-490, filed 11/20/90, effective 12/21/90.]

WAC 388-150-500 Posting requirements. (1) The licensee shall post the following items, clearly visible to the parent and staff:

(a) The center's child care license issued under this chapter;

(b) A schedule of regular duty hours with the names of staff;

(c) A typical activity schedule, including operating hours and scheduled mealtimes;

(d) Meal and snack menus;

(e) Evacuation plans and procedures, including a diagram of exiting routes;

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- (f) Emergency telephone numbers near the telephone; and
- (g) Nondiscrimination poster.
- (2) For the staff, the licensee shall post:
- (a) Dietary restrictions and nutrition requirements for particular children;
- (b) Handwashing practices; and
- (c) Diaper changing procedures, if applicable.

[Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-500, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-500, filed 11/20/90, effective 12/21/90.]

WAC 388-150-990 Purpose and authority. Chapter 440-44 WAC establishes fees for all license activities of the department of social and health services. Chapter 440-44 WAC is adopted under authority of RCW 43.20A.____ [43.20A.055] (section 2, chapter 201, Laws of 1982).

Pursuant to this authority, the secretary is required to establish fees for obtaining a license. The term "license" is defined as the "exercise of regulatory authority by the secretary to grant permission, authority, or liberty to do or to forebear certain activities."

Pursuant to this authority, fees may be waived when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state. No fees may be charged to municipal corporations for licensing of emergency medical care and transportation services under chapter 18.73 RCW.

[00-23-088, recodified as § 388-150-990, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-001, filed 6/4/82.]

WAC 388-150-991 Waiver of fees. Any person or agency subject to license fees under chapter 440-44 WAC, and organizations in the person's or agency's behalf, may submit a sworn, notarized petition seeking waiver of fees for a licensee or distinguishable class of licensee.

The petition shall be mailed or delivered to the office of the secretary. Following receipt of the petition, the secretary may require submission of additional information considered relevant.

[00-23-088, recodified as § 388-150-991, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-002, filed 6/4/82.]

WAC 388-150-992 Fee payment and refunds. (1) Fees are due with applications for initial license or renewal. The department will not proceed on applications until required fees are paid.

Except as otherwise provided in these rules, fees shall be paid for a minimum of one year.

(2) Fees for licenses issued for other than yearly periods shall be prorated based on the stated annual fee.

(3) When the department issues a license for more than one year:

(a) Fees may be paid for the entire licensing period by paying at the rate established at the time the application was submitted, or

(b) If the licensee does not pay the fee for the entire license period, annual fees shall be due thirty days prior to each annual anniversary date of the license, at the annual fee rate established by these rules at the time such fee is paid.

(4) Except as otherwise provided in these rules, if an application is withdrawn prior to issuance or denial, one-half of the fee shall be refunded.

(5) If there is a change of or by the licensee requiring a new license, the fee paid for a period beyond the next license anniversary date shall be refunded. Changes requiring a new license shall require a new application and payment of fee as provided herein.

(6) If there is a change by the applicant or licensee that requires an amendment placing the licensee in a higher fee category, the additional fee shall be prorated for the remainder of the license period.

(7) Fees becoming due on or after the effective date of this chapter shall be at the rates provided herein.

(8) To the extent fees are reduced through regular rule adoption of this chapter on or before December 31, 1982, fees shall be refunded.

(9) Fee payments shall be by mail. Payment shall be by check, draft, or money order made payable to the department of social and health services.

[00-23-088, recodified as § 388-150-992, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.]

WAC 388-150-993 Denial, revocation, suspension, and reinstatement. (1) If a license is denied, revoked, or suspended, fees shall not be refunded.

(2) Application for license after denial or revocation must include fees as provided for in these rules.

(3) Failure to pay fees when due will result in suspension or denial of license.

[00-23-088, recodified as § 388-150-993, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.]

Chapter 388-151 WAC

SCHOOL-AGE CHILD CARE CENTER MINIMUM LICENSING REQUIREMENTS

WAC

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388-151-045	What is the basis for the department's issuance or denial of a license?
388-151-070	How do I apply or reapply for a license?
388-151-075	How do I get a waiver of the licensing requirements contained in this chapter?
388-151-080	How does the department determine my licensed capacity?
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388-151-460	What program records must I maintain?
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388-151-500	What informational items must I post in my center?
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-151-050	Waivers. [Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-050, filed 12/30/92, effective 1/30/93.] Repealed by 01-02-031, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.020.
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WAC 388-151-010 What definitions are important for the school-age child care center program? The following definitions are important under this chapter:

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

(2003 Ed.)

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child as defined in RCW 26.44.020 and chapter 388-15 WAC.

"Department" means the state department of social and health services (DSHS), the state agency with the legal authority to regulate and certify school-age child care centers.

"Department of health" means the state department of health.

"I," "you," and "your" refer to and mean the licensee or applicant for child care license.

"License" means a permit issued by the department to a person or organization to operate a school-age child care center and affirming the licensee meets requirements under licensure.

"Licensee" means the person, organization, or legal entity named on the facility license and responsible for operating the center.

"Licensor" means the person employed by the department to regulate and license a school-age child care center.

"Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.

"School-age child" means a child five years of age through twelve years of age enrolled in a public or private school.

"School-age child care center" means a program operating in a facility other than a private residence, accountable for school-age children when school is not in session. The program must meet department licensing requirements, provide adult-supervised care, and a variety of developmentally appropriate activities.

"Staff" means a person or persons employed by the licensee to provide child care and to supervise children served at the center.

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy the department's training requirements.

"We" or **"our"** refer to and mean the department of social and health services, including division of child care and early learning licensors.

[Statutory Authority: Chapter 74.15 RCW, RCW 74.08.090, 02-16-062, § 388-151-010, filed 8/2/02, effective 10/1/02. Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-010, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 98-24-052, § 388-151-010, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-010, filed 12/30/92, effective 1/30/93.]

WAC 388-151-020 Who needs to be licensed? (1) The person or organization operating a school-age child care center must receive a license from the department to provide school-age child care, in accordance with chapter 74.15 RCW.

(2) The department does not need to license the person or organization operating a school-age child care center if chapter 74.15 RCW exempts the person or organization from the licensing requirements. The person or organization claiming

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an exemption from the licensing requirements must provide the department proof of entitlement to the exemption at the licensor's request.

(3) You may use the following matrix to determine whether or not you are exempt from licensing:

Child care	Recreational
The child care facility assumes responsibility for the child and his welfare.	Children are free to come and go as they choose.
Children are signed in and can only be released to an authorized adult.	No responsibility is assumed in lieu of parent.
A specific registration procedure and required forms must be completed.	No registration form or procedure.
Must adhere to DSHS standards; has specific requirements regarding staff-child ratio and group size.	No required staff-child ratio or group size requirements.
Specific DSHS requirements regarding policies and procedures are in a parent handbook.	No specific detailed policies and procedures. General "house rules" apply at each site.
There are specific program goals and activities; calendars of activities are posted and available.	Activities occur on a daily basis; no long-term goals or activities exist.

(4) The person or organization that serves state-paid children must:

- (a) Be licensed or certified;
- (b) Follow billing policies and procedures in Child Care Subsidies, a brochure for providers, DSHS 22-877(X), and;
- (c) Bill the department at the person's or organization's customary rate or the DSHS rate, whichever is less.

[Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395. 02-13-073, § 388-151-020, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-020, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-020, filed 12/30/92, effective 1/30/93.]

WAC 388-151-040 What local ordinances and codes apply? The licensee or applicant for license must comply with city ordinances and county codes, including zoning and building regulations.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-040, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-040, filed 12/30/92, effective 1/30/93.]

WAC 388-151-045 What is the basis for the department's issuance or denial of a license? The department must issue or deny a license on the basis of the applicant's compliance with school-age child care licensing requirements.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-045, filed 12/22/00, effective 1/22/01.]

WAC 388-151-070 How do I apply or reapply for a license? (1) You must comply with the department's application procedures and submit to the department:

(a) A completed department-supplied application for school-age child care center license, including attachments, ninety or more days before the:

- (i) Expiration of your current license;
- (ii) Opening date of your center;
- (iii) Relocation of your center; or
- (iv) Change of the licensee.

(b) A completed criminal history and background inquiry form for each staff person or volunteer having unsupervised or regular access to the child in care; and

(c) The annual licensing fee. The fee is forty-eight dollars per year for the first twelve children plus four dollars for each additional child over the licensed capacity of twelve children.

(2) In addition to the required application materials specified under subsection (1) of this section, you must submit to the department:

(a) An employment and education resume of the person responsible for the active management of the center and of the site coordinator;

(b) Copies of diplomas or education transcripts of the director and site coordinator; and

(c) Three professional references each for you, the director, and the site coordinator.

(3) You, as the applicant for a license under this chapter must be twenty-one years of age or older.

(4) The department may, at any time, require additional information from you, any staff person, any volunteer, members of the household of any of these individuals, and other persons having access to the children in care. The additional information includes, 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.

(5) The department may perform investigations of you, staff persons, volunteers, members of the households of these individuals, and other persons having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files.

(6) You must conform to rules and regulations approved or adopted by the:

- (a) State department of health and relating to the health care of children at school-age child care centers;
- (b) State fire marshal's office, establishing standards for fire prevention and protection of life and property from fire, under chapter 212-56A WAC.

(7) The department must not issue a license to you until the department of health and the state fire marshal's office have certified or inspected and approved the center.

(8) The department may exempt a school site possessing a fire safety certification signed by the local fire official within six months prior to licensure from the requirement to receive an additional fire safety inspection by the state fire marshal's office.

(9) You must submit a completed plan of deficiency correction, when required, to the department of health and the department licensor before the department will issue you a license.

(10) You, your director and site coordinator must attend department-provided orientation training.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-070, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-070, filed 12/30/92, effective 1/30/93.]

WAC 388-151-075 How do I get a waiver of the licensing requirements contained in this chapter? (1) In an individual case, the department, for good cause, may waive a specific requirement and approve an alternate method for you to achieve the specific requirement's intent if:

(a) You submit to the department a written waiver request fully explaining the circumstances necessitating the waiver; and

(b) The department decides the department's approval of the waiver approval will not jeopardize the safety or welfare of the child in care or detract from the quality of licensee-delivered services.

(2) 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 your license.

(3) The department may limit or restrict a license the department issues to you in conjunction with a waiver.

(4) You must maintain a copy of the department's written waiver approval on the premises.

(5) You may not appeal the department's denial of your request for waiver under chapter 34.05 RCW.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-075, filed 12/22/00, effective 1/22/01.]

WAC 388-151-080 How does the department determine my licensed capacity? (1) The department issues the applicant or licensee a license for a specific number of children depending on:

(a) The department's evaluation of your center's premises, equipment, and physical accommodations;

(b) The number and skills of you, your staff, and your volunteers; and

(c) The ages and characteristics of the children you serve.

(2) The department:

(a) Must not issue you a license to care for more children than this chapter permits; and

(b) May issue you a license to care for fewer children than your center's maximum capacity.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-080, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-080, filed 12/30/92, effective 1/30/93.]

WAC 388-151-085 How do I get an initial license? (1) The department may issue an initial license to you if you are not currently licensed to provide child care when you:

(a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but

(b) Cannot demonstrate compliance with the rules pertaining to:

(i) Staff-child interactions,

(ii) Group size and staff-child ratios,

(iii) Behavior management and discipline,

(iv) Activity programs,

(v) Child records and information, and

(vi) Other rules requiring department observation of the applicant's ability to comply with rules.

(c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to you for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department must evaluate your ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to you if you demonstrate your compliance with all rules contained in this chapter at any time during the period of initial licensure.

(5) The department must not issue a full license to you if you do not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-085, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-085, filed 10/1/96, effective 11/1/96.]

WAC 388-151-090 When can my license application be denied and when can my license be suspended or revoked? (1) We must deny your license application, or suspend or revoke your license if you do not meet the requirements outlined this chapter.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-15-130;

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. The exception: If you can demonstrate by clear and convincing evidence that you have taken enough correction action or rehabilitation to justify the public trust and to operate the center according to the rules of this chapter, we may issue you a license;

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises; or

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the center's operation or to interview staff or a child in care.

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

[Statutory Authority: Chapter 74.120 RCW, RCW 74.12.340, and 74.15.030. 02-14-085, § 388-151-090, filed 6/28/02, effective 7/29/02. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-090, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-10-043 (Order 3974), § 388-151-090, filed 4/26/96, effective 5/27/96. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-090, filed 12/30/92, effective 1/30/93.]

WAC 388-151-092 Under what conditions does the department impose civil penalties against me? (1) Before imposing a civil penalty, the department must provide written notification to you by personal service, by the licensor or another person, or certified mail that includes:

(a) A description of the violation and citation of the applicable requirement or law;

(b) A statement of what you must do to achieve compliance;

(c) The date by which the department requires compliance;

(d) The maximum allowable penalty if you do not achieve timely compliance;

(e) The means to contact any technical assistance services provided by the department or others; and

(f) Notice of when, where, and to whom you may file a request with the department to extend the time to achieve compliance for good cause.

(2) The length of time you have to comply depends on:

(a) The seriousness of the violation;

(b) The potential threat to the health, safety and welfare of children in care; or

(c) Previous opportunities to correct the deficiency.

(3) The department may impose a civil penalty based on but not limited to these reasons:

(a) The department previously has imposed an enforcement action for the same or similar type of violation of the same statute or rule on your child care center; or

(b) The department has previously given your child care center notice of the same or similar type of violation of the same statute or rule; or

(c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.

(4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) You must pay the civil fine within twenty-eight days after receipt of the notice or later as specified by the department.

(6) The department may forgive the fine if the you come into compliance during the notification period.

(7) You, as the center or person against whom the department assesses a civil fine, have a right to an adjudicative proceeding under RCW 43.20A.215.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-092, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-092, filed 10/1/96, effective 11/1/96.]

WAC 388-151-093 What is the amount of the civil penalty the department may impose? Whenever the department imposes a civil monetary penalty, the department must impose a penalty of two hundred and fifty dollars per violation per day. The department may assess and collect the penalty with interest for each day of noncompliance.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-093, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-093, filed 10/1/96, effective 11/1/96.]

WAC 388-151-094 Must I post the department's notice of civil penalty? (1) You must post the final notice of a civil penalty in a conspicuous place in the facility.

(2) You must continue to post the notice until the department receives your payment.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-094, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-094, filed 10/1/96, effective 11/1/96.]

WAC 388-151-095 May the department assess civil penalties on unlicensed programs? If the department receives information that a school-age program is operating without a license, the department will investigate. The department may contact the program, send a letter, or make an on-site visit to determine that the agency is operating without a license. Where the department has determined that an agency is operating without a license, the department must send written notification to the unlicensed program by certified mail or other means showing proof of service. This notification must contain the following:

(1) Notice to the agency of the basis for the department's determination that the agency is providing child care without a license and the need for the department to license the agency;

(2) The citation of the applicable law;

(3) The assessment of seventy-five dollars per day penalty for each day the agency provides unlicensed care. The department makes the fine effective and payable within thirty days of the agency's receipt of the notification;

(4) How to contact the office of child care policy;

(5) The unlicensed agency's need to submit an application to the office of child care policy within thirty days of receipt of the department's notification;

(6) That the department may forgive the penalty if the agency submits an application within thirty days of the notification; and

(7) The unlicensed agency's right to an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-095, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-095, filed 10/1/96, effective 11/1/96.]

WAC 388-151-096 May the department impose civil penalties for separate violations? Each violation of a law or rule constitutes a separate violation. The department may penalize each violation. The department may impose a penalty for each day the violation continues.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-096, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-096, filed 10/1/96, effective 11/1/96.]

WAC 388-151-097 What if I do not pay the civil penalty? The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty the department has assessed within ten days after such assessment becomes final.

[Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395. 02-13-073, § 388-151-097, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-097, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-097, filed 10/1/96, effective 11/1/96.]

WAC 388-151-098 Under what circumstances may the department issue a probationary license? (1) The department must base the decision to issue a probationary license on the following factors:

- (a) Willful or negligent noncompliance by you,
- (b) History of noncompliance,
- (c) Extent of deviation from the requirements,
- (d) Evidence of a good faith effort to comply,
- (e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing law does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue, the department may issue a probationary license in addition to civil penalties or other sanctions. Such situations may include:

- (a) Substantiation that a child (or children) was abused or neglected while in the care of the center,
- (b) Disapproved fire safety or sanitation report,
- (c) Use of unauthorized space for child care,
- (d) Inadequate supervision of children,
- (e) Understaffing for the number of children in care,
- (f) Noncompliance with requirements addressing:
 - (i) Children's health,
 - (ii) Proper nutrition,
 - (iii) Discipline,
 - (iv) Emergency medical plan,
 - (v) Sanitation and personal hygiene practices.

(3) You must notify parents of all children in care or who may apply for care when the department issues a probationary license to you:

(a) You must notify the parents or guardians of all children in care of the program's probationary status within five working days of receiving the department's notification that the department has issued a probationary license;

(b) You must notify parents and guardians in writing, and the department must approve the notice before you send the notification;

(c) You must provide documentation to the department that you have notified parents or guardians of all children in care within ten working days after you receive notification that the department has issued a probationary license. Documentation must consist of a copy of the letter you have sent to the parents;

(d) The department may issue a probationary license for up to six months, and at the department's discretion, the department may extend the probationary license for an additional six months.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-098, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-098, filed 10/1/96, effective 11/1/96.]

WAC 388-151-100 What must I include in the center's activity program? (1) You must implement an activity program designed to meet the developmental, cultural, and individual needs of the children you serve. You must ensure the program contains a range of learning experiences for the children to:

(a) Gain self-esteem, self-awareness, conflict resolution, self-control, and decision-making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety; and

(d) Experiment, create, and explore.

(2) You must ensure the center's program offers variety and options including a balance between:

(a) Child-initiated and staff-initiated activities;

(b) Free choice and organized events;

(c) Individual and group activities; and

(d) Quiet and active experiences.

(3) You must ensure that the center's program provides the child daily opportunities for small and large muscle activities and outdoor play.

(4) You must operate the center's program under a regular schedule of activities with allowances for a variety of special events. You must implement a planned program of activities by using a current, written activity schedule that includes staff classroom planning time.

(5) You must manage child and staff movements from one planned activity or care area to another to achieve smooth, unregimented transitions by:

(a) Establishing familiar routines;

(b) Contributing to learning experiences; and

(c) Maintaining staff-to-child ratio and group size guidelines.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-100, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-100, filed 12/30/92, effective 1/30/93.]

WAC 388-151-110 What learning and play materials must I provide? You must provide the children in care a variety of easily accessible, developmentally appropriate equipment and materials of sufficient quantity to implement the center's program. You must ensure that materials are culturally relevant and promote:

- (1) Social development;
- (2) Communication ability;
- (3) Self-help skills;
- (4) Large and small muscle development; and
- (5) Creative expression.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-110, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-110, filed 12/30/92, effective 1/30/93.]

WAC 388-151-120 How must my child care center staff interact with the children? (1) You must furnish the children a nurturing, respectful, supportive, and responsive environment through frequent interactions between the children and staff:

(a) Supporting the children in developing an understanding of self and others by assisting the children to share ideas, experiences, and feelings;

(b) Providing age-appropriate opportunities for growth and development of the children's social and communication skills, including encouraging the children to ask questions;

(c) Helping the children solve problems;

(d) Fostering creativity and independence in routine activities, including showing tolerance for mistakes; and

(e) Treating equally all children in care regardless of race, religion, culture, sex, and ability.

(2) You must furnish the children in care a pleasant and social atmosphere at meal and snack times. Your staff must provide good models for nutrition habits and social behavior.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-120, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-120, filed 12/30/92, effective 1/30/93.]

WAC 388-151-130 How must I discipline the children and manage the children's behavior? (1) You must guide the children's behavior based on an understanding of the individual child's needs and stage of development. You must support the child's developmentally appropriate social behavior, self-control, and respect for the rights of others.

(2) You must ensure that your behavior management and discipline practices are fair, reasonable, consistent, and related to the child's behavior. Your staff must not administer cruel, unusual, hazardous, frightening, or humiliating discipline.

(3) You must be responsible for implementing the behavior management and discipline practices of the center.

(4) You must prohibit and prevent any person on the premises from:

(a) Biting, jerking, shaking, spanking, slapping, hitting, striking, or kicking the child, or exercising other means of inflicting physical or emotional pain, or causing bodily harm;

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(b) The use of a physical restraint method injurious to the child;

(c) The use of a mechanical restraint, locked time-out room, or closet;

(d) The use of verbal abuse; or

(e) The withholding of food as a punishment.

(5) In emergency situations, you or your staff person may use limited physical restraint not injurious to the child when:

(a) Protecting a person on the premises from physical injury;

(b) Obtaining possession of a weapon or other dangerous object; or

(c) Protecting property from serious damage.

(6) You must document any incident involving the use of physical restraint and notify the child's parent of the use of the restraint.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-130, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-130, filed 12/30/92, effective 1/30/93.]

WAC 388-151-150 What does the department require for evening and nighttime care? (1) For the center offering school-age child care during evening and nighttime hours, you must, in addition to meeting daytime regulations, adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night.

(2) You must maintain the same staff-to-child ratio in effect during daytime care. At all times, your staff must keep the child within continuous visual or auditory range.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-150, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-150, filed 12/30/92, effective 1/30/93.]

WAC 388-151-160 What does the department require for off-site trips? (1) You may transport or permit the supervised off-site travel of children to participate in field trips or engage in other off-site activities only with written parental consent.

(2) The parent's consent may be:

(a) For a specific date and trip; or

(b) A blanket authorization describing the full range of trips the child may take. In such a case, you must notify the parent in advance about each trip.

(3) For group field trips, you must ensure that:

(a) Emergency information and medical treatment authorization for each child in the group accompanies the child;

(b) A first aid kit is available;

(c) You maintain a written list of children participating; and

(d) You maintain required staff-child ratios.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-160, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-160, filed 12/30/92, effective 1/30/93.]

WAC 388-151-165 What does the department require for transportation? When you furnish transportation for the child in care:

(1) You must maintain the motor vehicle in a safe operating condition and ensure that the Washington state patrol has approved the vehicle, when applicable;

(2) You or the driver must carry liability and medical insurance;

(3) The driver must have a current driver's license, valid for the classification of motor vehicle the driver operates, and current first aid and CPR certification;

(4) You must ensure that a minimum of one staff person other than the driver is present in the motor vehicle, when necessary, to comply with the staff-to-child ratio requirement; and

(5) You must ensure that the number of passengers does not exceed the seat belt capacity of the motor vehicle.

(6) You do not need seat belts for buses approved by the Washington state patrol.

[Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-165, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-165, filed 12/30/92, effective 1/30/93.]

WAC 388-151-170 What does the department require for parent communication? (1) You must orally:

(a) Explain the center's policies and procedures to the parent;

(b) Orient the parent to the center's philosophy, program, and facilities;

(c) Communicate to the parent issues relating to the child's care and individual practices concerning the child's special needs; and

(d) Encourage parent participation in center activities.

(2) You must give the parent the following written policy and procedure information:

(a) Enrollment and admission requirements;

(b) The fee and payment plan;

(c) A typical activity schedule, including hours of operation;

(d) Meals and snacks served, including guidelines on food brought from the child's home;

(e) Signing in and signing out requirements;

(f) Child abuse reporting law requirements;

(g) Behavior management and discipline;

(h) Nondiscrimination statement;

(i) Religious activities, if any;

(j) Transportation and field trip arrangements;

(k) Policy on homework, study time, and space necessary to accommodate these activities;

(l) Practices concerning an ill child;

(m) Medication management;

(n) Medical emergencies;

(o) Statement that the parent has free access during hours of operation; and

(p) Written procedure for supervision of children during transitions.

[Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-170, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-170, filed 12/30/92, effective 1/30/93.]

WAC 388-151-180 What staff patterns and qualifications does the department require? (1) General qualifications. You, your staff, volunteers, and other persons associ-

ated with the operation of the center who have access to the child in care must:

(a) Be of good character;

(b) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the children in care; and

(c) Not have committed or been convicted of child abuse or any crime involving harm to another person.

(2) Program director. You must serve as or employ a director responsible for the overall management of the center's facility and operation. The director must:

(a) Be twenty-one years of age or older;

(b) Serve as administrator of the center, ensuring compliance with licensing requirements;

(c) Have knowledge of development of school-age children as evidenced by professional references, education, experience, and on-the-job performance;

(d) Have the management and supervisory skills necessary for the proper administration of the center, including:

(i) Record maintenance;

(ii) Financial management; and

(iii) Maintenance of positive relationships with staff, children, parents, and the community.

(e) Employ, provide, or arrange for fulfillment of clerical, accounting, maintenance, transportation, and food service responsibilities so the child care staff is free to concentrate on program implementation and maintaining the required staff-to-child ratio;

(f) Have completed thirty or more college quarter credits or combination of one-third clock hours and two-thirds college credits, in early childhood education/child development, elementary education, social work, other child-related field, including, but not limited to, art, music, dance, recreation, physical education, education, home economics, psychology, social services, child development associate (CDA), or nutrition;

(g) Have two or more years of successful experience working with school-age children as evidenced by professional references and on-the-job performance;

(h) Have planning, coordination, and supervisory skills to implement a high quality, developmentally appropriate program; and

(i) Have completed one of the following prior to or within the first six months of licensure or employment except as provided in subsection (2)(i) of this section:

(i) Twenty clock hours or two college quarter credits of basic training. The Washington state training and registry system (STARS) must approve the training; or

(ii) Current CDA or equivalent credential or twelve or more college quarter credits in a child development associate sequence; or

(iii) Forty-five or more college quarter credits in early childhood education, child development, school-age care, elementary education, special education, or recreation; or

(iv) An associate of arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education, child development, school-age care, elementary education, special education, or recreation.

(3) Site coordinator. You may employ a site coordinator responsible for being on site with children, program planning and program implementation. The program director must provide regular supervision of the site coordinator.

(4) The same person may serve as the site coordinator and program director when qualified for both positions. The site coordinator must:

(a) Be twenty-one years of age or older;
 (b) Have completed thirty or more college quarter credits or combination of one-third clock hours and two-thirds college credits in early childhood education/child development, elementary education social work, other child-related field including, but not limited to, art, music, dance, relevant to school age children, recreation, physical education, education, music, art, psychology, social services, home economics, CDA, or nutrition;

(c) Serve as staff supervisor;

(d) Have demonstrated knowledge in:

(i) Behavior management skills specific to school-age children;

(ii) Program management skills; and

(iii) School-age child activity planning and coordinating skills.

(e) Have a minimum of two years experience working with school-age children, or possess equivalent experience.

(f) Have completed one of the following prior to or within the first six months of licensure or employment:

(i) Twenty clock hours or two college quarter credits of initial training. STARS must approve the training; or

(ii) Current CDA or twelve or more college quarter credits in child development, associate sequence;

(iii) Forty-five or more college quarter credits in early childhood education, child development, school-age care, elementary education, special education, or recreation; or

(iv) An associate of arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education, child development, school-age care, elementary education, special education, or recreation.

(5) The program director or site coordinator must normally be on the premises while children are in care. If temporarily absent from the center, the director and site coordinator must leave a competent, designated staff person in charge.

(6) The director and site coordinator may also serve as child care staff when that role does not interfere with the director's or site coordinator's management and supervisory responsibilities.

(7) Center staffing. You may employ a lead school-age child care staff person to be in charge of a child or a group of children. Lead school-age child care staff must:

(a) Be eighteen years of age or older;

(b) Possess a high school education or equivalent;

(c) Have school-age child development knowledge and experience; and

(d) Have the ability to implement the activity program.

(8) You may use a child care assistant, volunteer, or trainee. The assistant, volunteer, or trainee must support staff. The school age child care assistant, volunteer, or trainee must:

(a) Be sixteen years of age or older; and

(b) Care for children only under direct supervision.

(9) You must ensure that you and your program director or site coordinator assigns no person under eighteen years of age sole responsibility for a group of children. You, your program director, or your site coordinator may assign the assistant, eighteen years of age or older, sole responsibility for a child or group of children for a brief period of time.

(10) You may count the assistant, volunteer, or trainee in the staff-to-child ratio when that person meets staff requirements.

(11) The licensee may utilize youth volunteers fourteen to fifteen years of age. The youth volunteers:

(a) Must not be counted as staff at any time.

(b) Must not count in the staff-child ratio;

(c) Must meet all requirements in WAC 388-151-470(4); and

(d) Must be under the direct supervision of a lead staff person.

(12) The lead staff person must not supervise more than one youth volunteer at one time.

[Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-180, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 98-24-052, § 388-151-180, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-180, filed 12/30/92, effective 1/30/93.]

WAC 388-151-190 What group size and staff-child ratios must I maintain? (1) You must maintain, at minimum, a 1:15 staff-child ratio and a maximum group size of thirty or fewer children.

(2) You must conduct activities for each group in a specific classroom or other defined space within a larger area.

(3) You must ensure that a qualified staff person or team of staff supervises each group.

(4) The department may approve reasonable variations to group size limitations if you maintain required staff-to-child ratios, dependent on:

(a) Staff qualifications;

(b) Program structure; and

(c) Usable space.

(5) You must provide appropriate supervision and keep the child from harm. The children must be in continuous visual or auditory range, except during transitions, including:

(a) Moving from indoors to outdoors;

(b) Moving from room to room; and

(c) When the child uses the restroom.

(6) You must have a written plan to ensure the children's safety during transitions.

(7) When only one staff person is present, you must ensure that a second staff person is readily available in case of an emergency.

(8) You must ensure that each group of children is supervised by a staff person who has completed one of the following prior to or within the first six months of employment:

(a) Twenty clock hours or two college quarter credits of initial training. Training must be approved by the Washington state training and registry system (STARS); or

(b) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education, child development, school-

age care, elementary education, special education, or recreation; or

(c) An associate of arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education, child development, school-age care, elementary education, special education, or recreation.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-190, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-190, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-190, filed 12/30/92, effective 1/30/93.]

WAC 388-151-200 What requirements must I meet for center staff development and training?

(1) You must have an orientation system making employees, volunteers, and trainees aware of program policies and practices. You must provide staff an orientation including, but not limited to:

- (a) Licensing rules required under this chapter;
- (b) Goals and philosophy of the center;
- (c) Planned daily activities and routines;
- (d) Age-appropriate child guidance and behavior management methods;
- (e) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (f) Special health and developmental needs of the individual child;
- (g) Fire prevention and safety procedures; and
- (h) Personnel policies.

(2) You must provide or arrange regular training opportunities for the child care staff to:

- (a) Promote ongoing employee education;
- (b) Enhance practice skills;
- (c) Increase cultural awareness; and
- (d) Accommodate special health and developmental needs of the individual child.

(3) You must conduct periodic staff meetings for planning and coordination purposes.

(4) You must ensure that:

(a) A staff person with basic, standard, current first aid and cardiopulmonary resuscitation (CPR) training, or department of health approved training is present at all times while the child is in care; and

(b) Staff's CPR training includes methods appropriate for school-age children in care.

(5) You must provide or arrange appropriate education and training for child care staff on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(6) You must ensure that the person preparing full meals for the center has a valid food handler permit.

(7) You must ensure that the director, site coordinator and, where the program serves more than one group of children, at least one staff person for every group of children, complete:

(a) Ten clock hours or one college quarter credit of training annually, approved by Washington state registry and training system (STARS), beginning one year after licensure or employment in your licensed child care facility; and

(b) For the director and the site coordinator, five of the ten hours of training must be in program management and administration.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-200, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-200, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-200, filed 12/30/92, effective 1/30/93.]

WAC 388-151-210 What must my required health care plan contain? (1) You must maintain current written health policies and procedures for staff orientation and use by staff, and for the parent.

(2) Your health care plan must include, but is not limited to, information about your center's procedures concerning:

- (a) Communicable disease prevention, reporting, and management;
- (b) Action taken for medical emergencies;
- (c) First aid;
- (d) Care of minor illnesses;
- (e) Medication management;
- (f) General hygiene practices;
- (g) Hand washing practices; and
- (h) Food and food services.

(3) You must use the services of an advisory physician, physician's assistant, or registered nurse to assist in the development and approval of the center's health care plan.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-210, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-210, filed 12/30/92, effective 1/30/93.]

WAC 388-151-220 What steps must I take to address health supervision and infectious disease prevention? (1) Before or on the child's first day of attendance, you must have on file a record of immunization status.

(2) Your staff must observe the child daily for signs of illness. You must care for or discharge to the child's home the ill child based on your policies concerning ill children.

(3) If a child becomes ill while in care:

(a) You must furnish a separate care area with an appropriate rest surface and bedding, as needed; and

(b) Your staff must sanitize equipment the child uses if staff suspects the child has a communicable disease.

(4) You may use the separate care room or area for other purposes when not needed for separation of the child.

(5) Your staff must ensure that the child washes hands:

(a) Before the child eats;

(b) Before the child participates in food activities; and

(c) After the child's toileting.

(6) Your staff must follow your center's policies for cleaning and disinfecting the environment.

(7) You must have extra clothing available for circumstances arising during outdoor play.

(8) Your staff must ensure that the children do not share personal hygiene or grooming items.

(9) You must have on file, upon employment, for each center employee, volunteer, and other person having regular contact with the children in care results of a negative tuberculin (TB) skin test, by the Mantoux method, or results of a chest x-ray. You need not require the TB test or chest x-ray

for an individual if, such a test is against medical advice. The department does not require periodic retesting.

(10) You must not permit a person with a reportable communicable disease to be on duty in the center or have contact with the child in care unless a health care provider approves the contact in writing.

- (11) Staff must wash hands:
- (a) After personal toileting;
 - (b) After attending to an ill child;
 - (c) After nose blowing;
 - (d) After smoking; and
 - (e) Before serving or preparing food.

[Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-220, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-220, filed 12/30/92, effective 1/30/93.]

WAC 388-151-230 What requirements must I meet for medication management? You may have a policy of not giving medication to the child in care. If your center's health care plan includes giving medication to the child in care, you:

(1) Must 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;

- (2) Must give prescription medications:
- (a) Only as specified on the prescription label; or
 - (b) As authorized, in writing, by a physician or other person legally authorized to prescribe medication.

(3) Must give the following classifications of nonprescription medications, with written parent authorization, only at the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child needing the medication:

- (a) Antihistamines;
- (b) Nonaspirin 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 the child; and
- (g) Sun screen.

(4) Must give other nonprescription medication:

- (a) Not included in the categories listed in subsection (3) of this section; or
- (b) Taken differently than indicated on the manufacturer's label; or

(c) Lacking labeled instructions, only when disbursement of the nonprescription medication is as required under subsection (4)(a), (b), and (c) of this section:

- (i) Authorized, in writing, by a physician; or
- (ii) Based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication.

(5) Must 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) Legible instructions for administration, such as manufacturer's instructions or prescription label.

(6) Must keep medication, refrigerated or nonrefrigerated, in an orderly fashion and inaccessible to the child;

(7) Must store external medication in a compartment separate from internal medication;

(8) Must keep a record of medication disbursed;

(9) Must return to the parent or other responsible party, or must dispose of medications no longer being taken; and

(10) May, at your option, permit self-administration of medication by a child in care if:

(a) The child is physically and mentally capable of properly taking medication without assistance;

(b) You include in the child's file a parental or physician's written statement of the child's capacity to take medication without assistance; and

(c) You have stored the child's medications and other medical supplies so the medications and medical supplies are inaccessible to other children in care.

[Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395, 02-13-073, § 388-151-230, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-230, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-230, filed 12/30/92, effective 1/30/93.]

WAC 388-151-240 What nutrition requirements must I meet? (1) You must provide food meeting the nutritional needs of the children in care, taking into consideration each child's:

- (a) Age and development level;
- (b) Cultural background; and
- (c) Child's special health care needs, if any.

(2) You must provide only pasteurized milk or pasteurized milk products.

(3) You may serve school-age children powdered Grade A milk, provided you complete the dry milk mixture, service, and storage in a safe and sanitary manner.

(4) You may furnish a child nutrient concentrates, nutrient supplements, a modified diet, or an allergy diet only with the written permission of the child's health care provider. The licensee must obtain from the parent or the child's health care provider a written list of foods the child must not consume.

(5) You must:

(a) Record food and portion sizes planned and served; and

(b) Post menus showing two weeks or more of food variety before repeating menus.

(6) You may make nutritional substitutions of comparable nutrient value to the menu.

(7) You must use the following meal pattern to furnish food in age-appropriate servings to provide the child:

(a) Access to a breakfast, if the child arrives on the premises before 7:00 a.m.;

(b) A snack if the child is in care for one to three hours before or after school; and

(c) Food at intervals not less than two hours and not more than three and one-half hours apart.

(8) You must furnish the child in care food that complies with the meal pattern of the United States Department of

Agriculture Child and Adult Care Food Program or the National School Lunch Program.

(9) The children's snacks must include one or more dairy or protein source provided daily and must contain a minimum of two of the following four components at each snack:

- (a) A dairy product;
- (b) A protein food;
- (c) Bread or bread alternate; or
- (d) Fruit or vegetable or juice containing a minimum of fifty percent real juice.

(10) You must have available food supplies to supplement food brought from the child's home that is deficient in meeting nutrition requirements.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-240, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-240, filed 12/30/92, effective 1/30/93.]

WAC 388-151-250 What requirements must I meet for kitchen and food service? (1) You must ensure the proper storage, preparation, and service of food to meet program needs.

(2) You must meet food service standards by ensuring that;

(a) The staff person preparing full meals has a valid food handler permit;

(b) The staff person preparing and serving meals washes hands before handling food;

(c) Hand-washing facilities are located in or adjacent to food preparation areas;

(d) Your program stores food in a sanitary manner; especially milk, shell-fish, meat, poultry, eggs, and other protein food sources;

(e) Your program stores food requiring refrigeration at a temperature no warmer than forty-five degrees Fahrenheit;

(f) Your program stores frozen food at a maximum temperature of zero degrees Fahrenheit;

(g) You have equipped your refrigerators and freezers with thermometers and that your staff regularly cleans and defrosts your facility's refrigerators and freezers;

(h) Your staff cooks food to correct temperatures;

(i) Your staff washes raw food thoroughly with clean running water;

(j) Your staff rapidly cools and refrigerates cooked food to be stored after preparation;

(k) Your program keeps food in original containers or in clean, labeled containers and stores the food off the floor;

(l) Your staff discards packaged, canned, and bottled food with a past expiration date;

(m) Your staff discards food in dented cans or torn packages; and

(n) You notify parents when your program serves food containing sulfiting agents.

(3) Children in care may participate in food preparation as an education activity when:

(a) You make kitchen equipment inaccessible to the children, except during planned and supervised kitchen activities; and

(b) Your staff supervises food preparation activities.

(4) You must install and maintain kitchen equipment and clean reusable utensils in a safe and sanitary manner by:

(a) Sanitizing reusable utensils in a dishwasher or through use of a three-compartment dishwashing procedure; and

(b) Using only single-use clean cloths, solely, for wiping food service, preparation, and eating surfaces.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-250, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-250, filed 12/30/92, effective 1/30/93.]

WAC 388-151-260 What requirements must I meet for drinking and eating equipment? You must:

(1) Provide children with single-use cups, individual drinking cups or glasses, or inclined jet-type drinking fountains;

(2) Prohibit your child care center from using bubbler-type drinking fountains and common drinking cups or glasses; and

(3) Provide the children with durable eating utensils appropriate in size and shape for the children in care.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-260, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-260, filed 12/30/92, effective 1/30/93.]

WAC 388-151-280 What general safety, maintenance, and site requirements must I meet? You must:

(1) Operate the center:

(a) On an environmentally safe site;

(b) In a neighborhood free from conditions detrimental to the children's welfare; and

(c) In a location accessible to health and emergency service.

(2) Ensure that you maintain indoor and outdoor premises in a safe and sanitary condition, free of hazards, and in good repair;

(3) Ensure that furniture and equipment are safe, stable, durable, and age-appropriate;

(4) Maintain a flashlight or other emergency lighting device in working condition;

(5) Finish or cover rough or untreated wood surfaces;

(6) Maintain one or more telephones in working order, readily accessible to staff and children;

(7) Supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring;

(8) Ensure staff can gain rapid access in an emergency to a bathroom or other room children may occupy;

(9) Shield light bulbs and tubes in child-accessible areas;

(10) Keep the premises free from rodents, fleas, cockroaches, and other insects and pests;

(11) Ensure no firearm or other weapon is on the premises;

(12) Maintain adequate storage space for play and teaching equipment, supplies, records, and children's possessions and clothing;

(13) Safely store or make inaccessible to the children cleaning supplies, toxic substances, paint, poisons, aerosol containers, and items bearing warning labels;

(14) Label a container filled from a stock supply to identify contents;

(15) Comply with fire safety regulations adopted by the state fire marshal's office.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-280, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-280, filed 12/30/92, effective 1/30/93.]

WAC 388-151-290 What must I do to ensure water safety in my facility? (1) You must maintain the following water safety precautions when the children in your care use an on-premises swimming pool, wading pool, or natural body of water, or enter the water on a field trip by ensuring;

(a) The on-premises pool or natural body of water is inaccessible to the children when not in use;

(b) During the children's use of a wading pool, an adult with current CPR training supervises the child at all times; and

(c) During the children's use of a swimming pool or natural body of water, a certified lifeguard is present at all times, in addition to required staff.

(2) You must, on a daily basis, empty and clean portable wading pools, when in use.

(3) You may permit the children to use or access a hot tub, spa tank, or whirlpool only under direct supervision and with written parental permission.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-290, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-290, filed 12/30/92, effective 1/30/93.]

WAC 388-151-310 What first aid supplies must I have available in my child care center? (1) You must maintain on the premises adequate first aid supplies conforming with your center's first aid policies and procedures.

(2) Your first aid supplies must include unexpired syrup of ipecac. Your staff may administer syrup of ipecac only on the advice of a physician or the poison control center.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-310, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-310, filed 12/30/92, effective 1/30/93.]

WAC 388-151-320 What requirements must I meet for an outdoor play area? You must:

(1) Provide a safe and equipped outdoor play area of sufficient size to meet the needs of the children in care. The play area must:

- (a) Be reachable by a safe route and method;
- (b) Promote the children's active play, physical development, and coordination;
- (c) Be free of any dangerous condition and provide safe child entry and exit; and
- (d) Be adaptable to the child or children with special needs.

(2) You must ensure that the center's activity schedule affords the child sufficient daily time to participate actively in outdoor play.

(3) The licensor may accept the playground that is on public school property and has been inspected by the school district or state or local health departments.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-320, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-320, filed 12/30/92, effective 1/30/93.]

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WAC 388-151-330 What requirements must I meet for indoor space? (1) Your school-age child care center must have adequate, usable space indoors to ensure that children are not crowded. You must provide a minimum of thirty-five square feet per child of usable space.

(2) Your facility must have an identifiable space of its own during hours of operation, which may include moveable furnishings and equipment.

(3) You must arrange indoor space to encourage a variety of developmentally appropriate activities including:

(a) Interest areas for focused activities;

(b) Open areas for large motor activities;

(c) Areas where children can work individually, in small groups, and in large groups; and

(d) Private spaces where children can rest, play, and work alone or with a friend.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-330, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-330, filed 12/30/92, effective 1/30/93.]

WAC 388-151-340 What are the department's requirements for toilets and hand-washing sinks? (1) You must supply hand-washing sinks and toilets for the children equal to, at minimum, the number the state or local building code requires. You must meet the following minimum ratios:

(a) For toilets: 1:100 for boys and 1:35 for girls,

(b) For urinals: 1:30.

(2) You must supply the children with warm, running water for handwashing at a temperature range no less than eighty-five degrees Fahrenheit and no more than one hundred twenty degrees Fahrenheit.

(3) You must locate the children's hand-washing facilities in or adjacent to rooms used for toileting.

(4) You must provide toileting privacy for the children.

(5) You must ensure that rooms used for toileting are ventilated to the outdoors.

(6) You must provide the children with soap and individual towels or other appropriate devices for washing and drying the children's hands and faces.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-340, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-340, filed 12/30/92, effective 1/30/93.]

WAC 388-151-380 What kind of program atmosphere must I provide? You must:

(1) Provide a cheerful environment for the children by placing visually stimulating decorations, pictures, or other attractive materials at appropriate heights for the children in care;

(2) Maintain a safe and developmentally appropriate noise level;

(3) Locate fixtures and provide lighting intensities promoting visibility and comfort for the children in care;

(4) Maintain the temperature within the center at sixty-eight degrees Fahrenheit or more; and

(5) Regulate the temperature and ventilate the center for the health and comfort of the children in care.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-380, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-380, filed 12/30/92, effective 1/30/93.]

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WAC 388-151-390 What requirements must I meet regarding nondiscrimination? (1) You must comply with federal and state regulatory and statutory requirements, defined under chapter 49.60 RCW, regarding nondiscrimination in employment practices and client services.

(2) Consistent with state and federal laws, you must respect and facilitate all rights of the children in care.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-390, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-390, filed 12/30/92, effective 1/30/93.]

WAC 388-151-410 What special requirements regarding American Indian children must I meet? When five percent or more of your center's child enrollment consists of Indian children, you must, in consultation with the parent, establish a plan to provide social service resources and staff training programs designed to meet the social and cultural needs of such children. You may coordinate with tribal, Indian health service, and Bureau of Indian Affairs social service staff and appropriate urban Indian and Alaskan native consultants.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-410, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-410, filed 12/30/92, effective 1/30/93.]

WAC 388-151-420 What are my responsibilities regarding child abuse, neglect, and exploitation? You and your staff must protect the children in care from child abuse, neglect, or exploitation, as required under chapter 26.44 RCW. If you or your staff have reasonable cause to believe that a child has suffered abuse or neglect, you or your staff must report the alleged incident to law enforcement or the department's child protective services (CPS) section in accordance with RCW 26.44.030.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-420, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-420, filed 12/30/92, effective 1/30/93.]

WAC 388-151-430 What requirements does the department have regarding prohibited substances and tobacco products? (1) During operating hours or when children are in care, you, your staff, and volunteers on your center premises or caring for the children off-site must not be under the influence of, consume, or possess an:

- (a) Alcoholic beverage; or
- (b) Illegal drug.

(2) You must prohibit smoking in the center and in motor vehicle when you, your staff, or volunteers transport children. You may permit on-premises smoking only outdoors, away from the building, when the children are not present.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-430, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-430, filed 12/30/92, effective 1/30/93.]

WAC 388-151-440 What are the department's limitations regarding persons on premises? (1) During center operating hours or while children are in care, only you, your employees, and your volunteers, or an authorized representative of a governmental agency, school district, or an approved

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adult related to the child in care may have unsupervised access to the children in care.

(2) You must allow the parent of a child in care unsupervised access only to the parent's own child.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-440, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-440, filed 12/30/92, effective 1/30/93.]

WAC 388-151-450 What child records and information must I maintain? You must maintain, on the premises, organized and confidential records and information concerning each child in care. You must ensure each child's record contains, at a minimum:

(1) Registration data:

(a) Name, birth date, dates of enrollment and termination, and other identifying information;

(b) Name, address, and home and business telephone numbers of the parent and other person for you to contact in case of emergency; and

(c) A completed enrollment application signed by the parent, guardian, or responsible relative.

(2) Authorizations:

(a) Name, address, and telephone number of any other person authorized to remove the child in care from the center;

(b) Written parental consent for transportation provided by the center, including field trips and swimming, when the child participates in these activities. A parent-signed blanket consent form may authorize the child's off-site travel; and

(c) Written parental consent, or court order, for providing medical care and emergency surgery, except for such care authorized by law.

(3) Medical and health data:

(a) Date and kind of illness or injury occurring on the premises including the treatment given by your staff;

(b) Medication given by your staff indicating dosage, date, time, and name of dispensing staff person; and

(c) A health history obtained when you or your staff enrolls the child for care. The history includes:

(i) The date of the child's last physical examination;

(ii) Allergies;

(iii) Special health or developmental problems and other pertinent health information;

(iv) Name, address, and telephone number of child's health care provider or facility; and

(v) A record of immunization status.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-450, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-450, filed 12/30/92, effective 1/30/93.]

WAC 388-151-460 What program records must I maintain? You must maintain the following documentation on the premises:

(1) The daily attendance record:

(a) The parent, or other person authorized by the parent to take the child to or from the center, must sign in the child on arrival and must sign out the child at departure, using a full, legal signature;

(b) When the child leaves the center to attend school or other off-site activity as authorized by the parent, your staff

person must sign out the child and sign in the child on return to the center; and

(c) Signed agreements between a program director and a parent where school-age child is allowed to leave the center on his own, must be verified by signature and dated by the director and parent. Staff may sign a child in/out whose parent has agreed in writing to let the child leave the center.

(2) A copy of the report sent to the department about any illness or injury to the child in care requiring medical treatment or hospitalization;

(3) The twelve-month record indicating the date and time you conducted the required monthly fire evacuation drills;

(4) A written plan for staff development specifying the content, frequency, and manner of planned training;

(5) Activity program plan records;

(6) A list of each child's allergies and dietary restrictions, if any;

(7) Any incident involving the use of physical restraint;

(8) A record of medication your staff gives to any child; and

(9) A record of accidents and injuries.

(10) Personnel records as described in WAC 388-151-470(4).

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-460, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-460, filed 12/30/92, effective 1/30/93.]

WAC 388-151-470 What personnel policies and records must I develop and maintain? (1) Each employee and volunteer having unsupervised or regular access to the child in care must complete and submit to you or your director by the date of hire:

(a) An application for employment on a department-prescribed form or its equivalent; and

(b) A criminal history and background inquiry form:

(i) You must submit this form to the department for each employee and volunteer, within seven calendar days of the employee's first day of employment so that the department may complete a criminal and background history check; and

(ii) The department must discuss the inquiry information with you or your director, when applicable.

(c) A Federal Bureau of Investigation (FBI) check, for you or any employee, or volunteer, if you, the employee, or volunteer has lived in the state for less than three years.

(2) Each employee serving as a program director, site coordinator, or staff person required to complete training under WAC 388-151-190(8) must complete and submit a Washington state training and registry system (STARS) profile form to you or your director by the date of hire. You must submit this form to STARS within seven calendar days of the employee's first day of employment, so that the department may track the employee's compliance with training requirements.

(3) You must have written personnel policies describing staff benefits, if any, duties, qualifications, grievance procedures, pay dates, and nondiscrimination policies.

(4) You must maintain on the premises a personnel record keeping system, including a file for you and each staff person and volunteer containing:

(a) An employment application including work and education history;

(b) Documentation of criminal history and background inquiry form submission, or FBI fingerprint check, if applicable;

(c) A record of Mantoux method tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;

(d) Documentation on HIV/AIDS education and training;

(e) A record of participation in staff development training;

(f) Documentation of orientation program completion;

(g) Documentation of a valid food handler permit, when applicable;

(h) Documentation of current first aid and CPR training, when applicable; and

(i) Documentation of basic and annual training required under WAC 388-151-180 (2)(i) and (4)(f), 388-151-190(8) and 388-151-200(7).

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-470, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-470, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-470, filed 12/30/92, effective 1/30/93.]

WAC 388-151-480 What requirements must I meet for reporting of death, injury, illness, epidemic, or child abuse? You or your staff must report immediately:

(1) A death, serious injury requiring medical treatment, or illness requiring hospitalization of a child in care, by telephone and in writing, to the child's parent and the department;

(2) An instance when you or your staff has reason to suspect the occurrence of physical, sexual, or emotional child abuse, child neglect, or child exploitation as required under chapter 26.44 RCW, by telephone, to child protective services or local law enforcement; and

(3) An occurrence of food poisoning or communicable disease, as required by the state board of health, by telephone, to the local public health department.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-480, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-480, filed 12/30/92, effective 1/30/93.]

WAC 388-151-490 Under what circumstances must I report circumstantial changes to the department? A school-age child care center license is valid only for the address, person, and organization named on the license. You must promptly report to the department a major change affecting your center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

(1) Center's address, location, space, or phone number;

(2) Maximum number and ages of children served as compared to current license specifications;

(3) Change of ownership, chief executive officer, licensee, director, or site coordinator;

(4) Name of the licensed corporation or name by which the center is commonly known or changes in the center's articles of incorporation and bylaws;

(5) Occurrence of a fire, major structural change, or damage to the premises; and

(6) Plans for major remodeling of the center including planned use of space not previously department-approved.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-490, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-490, filed 12/30/92, effective 1/30/93.]

WAC 388-151-500 What informational items must I post in my center? (1) You must post the following items, clearly visible to the parents of children in care and your staff:

- (a) The center's child care license issued under this chapter;
- (b) A list of all staff names;
- (c) A typical activity schedule including operating hours;
- (d) Food menus;
- (e) Evacuation plans and procedures including a diagram of exiting routes; and
- (f) Emergency telephone numbers, including 911 and local law enforcement, highlighted and posted by the telephone with the center's address.

(2) For your staff, you must post:

- (a) Dietary restrictions for particular children; and
- (b) Handwashing practices.

[Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-500, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-500, filed 12/30/92, effective 1/30/93.]

WAC 388-151-991 Waiver of fees. Any person or agency subject to license fees under chapter 440-44 WAC, and organizations in the person's or agency's behalf, may submit a sworn, notarized petition seeking waiver of fees for a licensee or distinguishable class of licensee.

The petition shall be mailed or delivered to the office of the secretary. Following receipt of the petition, the secretary may require submission of additional information considered relevant.

[00-23-088, recodified as § 388-151-991, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-002, filed 6/4/82.]

WAC 388-151-992 Fee payment and refunds. (1) Fees are due with applications for initial license or renewal. The department will not proceed on applications until required fees are paid.

Except as otherwise provided in these rules, fees shall be paid for a minimum of one year.

(2) Fees for licenses issued for other than yearly periods shall be prorated based on the stated annual fee.

(3) When the department issues a license for more than one year:

(a) Fees may be paid for the entire licensing period by paying at the rate established at the time the application was submitted, or

(b) If the licensee does not pay the fee for the entire license period, annual fees shall be due thirty days prior to each annual anniversary date of the license, at the annual fee rate established by these rules at the time such fee is paid.

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(4) Except as otherwise provided in these rules, if an application is withdrawn prior to issuance or denial, one-half of the fee shall be refunded.

(5) If there is a change of or by the licensee requiring a new license, the fee paid for a period beyond the next license anniversary date shall be refunded. Changes requiring a new license shall require a new application and payment of fee as provided herein.

(6) If there is a change by the applicant or licensee that requires an amendment placing the licensee in a higher fee category, the additional fee shall be prorated for the remainder of the license period.

(7) Fees becoming due on or after the effective date of this chapter shall be at the rates provided herein.

(8) To the extent fees are reduced through regular rule adoption of this chapter on or before December 31, 1982, fees shall be refunded.

(9) Fee payments shall be by mail. Payment shall be by check, draft, or money order made payable to the department of social and health services.

[00-23-088, recodified as § 388-151-992, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.]

WAC 388-151-993 Denial, revocation, suspension, and reinstatement. (1) If a license is denied, revoked, or suspended, fees shall not be refunded.

(2) Application for license after denial or revocation must include fees as provided for in these rules.

(3) Failure to pay fees when due will result in suspension or denial of license.

[00-23-089, recodified as § 388-151-993, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.]

Chapter 388-155 WAC

MINIMUM LICENSING REQUIREMENTS FOR FAMILY CHILD DAY CARE HOMES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-155-210	Health care plan. [Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-210, filed 2/1/91, effective 3/4/91.] Repealed by 00-06-040, filed 2/28/00, effective 3/30/00. Statutory Authority: RCW 74.15.030.
388-155-260	Drinking and eating equipment. [Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-260, filed 2/1/91, effective 3/4/91.] Repealed by 00-06-040, filed 2/28/00, effective 3/30/00. Statutory Authority: RCW 74.15.030.

WAC 388-155-005 Authority. The following rules are adopted under chapters 74.12 and 74.15 RCW.

[Statutory Authority: RCW 74.12.340. 94-13-201 (Order 3745), § 388-155-005, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-005, filed 2/1/91, effective 3/4/91.]

WAC 388-155-010 Definitions. As used and defined under this chapter:

"**American Indian child**" means any unmarried person under the age of eighteen who is:

(1) A member of or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut or other Alaska Native and a member of an Alaskan native regional Corporation or Alaska Native Village;

(2) Determined or eligible to be found to be Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood, or by the Indian health service;

(3) Considered to be Indian by a federally recognized or nonfederally recognized Indian tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

"**Assistant**" means a child care giver employed by the licensee to supervise a child served at the home.

"**Capacity**" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"**Child**" means a person seventeen years of age and under.

"**Child abuse or neglect**" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by a person under circumstances indicating the child's health, welfare, and safety is harmed.

"**Department**" means the state department of social and health services.

"**Department of health**" means the state department of health.

"**Family abode**" means "a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation."

"**Family child care home**" means a facility in the family residence of the licensee providing regularly scheduled care for twelve or fewer children, within a birth through eleven-years-of-age range exclusively, for periods less than twenty-four hours unless care in excess of twenty-four hours is necessary due to the nature of the parent's work.

"**Family child day care home**" means the same as "family child care home" and "a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home."

"**Family residence**" means the same as "family abode."

"**Home**" means the same as "family child care home."

"**I**," "**you**," and "**your**" refer to and mean the licensee or applicant for a child care license.

"**License**" means a permit issued by the department authorizing by law the licensee to operate a family child care home and certifying the licensee meets minimum requirements under licensure.

"**Licensee**" means the person, organization, or legal entity responsible for operating the home.

"**Premises**" means the buildings where the home is located and the adjoining grounds over which the licensee has control.

"**Provider**" means the same as "licensee."

"**The Washington state training and registry system (STARS)**" means the entity approved by the department to

determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

"We" or "our" refer to and mean the department of social and health services, including division of child care and early learning licensors.

[Statutory Authority: Chapter 74.15 RCW, RCW 74.08.090, 02-16-062, § 388-155-010, filed 8/2/02, effective 10/1/02. Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-010, filed 2/28/00, effective 3/30/00; 98-24-052, § 388-155-010, filed 11/25/98, effective 12/26/98; 91-04-048 (Order 3136), § 388-155-010, filed 2/1/91, effective 3/4/91.]

WAC 388-155-020 Scope of licensing. (1) The person operating a family child care home shall be subject to licensing by authority under chapter 74.15 RCW, unless exempted by RCW 74.15.020(4).

(2) The person operating a family child care home and qualifying for exemption from requirements of this chapter under RCW 74.15.020(4) shall not be subject to licensure. The person claiming an exemption must provide the department proof of entitlement to the exemption on the department's request.

(3)(a) RCW 74.15.020 (4)(c)(i) exempts from licensing persons who care for a neighbor's or friend's child or children, with or without compensation, where:

(i) Care is provided for less than twenty-four hours; and

(ii) Such activity is not conducted on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to advertising such care.

(b) For purposes of this section:

(i) "Advertising" means attempting to solicit child care clients, either directly or indirectly, through written, or electronic means;

(ii) "Engaging in business" shall exclude those persons providing child care for only one family of children or who can demonstrate that their gross earnings from child care will not exceed one thousand dollars in any one calendar year;

(iii) "Friend" means someone with whom the care provider had a personal relationship prior to the time care was sought, offered, or provided;

(iv) "Neighbor" means a person with whom the care provider has relationship by virtue to living in close proximity to the person;

(v) "Ongoing" means that care is provided for a number of consecutive weeks or months or there is no specific time frame for ending child care;

(vi) "Regularly scheduled" means that the child comes at usually planned times and/or days and/or the provider makes her/himself available to provide care at fixed or planned intervals.

(4) The department shall not license the home legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify the home as meeting licensing and other pertinent requirements. In such cases, the department's requirements and procedures for licensure shall apply equally to certification.

(5) The department may certify a family day care home for payment without further investigation if the home is:

(a) Licensed by an Indian tribe; or

(b) Certified by the Federal Department of Defense.

The home must be licensed or certified in accordance with national or state standards or standards approved by the department and be operated on the premises over which the entity licensing or certifying the home has jurisdiction.

(6) The person or organization desiring to serve state-paid children must:

(a) Be licensed or certified;

(b) Follow billing policies and procedures in *Child Care Subsidies, A Booklet for Providers*, DSHS 22-877(X); and

(c) Bill the department at the person's or organization's customary rate or the DSHS rate, whichever is less.

[Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-020, filed 2/28/00, effective 3/30/00; 96-20-095, § 388-155-020, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.12.340, 94-13-201 (Order 3745), § 388-155-020, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.030, 91-15-084 (Order 3205), § 388-155-020, filed 7/23/91, effective 8/23/91; 91-04-048 (Order 3136), § 388-155-020, filed 2/1/91, effective 3/4/91.]

WAC 388-155-040 Local ordinances and codes. The department must issue or deny a license on the basis of the applicant's compliance with minimum licensing and procedural requirements. Local officials must be responsible for enforcing city ordinances and county codes, such as zoning and building regulations.

[Statutory Authority: RCW 74.15.030, 01-17-084, § 388-155-040, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-040, filed 2/1/91, effective 3/4/91.]

WAC 388-155-050 Waivers. (1) In an individual case, the department, for good cause, may waive a specific requirement and may approve an alternate method of achieving the specific requirement's intent if the:

(a) Licensee or applicant submits to the department a written waiver request fully explaining the circumstances necessitating the waiver; and

(b) Department determines waiver approval will not jeopardize the safety or welfare of the child in care or detract from the quality of services the licensee delivers.

(2) 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.

(3) The department may limit or restrict a license issued in conjunction with a waiver.

(4) The licensee must maintain on the premises a copy of the written waiver approval.

(5) The department's denial of a waiver request must not be subject to appeal under chapter 34.05 RCW.

[Statutory Authority: RCW 74.15.030, 01-17-084, § 388-155-050, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-050, filed 2/1/91, effective 3/4/91.]

WAC 388-155-060 Dual licensure. The department must not issue a family child care home license to the applicant having a foster family home license or other license involving full-time care or permit simultaneous care for the child and adult on the same premises. An exception may be granted if the applicant or licensee:

(1) Demonstrates evidence that care of one client category will not interfere with the quality of care provided to another category of clients;

- (2) Requests and obtains a waiver permitting dual licensure;
- (3) Maintains the most stringent maximum capacity limitation for the client categories concerned; and
- (4) Where the licensee desires to exceed the most stringent maximum capacity limitation, requests an additional waiver to subsection (3) above. This additional waiver request may be written on one form with the request for dual licensing.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-060, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-060, filed 4/26/96, effective 5/27/96. Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-060, filed 2/1/91, effective 3/4/91.]

WAC 388-155-070 Application and reapplication for licensure—Orientation, training and investigation. (1) The person, organization, or legal entity applying for a license or relicensure under this chapter and responsible for operating the home must:

(a) Attend orientation and training programs provided, arranged, or approved by the department;

(b) Comply with application procedures the department prescribes; and

(c) Submit to the department:

(i) A completed department-supplied application for family child care home license, including required attachments, ninety or more days before the:

- (A) Beginning of licensed care;
- (B) Expiration of a current license;
- (C) Relocation of a home; or
- (D) Change of licensed capacity category.

(ii) A completed criminal history and background inquiry form for each applicant, assistant, volunteer, or member of the household sixteen years of age or older having unsupervised or regular access to the child in care;

(iii) Fingerprint cards if residing in Washington state for less than three years; and

(iv) The annual licensing fee.

(2) In addition to the required application materials specified under subsection (1) of this section, the applicant for initial licensure must submit to the department:

(a) A department-supplied employment and education resume of the applicant and assistant including a transcript or its equivalent documenting early childhood education class completion, where appropriate; and

(b) Three references for the applicant.

(3) The applicant for a license under this chapter shall be eighteen years of age or older.

(4) The department may, at any time, require additional information from the applicant, licensee, assistant, volunteer, member of their household and other person having access to the child in care as the department deems necessary, including, but not limited to:

- (a) Sexual deviancy evaluations;
- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;
- (d) Psychological evaluations; and
- (e) Medical evaluations.

(5) The department may perform investigations of the applicant, licensee, assistant, volunteer, member of their household, and other person having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-070, filed 2/28/00, effective 3/30/00. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-070, filed 4/26/96, effective 5/27/96. Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-070, filed 2/1/91, effective 3/4/91.]

WAC 388-155-080 Issuance of license. (1) The department issues the applicant or licensee a license for a specific number of children dependent on the:

(a) Department's evaluation of the home's premises and physical accommodations;

(b) Number and skills of the licensee, assistant, and volunteers; and

(c) Ages and characteristics of the children served.

(2) The department:

(a) May issue the applicant or licensee a license to care for fewer children than the home's maximum capacity; and

(b) Must not issue the applicant or licensee a license for the care of more children than permitted under this chapter.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-080, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-080, filed 2/1/91, effective 3/4/91.]

WAC 388-155-083 Fees. The licensee must pay a fee of twenty-four dollars per year. The fee is payable to DSHS and may be paid either annually or once every three years.

[Statutory Authority: RCW 43.20B.110. 01-02-032, § 388-155-083, filed 12/22/00, effective 1/22/01.]

WAC 388-155-085 Initial license. (1) The department may issue an initial license to an applicant not currently licensed to provide child day care when the applicant:

(a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but

(b) Cannot demonstrate compliance with the rules pertaining to:

- (i) Provider-child interactions,
- (ii) Capacity,
- (iii) Behavior management,
- (iv) Activity and routines,
- (v) Child records and information, and
- (vi) Other rules requiring department observation of the applicant's ability to comply with rules.

(c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department must evaluate the applicant's ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to the applicant demonstrating compliance with all rules contained in this chapter at any time during the period of initial licensure.

(5) The department must not issue a full license to the applicant who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-085, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-085, filed 10/1/96, effective 11/1/96.]

WAC 388-155-090 When can my license application be denied and when can my license be suspended or revoked? (1) We must deny your license application, or suspend or revoke your license if you do not meet the requirements outlined this chapter.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-15-130;

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. The exception: If you can demonstrate by clear and convincing evidence that you have taken enough correction action or rehabilitation to justify the public trust and to operate the home according to the rules of this chapter, we may issue you a license;

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises; or

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the home's operation or to interview staff or a child in care.

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the home;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

[Statutory Authority: RCW 74.15.030. 02-24-022, § 388-155-090, filed 11/26/02, effective 12/27/02. Statutory Authority: Chapter 74.120 RCW, RCW 74.12.340, and 74.15.030. 02-14-085, § 388-155-090, filed 6/28/02, effective 7/29/02. Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-090, filed 8/16/01, effective 9/16/01; 96-10-043 (Order 3974), § 388-155-090, filed 4/26/96, effective 5/27/96. Statutory Authority: RCW 74.12.340. 94-13-201 (Order 3745), § 388-155-090, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-090, filed 2/1/91, effective 3/4/91.]

WAC 388-155-092 Civil penalties. (1) Before imposing a civil penalty, the department must provide written notification by personal service, including by the licensor, or certified mail which must include:

(a) A description of the violation and citation of the applicable requirement or law;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance;

(d) The maximum allowable penalty if timely compliance is not achieved;

(e) The means to contact any technical assistance services provided by the department or others; and

(f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) The length of time in which to comply must depend on:

(a) The seriousness of the violation;

(b) The potential threat to the health, safety and welfare of children in care; or

(c) Previous opportunities to correct the deficiency.

(3) The department may impose a civil penalty based on but not limited to these reasons:

(a) The child care home has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) The child care home has previously been given notice of the same or similar type of violation of the same statute or rule; or

(c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.

(4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) The civil fine must be payable twenty-eight days after receipt of the notice or later as specified by the department.

(6) The fine may be forgiven if the agency comes into compliance during the notification period.

(7) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding as governed by RCW 43.20A.215.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-092, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-092, filed 10/1/96, effective 11/1/96.]

WAC 388-155-093 Civil penalties—Amount of penalty. Whenever the department imposes a civil monetary penalty per WAC 388-155-092(3), the department must impose a penalty of seventy-five dollars per violation per day. The department may assess and collect the penalty with interest for each day of noncompliance.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-093, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-093, filed 10/1/96, effective 11/1/96.]

WAC 388-155-094 Civil penalty—Posting of notice of penalty. (1) The licensee must post the final notice of a civil penalty in a conspicuous place in the facility.

(2) The notice must remain posted until payment is received by the department.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-094, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-094, filed 10/1/96, effective 11/1/96.]

WAC 388-155-095 Civil penalties—Unlicensed programs. Where the department has determined that an agency is operating without a license, the department must send written notification by certified mail or other means showing proof of service. This notification must contain the following:

(1) Advising the agency of the basis of determination of providing child care without a license and the need to be licensed by the department;

(2) The citation of the applicable law;

(3) The assessment of seventy-five dollars per day penalty for each day unlicensed care is provided. The fine would be effective and payable within thirty days of receipt of the notification;

(4) How to contact the division of child care and early learning;

(5) The need to submit an application to the division of child care and early learning within thirty days of receipt of the notification;

(6) That the penalty may be forgiven if the agency submits an application within thirty days of the notification; and

(7) The right of an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

[Statutory Authority: RCW 74.15.030. 02-24-022, § 388-155-095, filed 11/26/02, effective 12/27/02; 01-17-084, § 388-155-095, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-095, filed 10/1/96, effective 11/1/96.]

WAC 388-155-096 Civil penalties—Separate violations. Each violation of a law or rule constitutes a separate violation and may be penalized as such.

[Statutory Authority: RCW 74.15.030. 96-20-095, § 388-155-096, filed 10/1/96, effective 11/1/96.]

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WAC 388-155-097 Civil penalties—Penalty for non-payment. The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty it has assessed within ten days after such assessment becomes final.

[Statutory Authority: RCW 74.15.030. 96-20-095, § 388-155-097, filed 10/1/96, effective 11/1/96.]

WAC 388-155-098 Probationary license. (1) The department must base the decision as to whether a probationary license will be issued upon the following factors:

- (a) Willful or negligent noncompliance by the licensee,
- (b) History of noncompliance,
- (c) Extent of deviation from the requirements,
- (d) Evidence of a good faith effort to comply,
- (e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing requirements does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue, a probationary license may be issued as well as civil penalties or other sanctions. Such situations may include:

- (a) Substantiation that a child (or children) was abused or neglected while in the care of the home,
- (b) Disapproved fire safety or sanitation report,
- (c) Use of unauthorized space for child care,
- (d) Inadequate supervision of children,
- (e) Understaffing for the number of children in care,
- (f) Noncompliance with requirements addressing:
 - (i) Children's health,
 - (ii) Proper nutrition,
 - (iii) Discipline,
 - (iv) Emergency medical plan,
 - (v) Sanitation and personal hygiene practices.

(3) Licensee must notify parents when a probationary license is issued:

(a) The licensee must notify the parents or guardians of all children in care that it is in probationary status within five working days of receiving notification he or she has been issued a probationary license;

(b) The notification must be in writing and must be approved by the department prior to being sent;

(c) The licensee must provide documentation to the department that parents or guardians of all children in care have been notified within ten working days of receiving notification that he or she has been issued a probationary license;

(d) The department may issue a probationary license for up to six months, and at the discretion of the department it may be extended for an additional six months.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-098, filed 2/28/00, effective 3/30/00; 96-20-095, § 388-155-098, filed 10/1/96, effective 11/1/96.]

WAC 388-155-100 Activities and routines. (1) The provider must offer activities and routines designed to meet the developmental, cultural, and individual needs of the child served. The provider must ensure that the activities and routines allow the child to:

- (a) Gain self-esteem, self-awareness, self-control, and decision-making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety; and

(d) Experiment, explore, and play.

(2) The provider must establish familiar routines for meals, rest, and play, with allowances for a variety of special events.

(3) The provider must ensure the home's activities offer variety and options, including a balance between:

(a) Child-initiated and provider-initiated activities;

(b) Free play and organized events;

(c) Individual and group activities;

(d) Quiet and active experiences; and

(e) Interactive and passive activities.

(4) The provider must ensure the home's daily routine affords the child opportunities for small and large muscle activities and outdoor play.

(5) The child may remain in care no more than ten hours per day except as necessitated by the parent's working hours and commute time.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-100, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-100, filed 2/1/91, effective 3/4/91.]

WAC 388-155-110 Learning and play materials. The provider must ensure the child access to a variety of easily accessible, developmentally appropriate learning and play materials of sufficient quantity to implement the home's daily activities. The provider must ensure material is culturally relevant and promotes:

(1) Social development;

(2) Intellectual ability;

(3) Language development and communication;

(4) Self-help skills;

(5) Sensory stimulation;

(6) Large and small muscle development; and

(7) Creative expression.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-110, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-110, filed 2/1/91, effective 3/4/91.]

WAC 388-155-120 Provider-child interactions. (1) The provider/assistant must furnish the child a nurturing, respectful, supportive, and responsive environment through frequent interactions with the child:

(a) Supporting the child in developing an understanding of self and others by assisting the child to share ideas, experiences, and feelings;

(b) Providing age-appropriate opportunities for intellectual growth and development of the child's social and language skills, including encouraging the child to ask questions;

(c) Helping the child solve problems;

(d) Fostering creativity and independence in routine activities, including showing tolerance for mistakes; and

(e) Treating children in care equally regardless of race, religion, abilities, and family structure.

(2) The provider must:

(a) Furnish the child a pleasant and educational environment at meal and snack times; and

(b) Provide good models for nutrition habits and social behavior by:

(i) Eating with children, when feasible; and

(ii) Encouraging conversation among children.

(3) The provider must ensure the child is supervised by continuous visual or auditory contact.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-120, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-120, filed 2/1/91, effective 3/4/91.]

WAC 388-155-130 Behavior management and discipline. (1) The licensee must guide the child's behavior based on an understanding of the individual child's needs and stage of development. The licensee must promote the child's developmentally appropriate social behavior, self-control, and respect for the rights of others.

(2) The licensee must ensure behavior management and discipline practices are fair, reasonable, consistent, and related to the child's behavior. The licensee must not administer cruel, unusual, hazardous, frightening, or humiliating discipline.

(3) The licensee must be responsible for implementing the behavior management and discipline practices of the home. The child in care must not determine or administer behavior management or discipline.

(4) The licensee must prohibit and prevent:

(a) Corporal punishment by any person on the premises, including hitting, biting, jerking, shaking, spanking, slapping, striking, or kicking the child, or other means of inflicting physical pain or causing bodily harm;

(b) The use of a physical restraint method injurious to the child;

(c) The use of a mechanical restraint, locked time-out room, closet, highchair, carseat, or infant seat for disciplinary purposes;

(d) The withholding of food as a punishment.

(5) In emergency situations, the licensee competent to use de-escalation and restraint methods may use limited physical restraint when:

(a) Protecting a person on the premises from physical injury;

(b) Obtaining possession of a weapon or other dangerous object; or

(c) Protecting property from serious damage.

(6) The licensee must document any incident involving the use of physical restraint.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-130, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-130, filed 2/1/91, effective 3/4/91.]

WAC 388-155-140 Rest periods. (1) The provider must offer a supervised rest period to the child:

(a) Five years of age and under remaining in care more than six hours; or

(b) Showing a need for rest.

(2) The provider must plan quiet activities for the child not needing rest.

(3) The provider must allow the child twenty-four months of age and under to follow an individual sleep schedule.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-140, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-140, filed 2/1/91, effective 3/4/91.]

WAC 388-155-150 Evening and nighttime care. (1)

For the home regularly offering child care during evening and nighttime hours, the licensee must:

(a) Adapt the activities, routines, and equipment to meet the physical and emotional needs of the child away from home at night.

These must include:

- (i) Arrangements made for bathing as needed;
- (ii) Individual bedding appropriate for overnight sleeping;
- (iii) Appropriate night wear and individual toiletry items for each child;
- (iv) Separate dressing and sleeping areas for boys and girls ages six years and older and demonstrating a need for privacy.

(b) The licensee must maintain staff-child ratios during sleeping hours.

(c) The licensee must have a plan approved by the licensor to ensure the physical safety and emotional well-being of children during sleeping hours.

(2) The licensee must arrange child grouping so the sleeping child remains asleep during the arrival or departure of another child.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-150, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-150, filed 2/1/91, effective 3/4/91.]

WAC 388-155-160 Off-site trips. (1) The licensee may transport or permit the off-site travel of the child to attend school, participate in field trips, or engage in other off-site activities only with written parental consent.

(2) The parent's consent may be:

- (a) For a specific date and trip; or
- (b) A blanket authorization describing the full range of trips the child may take. In such case, the licensee must notify the parent in advance about the trip.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-160, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-160, filed 2/1/91, effective 3/4/91.]

WAC 388-155-165 Transportation. When the licensee provides transportation for the child in care:

(1) The licensee must ensure the motor vehicle is maintained in a safe operating condition;

(2) The licensee must ensure the motor vehicle is equipped with appropriate safety devices and individual seat belts or safety seats for each child to use when the vehicle is in motion according to Washington state patrol recommendations;

(3) The licensee must ensure the number of passengers does not exceed the seating capacity of the motor vehicle;

(4) The licensee or driver must carry motor vehicle liability and medical insurance. The driver must have a current

Washington driver's license, valid for the classification of motor vehicle operated;

(5) The licensee or assistant supervising the child in the motor vehicle must have current first aid and cardiopulmonary resuscitation training;

(6) The licensee, assistant, or driver must not leave the child unattended in the motor vehicle;

(7) The licensee must ensure the assistant is present in the motor vehicle when capacity guidelines require an assistant; and

(8) The licensee must keep a first aid kit, health history, and emergency medical consent for each child in the vehicle while transporting children.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-165, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-165, filed 2/1/91, effective 3/4/91.]

WAC 388-155-170 Parent communication. (1) The licensee must:

(a) Explain to the parent and to any assistants the provider's policies, procedures, and health care practices;

(b) Orient the parent and assistants to the home and activities, and to location of items required to be posted;

(c) Advise the parent of the child's progress and issues relating to the child's care and individual practices concerning a child's special needs; and

(d) Encourage parent participation in the home's activities.

(2) The licensee must give the parent the following written policy and procedure information:

(a) Enrollment and admission requirements;

(b) The fee and payment plan;

(c) A typical activity schedule, including hours of operation;

(d) Typical meals and snacks served, including guidelines on food brought from the child's home;

(e) Permission for free access by the child's parent to all home areas used by the child;

(f) Child abuse reporting requirements;

(g) Behavior management and discipline;

(h) Nondiscrimination statement;

(i) Religious activities, if any;

(j) Transportation and field trip arrangements;

(k) Typical staffing plan when provider is absent;

(l) Health care practices, including but not limited to information about the home's general health practices concerning:

(i) Injury prevention;

(ii) Medication management;

(iii) First aid, including medical emergencies;

(iv) Practices concerning an ill child;

(v) Communicable disease prevention, management, and reporting;

(vi) Handwashing practices.

(m) If licensed for the care of the young child:

(i) Proper infant sleep position and bedding to prevent Sudden Infant Death Syndrome (SIDS);

(ii) Diapering

(iii) Toilet training; and

(iv) Feeding.

- (n) Disaster response plan; and
- (o) Practices regarding nighttime care including staffing, if applicable.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-170, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-170, filed 2/1/91, effective 3/4/91.]

WAC 388-155-180 Staffing—Qualifications. (1) General qualifications. The licensee, assistant, volunteer, and other person associated with the operation of the home who has access to the child in care must:

- (a) Be of good character;
 - (b) Have the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural emotional, mental, physical, and social needs of the child in care; and
 - (c) Not have committed or been convicted of child abuse or any crime involving physical harm to another person.
- (2) The licensee must:
- (a) Be eighteen years of age or older;
 - (b) Be the primary child care provider during the majority of child care business hours;
 - (c) Ensure compliance with minimum licensing requirements under this chapter; and
 - (d) Have completed one of the following prior to or within the first six months of initial licensure except as provided in (e) of this subsection:
 - (i) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training and registry system (STARS); or
 - (ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education or child development; or
 - (iii) Associate of arts or AAS or higher college degree in early childhood education, child development, school age care, elementary education or special education.

(e) Licensees already licensed on the effective date of this rule must complete the training required in WAC 388-150-180 (2)(d) prior to or within twelve months after the effective date of this rule.

- (3) The assistant must be:
- (a) Fourteen years of age or older; or
 - (b) Eighteen years of age or older if assigned sole responsibility for the child in care; and
 - (c) Competent to exercise appropriate judgements.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-180, filed 2/28/00, effective 3/30/00; 98-24-052, § 388-155-180, filed 11/25/98, effective 12/26/98; 91-04-048 (Order 3136), § 388-155-180, filed 2/1/91, effective 3/4/91.]

WAC 388-155-190 Capacity. (1) The department must determine the maximum capacity of the family child care home based on the:

- (a) Licensee's experience and training;
- (b) Assistant's qualifications;
- (c) Number, ages, and characteristics of the children cared for;
- (d) Number and ages of the licensee's own children and other children residing in the home eleven years of age and under;

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- (e) Usable indoor and outdoor space; and
 - (f) Supply of toys and equipment.
- (2) The department may license the family child care home according to the following table:

NUMBER OF PROVIDERS REQUIRED	AGE RANGE IN YEARS	MAXIMUM NUMBER OF CHILDREN UNDER TWO YEARS OF AGE	MAXIMUM NUMBER OF CHILDREN
(a) Licensee	Birth - 11	2	6
(b) Licensee with one year experience	2 - 11	None	8
(c) Licensee with one year experience	5 - 11	None	10
(d) Licensee with one year experience plus assistant	Birth - 11	4	9
(e) Licensee with two years' experience and one early childhood education (ECE) class	3 - 11	None	10
(f) Licensee with two years' experience and one ECE class plus assistant	Birth - 11	4	12

So that the:

- (a) Unassisted licensee may provide care for a maximum of six children, birth through eleven years of age, with two or fewer children under two years of age; or
- (b) Unassisted licensee with one year of experience operating a licensed family child care home or the equivalent experience may provide care for a maximum of eight children, two years through eleven years of age; or
- (c) Unassisted licensee with one year of experience operating a licensed family child care home or the equivalent experience may provide care for a maximum of ten children, five years through eleven years of age; or
- (d) Licensee with one year of experience as a licensed family child care home provider or the equivalent experience and an assistant may provide care for seven through nine children, birth through eleven years of age, with four or fewer children under two years of age; or
- (e) Unassisted licensee with two years of experience operating a licensed family child care home or the equivalent experience and one class in ECE, or the equivalent education, may provide care for a maximum of ten children, three years through eleven years of age; or
- (f) Licensee with two years of experience operating a licensed family child care home or the equivalent experience, one class in ECE or the equivalent education, and a qualified assistant may provide care for a maximum of twelve children, birth through eleven years of age, with four or fewer children under two years of age.

(3) The licensee must ensure an assistant is on the premises when:

- (a) Three or more children under two years of age are in care;
 - (b) Seven or more children are in care and any child in care is under two years of age; or
 - (c) More than ten children are in care.
- (4) The department's determination of capacity shall include all children eleven years of age or under on the premises.

(5) The licensee must ensure the assistant is eighteen years of age or older when the assistant is solely responsible for the child in care.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-190, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-190, filed 2/1/91, effective 3/4/91.]

WAC 388-155-200 Development and training. (1)

The licensee must have an orientation system making the new employee and volunteer aware of policies and practices. The licensee must provide the new employee or volunteer an orientation including, but not limited to:

- (a) Minimum licensing rules required under this chapter;
- (b) Goals and philosophy of the home;
- (c) Daily activities and routines;
- (d) Child guidance and behavior management methods;
- (e) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (f) Special health and developmental needs of the individual child;
- (g) The health care practices;
- (h) Fire prevention and safety procedures;
- (i) Duties of assistants and/or volunteer; and
- (j) Location of items required to be posted.

(2) The licensee must:

- (a) Obtain basic, standard first aid, and cardiopulmonary resuscitation (CPR) training, approved by the department of health. CPR training must include methods appropriate for child age groups in care;
- (b) Ensure that first aid and CPR training is current; and
- (c) Annually, beginning one year after licensure, complete ten clock hours or one college quarter credit of training. Training must be approved by the Washington state training and registry system (STARS). For those already licensed on the effective date of this rule, this requirement for annual training shall begin one year after the effective date of this rule.

(3) The licensee must ensure the assistant eighteen years of age or older obtains basic, standard first aid, and CPR training approved by the department of health if the assistant will be solely responsible for the child in care.

(4) The licensee and assistant must obtain appropriate education and training on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(5) The licensee must encourage the assistant to participate in training opportunities to promote ongoing education and enhance practice skills.

(6) The licensee must conduct periodic meetings for planning and coordination purposes when applicable.

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[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-200, filed 2/28/00, effective 3/30/00; 98-24-052, § 388-155-200, filed 11/25/98, effective 12/26/98; 91-04-048 (Order 3136), § 388-155-200, filed 2/1/91, effective 3/4/91.]

WAC 388-155-220 Health supervision and infectious disease prevention. (1) The licensee must encourage the parent to arrange a physical examination for the child who has not had regular health care or a physical examination within one year before enrollment.

(2) The licensee must encourage the parent to obtain health care for the child when necessary. The licensee must not be responsible for providing or paying for the child's health care.

(3) Before or on the child's first day of attendance, the parent must present a certificate of immunization status form prescribed by the department of health proving the child's full immunization for:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis (whooping cough);
- (d) Poliomyelitis;
- (e) Measles (rubeola);
- (f) Rubella (German measles);
- (g) Mumps;
- (h) Haemophilus Influenzae Type B (HIB);
- (i) Hepatitis B; and
- (j) Other diseases prescribed by the department of health.

(4) The licensee may accept the child without all required immunizations on a conditional basis if immunizations are:

- (a) Initiated before or on enrollment; and
 - (b) Completed as rapidly as medically possible.
- (5) The licensee may exempt the immunization requirement for the child if the parent or guardian:

- (a) Signs a statement expressing a religious, philosophical, or personal objection; or
- (b) Furnishes a physician's statement of a valid medical reason for the exemption.

(6) The licensee must observe the child daily for signs of illness. The licensee must care for or discharge home the ill child based on the home's policies concerning an ill child.

(a) When the child has a severe illness or is injured, tired, or upset, the licensee must separate the child from other children and attend the child continuously until:

- (i) The licensee secures appropriate health care for the child; or
- (ii) The licensee makes an arrangement to return the child to the parent; or
- (iii) The child is able to rejoin the group.

(b) The licensee must provide a quiet, separate care room or area allowing the child requiring separate care an opportunity to rest.

(c) The licensee must sanitize equipment used by the child, if the licensee suspects the child has a communicable disease.

(d) The licensee may use the separate care room or area for other purposes when not needed for separation of the child.

(7) The licensee must wash, or assist the child to wash hands according to the home's handwashing procedures.

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(8) The licensee must clean and disinfect toys, equipment, furnishings, and facilities according to the home's cleaning and disinfecting policies.

(9) The licensee must have appropriate extra clothing available for the child who wets or soils clothes.

(10) The licensee must ensure the child does not share personal hygiene or grooming items.

(11) Each licensee, assistant, volunteer, and adult member of the household having regular contact with the child in care must have a tuberculin (TB) skin test, by the Mantoux method, upon employment or initial licensure, unless against medical advice.

(a) The person whose TB skin test is positive (ten millimeters or more size) must have a chest x-ray with results indicating the person does not have active TB, within thirty days following the skin test.

(b) The licensee must not require the person to obtain routine periodic TB retesting or x-ray (biennial or otherwise) after entry testing unless directed to obtain retesting by the person's health care provider or the local health department.

(12) The licensee must not permit the person with a reportable communicable disease to be on duty in the home or have contact with the child in care unless approved by a health care provider.

(13) The licensee and assistant must wash hands according to the home's handwashing practices.

[Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-220, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-220, filed 2/1/91, effective 3/4/91.]

WAC 388-155-230 Medication management. (1) The home may have a policy of not giving medication to the child in care, unless a child has a medically recognized special need requiring medication.

(2) If the home's health care practices include giving medication to the child in care, the licensee:

(a) Must give medications, prescription and nonprescription, only on the written approval of a parent, or of a person or agency having authority by court order to approve medical care;

(b) Must give prescription medications:

(i) Only as specified on the prescription label; or

(ii) As authorized by a physician or other person legally authorized to prescribe medication.

(c) Must give the following classifications of nonprescription medications, with written parent authorization, including a start date and ending date, not to exceed one month, only at the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child needing the medication:

(i) Antihistamines;

(ii) Nonaspirin fever reducers/pain relievers;

(iii) Nonnarcotic cough suppressants;

(iv) Decongestants;

(v) Anti-itching ointments or lotions, intended specifically to relieve itching;

(vi) Diaper ointments and powders, intended specifically for use in the diaper area of the child; and

(vii) Sun screen.

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(d) Must have written instructions from a physician for nonprescription medications if:

(A) A specific dosage is not given on the label for the age and weight of the child in care;

(B) It is not listed in subsection (2)(c);

(C) It lacks labeled instructions; or

(D) It is taken differently than indicated on the manufacturer's label.

The written instructions must include dosage and description of the child's symptoms warranting the medication.

(e) Must accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

(i) The child's first and last names;

(ii) The date the prescription was filled; or

(iii) The medication's expiration date; and

(iv) Legible instructions for administration, such as manufacturer's instructions or prescription label.

(f) Must keep medication, refrigerated or nonrefrigerated, in an orderly fashion, inaccessible to the child;

(g) Must keep class II narcotics in locked storage.

(h) Must store external medication in a compartment separate from internal medication;

(i) Must keep a record of medication disbursed;

(j) Must return medications no longer being taken to the parent or other responsible party, or must dispose of them;

(k) May at the licensee's option, permit self-administration of medication by a child in care if the:

(i) Child is physically and mentally capable of properly taking medication without assistance;

(ii) Licensee includes in the child's file a parental or physician's written statement of the child's capacity to take medication without assistance; and

(iii) Licensee ensures the child's medications and other medical supplies are stored so the medications and medical supplies are inaccessible to another child in care.

[Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-230, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-230, filed 2/1/91, effective 3/4/91.]

WAC 388-155-240 Nutrition. (1) The licensee must provide food meeting the nutritional needs of the child in care, taking into consideration the:

(a) Number of children in care;

(b) Child's age and developmental level;

(c) Child's cultural background;

(d) Child's special need; and

(e) Hours of care on the premises.

(2) The licensee must provide only pasteurized milk or a pasteurized milk product.

(3) The licensee must provide only whole milk to the child twenty-three months of age or under except with the written permission of the child's parent.

(4) The licensee may serve the child twenty-four months of age or older powdered Grade A milk mixed in the home provided the licensee completes the dry milk mixture, service, and storage in a safe and sanitary manner, using water from an approved source.

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(5) The licensee may provide the child nutrient concentrates, nutrient supplements, a modified diet, or an allergy diet only with written permission of the child's health care provider. The licensee must obtain from the parent or child's health care provider a written list of foods the child cannot consume.

(6) The licensee must use the following meal pattern to provide food to the child in care in age-appropriate servings:

(a) Providing the child in care for ten or less hours:

(i) Two or more snacks and one meal; or

(ii) Two meals and one snack.

(b) Providing the child in care for ten or more hours, two or more meals and two snacks;

(c) Providing the child arriving after school a snack;

(d) Providing the child with food at not less than two-hour intervals, and not more than three and one-half hours apart; and

(e) Allowing the occasional serving of party foods not meeting nutritional requirements.

(7) The licensee shall provide the child in care food which complies with the meal pattern of the United States Department of Agriculture Child and Adult Care Food Program, with the addition of:

(a) A minimum of one serving of Vitamin C fruit, vegetable, or juice, provided daily; and

(b) Servings of food high in Vitamin A, provided three or more times weekly.

(8) The licensee must provide:

(a) Dinner to the child in evening care when the child did not receive dinner at home before arriving;

(b) A bedtime snack to the child in nighttime care; and

(c) Breakfast to the child in nighttime care if the child remains at the home after the child's usual breakfast time.

(9) The licensee must monitor foods brought from the child's home for consumption by the child, all children, or a group of children in care ensuring safe storage and nutritional adequacy.

(10) For the home permitting sack lunches, the licensee must have food supplies available to supplement food deficient in meeting nutrition requirements brought from the child's home and to nourish the child arriving without food.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-240, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-240, filed 2/1/91, effective 3/4/91.]

WAC 388-155-250 Kitchen and food service. (1) The licensee must provide and maintain equipment for the proper storage, preparation, and service of food.

(2) The licensee must make potentially hazardous appliances and sharp or pointed utensils inaccessible to the child when the child is not under direct supervision.

(3) The child may participate in food preparation as an educational activity.

(4) The licensee must install and maintain kitchen equipment and clean reusable utensils in a safe and sanitary manner by:

(a) Washing and sanitizing reusable utensils in a dishwasher or through use of a manual dishwashing procedure;

(b) Using only single-use or clean cloths, used solely for wiping food service, preparation, and eating surfaces; and

(c) Using an approved sanitizer, such as bleach and water, in the kitchen.

(5) The licensee must provide the child individual drinking cups, glasses, or disposable single-use cups.

(6) The licensee must provide the child durable eating utensils appropriate in size and shape for the child in care.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-250, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-250, filed 2/1/91, effective 3/4/91.]

WAC 388-155-270 Care of young children. (1) Diapering and toileting. The licensee must ensure:

(a) The diaper-changing area is:

(i) Separate from food preparation areas; and

(ii) Easily accessible to a handwashing sink other than a sink used for food preparation;

(iii) Sanitized between use for different children; or

(iv) Protected by a disposable covering discarded after each use.

(b) The diaper-changing area is impervious to moisture and washable.

(2) The licensee must:

(a) Use a nonabsorbent pad large enough for the child's upper body and buttocks;

(b) Use reusable diapers, a commercial diaper service, or disposable diapers;

(c) Place soiled diapers without rinsing into a separate, cleanable, covered container provided with a waterproof liner before transporting to a laundry, parent, or acceptable disposal;

(d) Remove soiled diapers from the home daily or more often unless the licensee uses a commercial diaper service;

(e) Use disposable towels or clean, reusable towels laundered between use for different children for cleaning the child; and

(f) Wash hands after diapering the child or helping the child with toileting.

(3) The licensee must:

(a) Consult with the child's parent regarding initiating toilet training;

(b) Locate potty chairs on washable, nonabsorbent surfaces in appropriate toileting area when in use; and

(c) Sanitize toilet training equipment after each use.

(4) Feeding. The licensee and the infant's parent must agree on a schedule for feedings:

(a) The licensee or parent may provide the child's bottle feeding in the following manner:

(i) A filled bottle brought from home;

(ii) Whole milk or formula in ready-to-feed strength; or

(iii) Formula requiring no preparation other than dilution with water, mixed on the premises, following manufacturer's directions.

(b) The licensee must prepare the child's bottle and nipple in a sanitary manner in an area separate from the diapering area.

(c) The licensee must sanitize the child's bottle and nipple between uses.

(d) The licensee must label the bottle with the child's name and date prepared, if more than one bottle-fed child is in care.

(e) The licensee must refrigerate a filled bottle if the child does not consume the contents immediately and discard the bottle's contents if the child does not consume the contents within twelve hours.

(f) To ensure safety and promote nurturing, the licensee and assistant must:

(i) Hold the child in a semi-sitting position for feeding, if the child is unable to sit in a high chair, unless such is against medical advice;

(ii) Interact with the child;

(iii) Not prop a bottle;

(iv) Not give a bottle to the reclining child; and

(v) Take the bottle from the child when the child finishes feeding.

(g) The licensee must provide semi-solid food for the child, upon consultation with the parent, as recommended by the child's health care provider.

(5) Sleeping equipment. The licensee must furnish the child a single-level crib, infant bed, bassinet, or play pen for napping until such time the parent and licensee agree the child can safely use a mat, cot, or other approved sleep equipment.

(6) The licensee must ensure the young child has a sturdy crib, infant bed, bassinet, or play pen:

(a) Made of wood, metal, or plastic with secure latching devices; and

(b) Constructed with two and three-eighths inches or less space between vertical slats when the crib is used for a child six months of age or younger; and

(c) The licensee must follow the recommendations of the American Academy of Pediatrics (1-800-505-CRIB), placing infants on their backs each time for sleep. The provider may use a different sleep position if the parent requests it in writing.

(7) The licensee must ensure the child's crib mattress, infant bed, bassinet, or play pen mattress is:

(a) Snug fitting, preventing the infant from being caught between the mattress and crib side rails; and

(b) Waterproof, easily sanitized, and in good repair.

(8) Activities and equipment. The licensee must provide the young child a daily opportunity for:

(a) Large and small muscle development;

(b) Crawling and exploring;

(c) Sensory stimulation;

(d) Social interaction;

(e) Development of communication; and

(f) Learning self-help skills.

(9) The licensee must provide safe, noningestible, suitable toys and equipment for the young child's mental and physical development.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-270, filed 8/16/01, effective 9/16/01; 00-06-040, § 388-155-270, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-270, filed 2/1/91, effective 3/4/91.]

WAC 388-155-280 General safety, maintenance, and site. (1) The licensee must operate the home on an environmentally safe site.

(2) The licensee must maintain the indoor and outdoor premises in a safe and sanitary condition, free of hazards, and

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in good repair. The licensee must ensure furniture and equipment are safe, stable, durable, and free of sharp, loose, or pointed parts.

(3) The licensee must:

(a) Install handrails or safety devices at child height adjacent to steps, stairways, and ramps;

(b) Maintain a flashlight or other emergency lighting device in working condition;

(c) Ensure there is no flaking or deteriorating lead-based paint on interior and exterior surfaces, equipment, and toys accessible to the child;

(d) Finish rough or untreated wood surfaces; and

(e) Maintain one or more telephones in working order.

(4) The licensee must supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring or routinely cleaned floor covering.

(5) The licensee must equip child-accessible electrical outlets with nonremovable safety devices or covers preventing electrical injury.

(6) The licensee must ensure staff can gain rapid access in an emergency to a bathroom or other room occupied by the child.

(7) The licensee must keep the premises free from rodents, fleas, cockroaches, and other insects and pests, using the least toxic method available, and notifying children's parents in advance of chemical usage.

(8) The licensee must use an appropriate method for drawing clean mop water and disposing waste water.

(9) 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.

(10) The licensee must ensure a person with current first aid and infant-child CPR training is on the premises at all times.

(11) The licensee must store separate from food products and make inaccessible to children cleaning supplies, toxic substances, paint, poisons, aerosol containers, and items bearing warning labels indicating a product is hazardous, if a person is exposed to, or consumes the product.

(12) The licensee must label a container filled from a stock supply to identify contents.

(13) The licensee must ensure that any animal or pet on the premises has not demonstrated aggressive behavior. If a pet or animal has demonstrated aggressive behavior, it must be inaccessible to children in care at all times.

(14) The use of wheeled baby walkers is prohibited.

(15) The use of trampolines, including rebounders, is prohibited.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-280, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-280, filed 2/1/91, effective 3/4/91.]

WAC 388-155-290 Water supply, sewage, and liquid wastes. (1) The licensee must obtain water from:

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(a) A public water supply that is regulated by Washington state department of health drinking water operations or the local health authority, as appropriate;

(b) An individual water supply operated and maintained in a manner acceptable to the local health authority; or

(c) Commercially bottled water in cases where (a) or (b) of this subsection are unsatisfactory.

(2) The licensee must ensure sewage and liquid wastes are discharged into:

(a) A public sewer system; or

(b) An independent sewage system maintained so as not to create a public health nuisance as determined by the local health authority.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-290, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-290, filed 2/1/91, effective 3/4/91.]

WAC 388-155-295 Water safety. (1) The licensee must maintain the following water safety precautions when the child uses an on-premises swimming pool or wading pool. The licensee must ensure:

(a) The on-premises pool is inaccessible to the child when not in use; and

(b) An adult with current CPR training supervises the child at all times.

(2) The licensee must ensure a certified lifeguard is present during the child's use of an off-premises swimming pool.

(3) The licensee must empty and clean a portable wading pool daily, when in use.

(4) An adequate, department-approved cover or barrier, installed at the manufacturer's specification must be in place to prevent the child access at all times to heated tubs, whirlpools, spas, tanks, or similar equipment.

(5) A five foot high fence with gates, locked when not in use, is required to prevent access to water hazards, such as swimming pools, lakes, streams, or natural or artificial pools.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-295, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-295, filed 2/1/91, effective 3/4/91.]

WAC 388-155-310 First-aid supplies. (1) The licensee must maintain first-aid supplies on the premises conforming with the home's first-aid policies and procedures.

(2) The home's first-aid supplies must include unexpired syrup of ipecac which may be administered only on the advice of a poison control center.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-310, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-310, filed 2/1/91, effective 3/4/91.]

WAC 388-155-320 Outdoor play area. (1) The licensee must provide a safe and securely-fenced or department-approved, enclosed outdoor play area:

(a) Adjoining directly the indoor premises; or

(b) Reachable by a safe route and method; and

(c) Promoting the child's active play, physical development, and coordination; and

(d) Protecting the child from unsupervised exit with an enclosure at least forty-eight inches high; and

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(e) Preventing child access to roadways and other dangers.

(2) The licensee must ensure the home's activity schedule affords the child sufficient daily time to participate actively in outdoor play.

(3) The licensee must provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities. The licensee must arrange, design, construct, and maintain equipment and ground cover to prevent the child's injury. The licensee's quantity of outdoor play equipment must offer the child a range of outdoor play options.

(4) Preschool children and younger must be in visual and auditory range when outside.

(5) School-age children must be in auditory range when outside.

[Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395. 02-13-073, § 388-155-320, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-320, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-320, filed 2/1/91, effective 3/4/91.]

WAC 388-155-330 Indoor play area. (1) The home's indoor premises must contain adequate space for child play and sufficient space to house developmentally appropriate activities for the number and age range of children served. The licensee must provide a minimum of thirty-five square feet of usable floor space per child, exclusive of a bathroom, hallway, and closet.

(2) The licensee may use and consider the napping area as child care space if mats and cots are removed when not in use. The licensee may consider the kitchen usable space if:

(a) Appliances and utensils do not create a safety hazard;

(b) Toxic or harmful substances are not accessible to the child;

(c) Food preparation and storage sanitation is maintained; and

(d) The space is used safely and appropriately as a child care activity area.

(3) The licensee may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided:

(a) The room is of sufficient size; and

(b) The room's use for one purpose does not interfere with use of the room for another purpose.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-330, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-330, filed 2/1/91, effective 3/4/91.]

WAC 388-155-340 Toilets, handwashing sinks, and bathing facilities. (1) The licensee must provide a minimum of one indoor flush-type toilet and one adjacent handwash sink.

(2) The licensee must supply the child warm running water for handwashing at a temperature range no less than eighty-five degrees Fahrenheit and no more than one hundred and twenty degrees Fahrenheit.

(3) The licensee must provide toileting privacy for the child of opposite sex six years of age and older and for other children demonstrating a need for privacy.

(4) The licensee must provide toilets and handwashing sinks of appropriate height and size for the child in care or furnish safe, easily cleanable platforms impervious to moisture so the child can reach the toilet and handwashing sink.

(5) The licensee must ensure a room used for toileting is ventilated.

(6) When a home serves the child not toilet-trained, the licensee must provide developmentally appropriate equipment for the toileting and toilet training of the young child. The licensee must sanitize the equipment after each child's use.

(7) The licensee must provide the child with soap and individual cloth or paper towels for washing and drying the child's hand and face.

(8) If the home is equipped with a bathing facility, the licensee must:

(a) Ensure the young child is supervised while using the bathing facility; and

(b) Equip the bathing facility with a conveniently located grab bar or other safety device such as a nonskid pad.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-340, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-340, filed 2/1/91, effective 3/4/91.]

WAC 388-155-350 Laundry. (1) The licensee must use an effective method through temperature or chemical measures for adequately sanitizing the child's laundry contaminated with urine, feces, lice, scabies, or other infectious material.

(2) The licensee must store the child's soiled laundry separately from clean laundry.

(3) Hazardous laundry supplies and soiled items must be inaccessible to children.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-350, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-350, filed 2/1/91, effective 3/4/91.]

WAC 388-155-360 Nap and sleep equipment. (1) The licensee must provide a clean, separate, firm mat, cot, bed, mattress, play pen, or crib for each child five years of age and under remaining in care for six or more hours and for the child requiring a nap or rest period.

(2) The licensee must ensure the child's mat or cot is of sufficient length, width, and thickness to provide adequate comfort for the child to nap. The licensee must ensure the cot surface is of a material which can be cleaned with a detergent solution, disinfected, and allowed to air dry. The licensee may use a washable sleeping bag meeting the mat requirements for the toilet-trained child.

(3) The licensee must clean the child's nap equipment as needed and between use by different children.

(4) The licensee must separate the child's nap equipment when in use to facilitate child comfort and health and staff access.

(5) The licensee must ensure the child's bedding:

(a) Consists of a clean sheet or blanket to cover the sleeping surface and a clean, suitable cover for the child;

(b) Is laundered weekly or more often and between use by different children; and

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(c) Is stored separately from bedding used by another child.

(6) The licensee must not use the upper bunk of a double deck bed for a preschool age or younger child.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-360, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-360, filed 2/1/91, effective 3/4/91.]

WAC 388-155-370 Storage. (1) The licensee must provide accessible individual space for the child to store clothes and personal possessions.

(2) The licensee must provide sufficient space to store equipment, supplies, records, files, cots, mats, and bedding.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-370, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-370, filed 2/1/91, effective 3/4/91.]

WAC 388-155-380 Home atmosphere. (1) The licensee must provide a cheerful learning environment for the child consistent with a family home environment by placing visually stimulating decorations, pictures, or other attractive materials at appropriate heights for the child.

(2) The licensee must maintain a safe and developmentally appropriate noise level, without inhibiting normal ranges of expression by the child, so provider and child can be clearly heard and understood in normal conversation.

(3) The licensee must locate light fixtures and provide lighting intensities promoting good visibility and comfort for the child in care.

(4) The licensee must maintain the temperature within the home at:

(a) Sixty-eight degrees Fahrenheit or more during the child's waking hours; and

(b) Sixty degrees Fahrenheit or more during the child's napping or sleeping hours.

(5) The licensee must ventilate the home for the health and comfort of the child in care.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-380, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-380, filed 2/1/91, effective 3/4/91.]

WAC 388-155-390 Discrimination prohibited. The licensee must comply with federal and state regulatory and statutory requirements, defined under chapter 49.60 RCW, regarding nondiscrimination in employment practices and client services, to prohibit discrimination because of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability or use of a trained guide dog or service animal by a disabled person.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-390, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-390, filed 2/1/91, effective 3/4/91.]

WAC 388-155-400 Religious activities. (1) Consistent with state and federal laws, the licensee must respect and facilitate the rights of the child in care to observe the tenets of the child's faith.

(2) The licensee must not punish or discourage the child for exercising these rights.

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[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-400, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-400, filed 2/1/91, effective 3/4/91.]

WAC 388-155-410 Additional requirements regarding American Indian children. When one or more American Indian child receives care at the home, the licensee must in consultation with the parent, establish a plan to provide social service resources and training designed to meet the social and cultural needs of such children. The licensee may coordinate with tribal, Indian Health Service, Bureau of Indian Affairs social service staff, and appropriate urban Indian and Alaskan native consultants.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-410, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-410, filed 2/1/91, effective 3/4/91.]

WAC 388-155-420 Child abuse, neglect, and exploitation. The licensee and assistant must protect the child in care from child abuse, neglect, or exploitation as required under chapter 26.44 RCW.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-420, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-420, filed 2/1/91, effective 3/4/91.]

WAC 388-155-430 Prohibited substances. (1) During operating hours or when the child is in care, the licensee, assistant, and volunteers on the premises in child care areas, or caring for the child off-site must not be under the influence of or consume an:

- (a) Alcoholic beverage; or
- (b) Illegal drug.

(2) The licensee must prohibit smoking in:

- (a) All areas of the home used by the child during hours of operation when the child is in care; and
- (b) A motor vehicle when the licensee or assistant transports a child.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-430, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-430, filed 2/1/91, effective 3/4/91.]

WAC 388-155-440 Limitations to persons on premises. (1) During home operating hours or while the child is in care, the only persons having regular or unsupervised access to the child in care are:

- (a) The child's parent,
- (b) The licensee,
- (c) An employee,
- (d) The licensee's family member,
- (e) A volunteer, or
- (f) A governmental agency representative having specific, verifiable authority for the access.

(2) The licensee must allow the parent of the child in care unsupervised access only to his or her own child.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-440, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-440, filed 2/1/91, effective 3/4/91.]

WAC 388-155-450 Child records and information. The licensee must maintain organized confidential records

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and information on the premises concerning each child in care. The licensee must ensure the child's record contains, at a minimum:

(1) Registration data:

(a) Name, birthdate, dates of enrollment and termination; and

(b) Name, address, and home and business telephone number of the parent and other person to be contacted in case of emergency.

(2) Authorizations:

(a) Name, address, and telephone number of the person authorized to remove from the home the child under care;

(b) Written parental consent for transportation provided by the home, including field trips and swimming, when the child participates in these activities. A parent-signed blanket consent form may authorize the child's off-site travel; and

(c) Written parental consent, or court order, for providing medical care and emergency surgery, except for such care authorized by law.

(3) Medical and health data:

(a) A health history, obtained when the licensee enrolls the child for care. The history includes:

(i) The date of the child's last physical examination;

(ii) Allergies;

(iii) Special health problems and other pertinent health information;

(iv) Immunization history as required under WAC 388-155-220;

(v) Name, address, and telephone number of the child's health care provider or facility; and

(vi) Special developmental problems.

(b) Date and kind of illness and injury occurring on the premises, including the treatment given by the licensee; and

(c) Medication given indicating dosage, date, time, and name of the dispensing person.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-450, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-450, filed 2/1/91, effective 3/4/91.]

WAC 388-155-460 Home records. The licensee must maintain the following documentation on the premises:

(1) The attendance records, completed daily, including arrival and departure times;

(2) A copy of the report sent to the licensor about the illness or injury to the child in care requiring medical treatment or hospitalization;

(3) The twelve-month record indicating the date and time the licensee conducted the required monthly fire evacuation drills;

(4) The twelve-month record indicating the date the licensee tested the battery-powered smoke detector monthly; and

(5) Attendance records and invoices for state-paid children for at least five years.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-460, filed 2/28/00, effective 3/30/00. Statutory Authority: RCW 74.12.340. 94-13-201 (Order 3745), § 388-155-460, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-460, filed 2/1/91, effective 3/4/91.]

WAC 388-155-470 Personnel records. (1) Each assistant and volunteer having unsupervised or regular access to the child in care must complete and submit to the licensee by the date of hire:

(a) An application for employment on a department-prescribed form, or its equivalent; and

(b) A criminal history and background inquiry form.

(i) The licensee must submit this form to the department for the employee and volunteer, within seven calendar days of the assistant's or volunteer's first day of employment, permitting a criminal and background history check.

(ii) The department must discuss the result of the criminal history and background inquiry information with the licensee, when applicable.

(2) The licensee, assistant, and volunteer must have on file at the home:

(a) An employment application, including work and education history;

(b) Documentation of criminal history and background inquiry form submission;

(c) A record of the tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;

(d) Documentation of HIV/AIDS education and training;

(e) Documentation of current first aid and CPR training, when applicable; and

(f) Documentation of basic and annual training required under WAC 388-155-180 (2)(d) and 388-155-200 (2)(c), when applicable.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-470, filed 2/28/00, effective 3/30/00; 98-24-052, § 388-155-470, filed 11/25/98, effective 12/26/98; 91-04-048 (Order 3136), § 388-155-470, filed 2/1/91, effective 3/4/91.]

WAC 388-155-480 Reporting of death, injury, illness, epidemic, or child abuse. The licensee must report immediately:

(1) A death, serious injury requiring medical treatment, or illness requiring hospitalization of a child in care, by telephone and in writing, to the parent, licensor, and child's social worker, if any;

(2) An instance when the licensee or assistant has reason to suspect the occurrence of physical, sexual, or emotional child abuse, child neglect, or child exploitation, as required under chapter 26.44 RCW, by telephone, to child protective services or local law enforcement; or

(3) An occurrence of food poisoning or communicable disease, as required by the state board of health, by telephone, to the local public health department.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-480, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-480, filed 2/1/91, effective 3/4/91.]

WAC 388-155-490 Reporting of circumstantial changes. A family child care home license is valid only for the person and address named on the license. The licensee must promptly report to the licensor major changes in premises, activities and routines, the assistant, or members of the household affecting the home's capacity classification, deliv-

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ery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

(1) Home's address, location, or phone number;

(2) Maximum number and age ranges of children the licensee wishes to serve as compared to current license specifications;

(3) Number and qualifications of the home's staff that may affect competencies to implement the specified activities and routines, including the death, retirement, or incapacity of a licensee;

(4) Name by which the home is commonly known;

(5) Occurrence of a fire, major structural change, or damage to the premises from any cause;

(6) Plans for major remodeling of the home, including planned use of space not previously department-approved; and

(7) Report of a person moving in or out of the household.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-490, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-490, filed 2/1/91, effective 3/4/91.]

WAC 388-155-500 Posting requirements. The licensee must post the following items, clearly visible to the parents and the assistant:

(1) The home's child care license issued under this chapter;

(2) Evacuation plans and procedures;

(3) Emergency telephone numbers; and

(4) A department-issued final notice of penalty.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-500, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-500, filed 2/1/91, effective 3/4/91.]

WAC 388-155-600 Occupancy restrictions. (1) Any home used for child day care purposes for fewer than thirteen children is considered to be a Group R, Division 3 occupancy per the state building code. Family child day care homes must meet the minimum construction and fire and safety requirements for one and two family dwellings.

If a portion of the home is used for purposes other than a dwelling, such as a garage, automotive repair shop, cabinet and/or furniture making or refinishing or similar use, a fire wall is required between the dwelling and the other use.

(2) Only one exit door from a family child day care home need be of the pivoted or side hinged swinging type. Approved sliding doors may be used for other exits.

(3) In family child day care home, each floor level used for family child day care purposes must be provided with two exits, usually located at opposite ends of the building or floor.

(4) Basements located more than four feet below grade level must not be used for family child day care purposes unless one of the following conditions exists:

(a) Two exit stairways from the basement open directly to the exterior of the building without entering the first floor; or

(b) One of the two required exits discharges directly to the exterior from the basement level and the other exit is an interior stairway with a self-closing door installed at the top or bottom leading to the floor above; or

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(c) One of the two required exits is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court and the other may be an approved interior or exterior stairway; or

(d) A residential sprinkler system is provided throughout the entire home in accordance with standards of the National Fire Protection Association.

(5) The family child care home licensee must ensure that any floor located more than four feet above grade level is not occupied by children for family child day care purposes except for the use of toilet facilities while under supervision of a staff person.

Family child day care may be allowed on the second story if one of the following conditions exists:

(a) There are two exit stairways from the second story which open directly to the exterior of the building without entering the first floor; or

(b) There is an exit which discharges directly to the exterior from the second story level, and a second interior stairway with a self-closing door installed at the top or bottom of the interior stair leading to the floor below; or

(c) A residential sprinkler system is provided throughout the entire building in accordance with standards of the National Fire Protection Association.

(6) The maximum travel distance from any point in the home to an exterior exit door must not exceed one hundred fifty feet.

(7) Every room used for child care (except bathrooms) must have:

(a) At least one operable window or door approved for emergency escape or rescue which must open directly into a public street, public alley, yard or exit court. The units must be operable from the inside to provide a full clear opening without the use of separate tools.

The net clear openable area of an escape or rescue window must be a minimum of 5.7 square feet. The net clear openable height dimension must be a minimum of twenty-four inches. The net clear openable width dimension must be a minimum of twenty inches. An escape or rescue window must have a finished sill height of not more than forty-four inches above the floor; or

(b) Doors leading to two separate exit ways; or

(c) A door leading directly to the exterior of the building.

(8) A stationary platform may be used under a window to attain the forty-four inches above the floor.

(9) Exit doors must be easy to open to the full open position.

(10) Exit doors and windows must be able to be opened from the inside without having to use a key. Use of night latches, dead bolts, security chains, manually operated edge or surface mounted flush bolts and surface bolts is prohibited during child care hours.

The locking arrangement on outside exit doors must be such that they will automatically unlock when the doorknob is turned from the inside.

(11) The licensee must ensure that obstructions are not placed in corridors, aisles, doorways, doors, stairways or ramps.

(12) Space which is accessible only by ladder, folding stairs or trap doors, must not be used for family child day care purposes.

(13) Every bathroom door lock must be designed to permit the opening of the locked door from the outside in an emergency. The opening device must be readily accessible to the staff.

(14) Every closet door latch must be such that children can open the door from inside the closet.

[Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-600, filed 2/28/00, effective 3/30/00. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-600, filed 4/26/96, effective 5/27/96.]

WAC 388-155-605 Hazardous areas. Rooms or spaces containing a commercial-type kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, painting operation, or parking garage must be separated from the family child day care home or any exits by a fire wall.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-605, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-605, filed 4/26/96, effective 5/27/96.]

WAC 388-155-610 Single station smoke detectors. (1) Smoke detectors must be located in all sleeping and napping rooms in family child day care homes.

(2) In family child day care homes with more than one story, and in family child day care homes with basements, a smoke detector must be installed on each story and in the basement.

(3) In family child day care homes where a story or basement is split into two or more levels, the smoke detector must be installed in the upper level, except that when the lower level contains a sleeping or napping area, a smoke detector must be located on each level.

(4) When sleeping or napping rooms are on an upper level, the smoke detector must be placed on the ceiling of the upper level in close proximity to the stairway and in each sleeping/napping room.

(5) In a family child day care home where the ceiling height of a room open to the hallway serving sleeping or napping rooms exceeds that of the hallway by twenty-four inches or more, smoke detectors must be installed in both the hallway and the sleeping/napping room.

(6) Smoke detectors must sound an alarm audible in all areas of the building.

(7) In new construction, required smoke detectors must receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring must be permanent and without a disconnecting switch other than those required for overcurrent protection.

(8) Smoke detectors may be battery operated when installed in existing buildings or buildings without commercial power.

(9) Where battery operated smoke detectors are installed, at least one extra battery of the type and size specified for the battery operated smoke detector must be maintained upon the premises.

(10) Single station smoke detectors must 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: RCW 74.15.030. 01-17-084, § 388-155-610, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-610, filed 4/26/96, effective 5/27/96.]

WAC 388-155-620 Alternate means of sounding a fire alarm. In addition to single station smoke detectors, family child day care homes must provide an alternate means for sounding a fire alarm. A police type whistle or similar device is adequate for meeting this requirement, provided that whatever method is selected is limited to an evacuation emergency only.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-620, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-620, filed 4/26/96, effective 5/27/96.]

WAC 388-155-630 Fire extinguisher. (1) At least one approved 2A, 10B:C rated fire extinguisher must be provided on each floor level occupied for day care use. Such extinguisher must be located in the area of the normal path of egress. The maximum travel distance to an extinguisher shall not exceed seventy-five feet.

(2) Fire extinguishers must be operationally ready for use at all times.

(3) Fire extinguisher must be kept on a shelf or mounted in the bracket provided for this purpose so that the top of the extinguisher is not more than five feet above the floor.

(4) The licensee must ensure that fire extinguishers receive annual maintenance certification by a firm specializing in and licensed to do such work. Maintenance means a thorough check of the extinguisher to include examination of:

- (a) Mechanical parts;
- (b) Extinguishing agent; and
- (c) Expelling means.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-630, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-630, filed 4/26/96, effective 5/27/96.]

WAC 388-155-640 Fire prevention. (1) The licensee must ensure that the local fire department is requested to visit the family child day care home to become familiar with the facility and to assist in planning evacuation or emergency procedures. Where a fire department does not provide this service, the licensee must document this contact.

(2) Furnace rooms must be maintained free of lint, grease and rubbish accumulations and other combustibles and suitably isolated, enclosed or protected.

(3) Flammable or combustible materials must be stored away from exits and in areas which are not accessible to children. Combustible rubbish shall not be allowed to accumulate and must be removed from the building or stored in closed, metal containers.

(4) The licensee must keep all areas used for child care clean and neat, making sure that all waste generated daily is removed from the building and disposed of in a safe manner

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outside the building. All containers used for the disposal of waste material must be of noncombustible materials with tops. Electrical motors shall be kept dust-free.

(5) Open-flame devices capable of igniting clothing must not be left on, unattended or used in a manner which could result in an accidental ignition of children's clothing. Candles must not be used.

(6) A flashlight must be available for use as an emergency power source.

(7) All electrical circuits, devices and appliances must be properly maintained. Circuits must not be overloaded. Extension cords and multi-plug adapters must not be used in lieu of permanent wiring and proper receptacles.

(8) The use of portable space heaters of any kind is prohibited.

(9) Approved numbers or addresses must be placed on all new and existing homes and in the driveway to the house when the house is not visible from the road. The numbers or address must be in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers must contrast with their background.

(10) Fireplaces, woodstoves, similar devices and their connections must be approved by the local building official. If the woodstove is used as a sole source of heat or is used during hours of operation, such devices must be cleaned, maintained and inspected on at least an annual basis by a person or firm specializing in such work and licensed.

Where open flames and/or hot surfaces are accessible, approved barriers must be erected to prevent children from coming in contact with the open flames and/or hot surfaces.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-640, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-640, filed 4/26/96, effective 5/27/96.]

WAC 388-155-650 Sprinkler system maintenance. Sprinkler systems, if installed, must be tested on an annual basis by a person or agency qualified by licensing. The results of the system test must be documented on forms provided by the licensor and maintained at the home for inspection by the licensor.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-650, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-650, filed 4/26/96, effective 5/27/96.]

WAC 388-155-660 Fire evacuation plan. Each home must develop written fire evacuation plans. The evacuation plan must include an evacuation floor plan, identifying exit doors and windows, that must be posted at a point clearly visible to the assistant and parents. Plans must include the following:

- (1) Action to be taken by the person discovering a fire;
- (2) Method to be used for sounding an alarm on the premises;
- (3) Action to be taken for evacuation of the building and assuring accountability of the children; and
- (4) Action to be taken pending arrival of the fire department.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-660, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter

74.15 RCW. 96-10-042 (Order 9373), § 388-155-660, filed 4/26/96, effective 5/27/96.]

WAC 388-155-670 Fire evacuation drill. A fire evacuation drill must be conducted at least once each month. A written record, the fire safety record and evacuation plan, must be maintained and posted on the premises indicating the date, time and other required entries on the form. Such forms are available from the division of child care and early learning.

[Statutory Authority: RCW 74.15.030. 02-24-022, § 388-155-670, filed 11/26/02, effective 12/27/02; 01-17-084, § 388-155-670, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-670, filed 4/26/96, effective 5/27/96.]

WAC 388-155-680 Staff training. The licensee and each employee or assistant must be familiar with all elements of the fire evacuation plan and must be capable of accomplishing the following:

(1) Operation of fire extinguisher installed on the premises.

(2) Testing smoke detectors (single station types).

(3) Conducting frequent inspections of the home to identify fire hazards and take action to correct any hazards noted during the inspection. Such inspections should be conducted on a monthly basis and records kept on the premises for review by the licensor.

[Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-680, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-680, filed 4/26/96, effective 5/27/96.]

WAC 388-155-991 Waiver of fees. Any person or agency subject to license fees under chapter 440-44 WAC, and organizations in the person's or agency's behalf, may submit a sworn, notarized petition seeking waiver of fees for a licensee or distinguishable class of licensee.

The petition shall be mailed or delivered to the office of the secretary. Following receipt of the petition, the secretary may require submission of additional information considered relevant.

[00-23-088, recodified as § 388-155-991, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-002, filed 6/4/82.]

WAC 388-155-992 Fee payment and refunds. (1) Fees are due with applications for initial license or renewal. The department will not proceed on applications until required fees are paid.

Except as otherwise provided in these rules, fees shall be paid for a minimum of one year.

(2) Fees for licenses issued for other than yearly periods shall be prorated based on the stated annual fee.

(3) When the department issues a license for more than one year:

(a) Fees may be paid for the entire licensing period by paying at the rate established at the time the application was submitted, or

(b) If the licensee does not pay the fee for the entire license period, annual fees shall be due thirty days prior to

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each annual anniversary date of the license, at the annual fee rate established by these rules at the time such fee is paid.

(4) Except as otherwise provided in these rules, if an application is withdrawn prior to issuance or denial, one-half of the fee shall be refunded.

(5) If there is a change of or by the licensee requiring a new license, the fee paid for a period beyond the next license anniversary date shall be refunded. Changes requiring a new license shall require a new application and payment of fee as provided herein.

(6) If there is a change by the applicant or licensee that requires an amendment placing the licensee in a higher fee category, the additional fee shall be prorated for the remainder of the license period.

(7) Fees becoming due on or after the effective date of this chapter shall be at the rates provided herein.

(8) To the extent fees are reduced through regular rule adoption of this chapter on or before December 31, 1982, fees shall be refunded.

(9) Fee payments shall be by mail. Payment shall be by check, draft, or money order made payable to the department of social and health services.

[00-23-088, recodified as § 388-155-992, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.]

WAC 388-155-993 Denial, revocation, suspension, and reinstatement. (1) If a license is denied, revoked, or suspended, fees shall not be refunded.

(2) Application for license after denial or revocation must include fees as provided for in these rules.

(3) Failure to pay fees when due will result in suspension or denial of license.

[00-23-088, recodified as § 388-155-993, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.]

Chapter 388-160 WAC

MINIMUM LICENSING REQUIREMENTS FOR OVERNIGHT YOUTH SHELTERS

WAC

388-160-0005	Authority.
388-160-0015	What is the purpose of overnight youth shelters?
388-160-0025	What definitions apply to this chapter?
388-160-0035	What services must be offered at a shelter?
388-160-0045	What must I include in the assessment when a youth first enters a shelter?
388-160-0055	How does the department decide how many youth I may serve in my overnight youth shelter?
388-160-0065	How old do I have to be to apply for a shelter license?
388-160-0075	What qualifications do I need to care for youth at an overnight youth shelter?
388-160-0085	Who must be on the premises when youth are present at an overnight youth shelter?
388-160-0095	What qualifications must a program supervisor have in order to work in a shelter?
388-160-0105	What qualifications must a lead counselor have in order to work in a shelter?
388-160-0115	What minimum qualifications must child care staff, lead counselors, interns, and volunteers have in order to work in a shelter?
388-160-0125	What training is required for overnight youth shelter staff, lead counselors, interns and volunteers?
388-160-0135	What is the required ratio of staff to youth in a shelter?
388-160-0145	How do I apply or reapply for a license?
388-160-0155	May I receive more than one type of group care license at the same physical location?

(2003 Ed.)

		DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER
388-160-0165	Does the department put limitations or conditions on a person who is licensed?	
388-160-0175	Does the department allow exceptions to the licensing requirements?	
388-160-0185	Does the department issue probationary licenses?	
388-160-0195	When must the department deny, suspend or revoke a license?	
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388-160-0215	When may the department suspend or revoke my overnight youth shelter license?	
388-160-0225	How does the department notify me if my license is modified, denied, suspended or revoked?	
388-160-0235	What may I do if I disagree with the department's decision to modify, deny, suspend or revoke my license?	
388-160-0245	What incidents involving youth must I report?	
388-160-0255	Are there other reporting requirements?	
388-160-0265	Do I need to report runaway youth who stay at the shelter?	
388-160-0275	What changes to my overnight youth shelter must I report to my licensor?	
388-160-0285	What are the department's requirements for keeping client records?	
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388-160-0305	What personnel policies must I have?	
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388-160-0325	Where must I post my license?	
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388-160-0345	Are local ordinances part of our licensing requirements?	
388-160-0355	What fire safety requirements must I follow to qualify for a license?	
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388-160-0395	What are your requirements for storing dangerous items?	
388-160-0405	Do I need to have first aid supplies?	
388-160-0415	What structural safety requirements must my facility meet?	
388-160-0425	What measures must I take for pest control?	
388-160-0435	What are your requirements for kitchens?	
388-160-0445	What are the requirements for bedrooms in shelters?	
388-160-0455	What are your requirements for bedding?	
388-160-0465	What telephone requirements must I follow?	
388-160-0475	What are the lighting requirements for my overnight youth shelter?	
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388-160-0495	What are your requirements for laundry facilities?	
388-160-0505	What are the requirements for washing clothes?	
388-160-0515	What are the requirements for toilets, sinks, and bathing facilities in shelters?	
388-160-0525	Do overnight youth shelters require a housekeeping sink?	
388-160-0535	What are the requirements for sewage and liquid wastes?	
388-160-0545	What health and emergency policies and procedures must I have?	
388-160-0555	How must I manage medications for youth at my shelter?	
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388-160-0575	What nutritional guidelines must I follow?	
388-160-0585	What are your requirements for protecting a youth under my care from child abuse and neglect?	
388-160-0595	What are the requirements about nondiscrimination?	
388-160-0605	What religious activities are allowed in overnight youth shelters?	
388-160-0615	How much supervision is required for child care staff and volunteers?	
388-160-0625	What requirements must I follow when disciplining youth?	
388-160-0635	What types of disciplinary practices are forbidden?	
388-160-0645	What types of physical restraint are acceptable for youth in overnight youth shelters?	
388-160-0655	What types of physical restraint are not acceptable in overnight youth shelters?	
388-160-0665	Do I need to document instances when physical restraint is used?	
		388-160-010 Authority. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-010, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-020 Definitions. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-020, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-030 Exceptions to rules. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-030, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-040 Effect of local ordinances. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-040, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-050 Fire standards. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-050, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-050, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-060 Certification of exempt agency. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-060, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-070 Application or reapplication for license or certification—Investigation. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-070, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-080 Limitations on licenses and dual licensure. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-080, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-080, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-090 General qualifications of licensee, applicant, and persons on the premises. [Statutory Authority: RCW 74.15.030. 96-10-043 (Order 3974), § 388-160-090, filed 4/26/96, effective 5/27/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-090, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-100 Age of licensee. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-100, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-110 Posting of license. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-110, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-120 Licensure—Denial, suspension, or revocation. [Statutory Authority: RCW 74.15.030. 96-10-043 (Order 3974), § 388-160-120, filed 4/26/96, effective 5/27/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-120, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-130 Licensed capacity. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-130, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
		388-160-140 Discrimination prohibited. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-140, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.

- 388-160-150 Religious activities. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-150, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-160 Discipline. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-160, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-170 Corporal punishment. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-170, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-180 Abuse, neglect, or exploitation. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-180, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-190 Site and telephone. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-190, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-200 Equipment, safety, and maintenance. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-200, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-210 Firearms and other weapons. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-210, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-220 Prohibited substances. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-220, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-230 Storage. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-230, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-240 Bedrooms and sleeping areas. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-240, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-250 Kitchen facilities. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-250, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-260 Housekeeping sink. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-260, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-270 Laundry. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-270, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-280 Toilets, handwashing sinks, and bathing facilities. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-280, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-290 Lighting. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-290, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-300 Pest control. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-300, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-310 Sewage and liquid wastes. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-310, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-320 Water supply. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-320, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-340 Health and emergency policies and procedures. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-340, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-350 First aid. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-350, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-360 Medication management. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-360, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-370 Staff health. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-370, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-380 HIV/AIDS education and training. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-380, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-390 Nutrition. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-390, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-400 Bedding. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-400, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-410 Overnight youth shelters—Purpose and limitations. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-410, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-420 Governing body/citizens board for overnight youth shelters. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-420, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-430 Intake. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-430, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-430, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-440 Groupings. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-440, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-460 Staffing. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-460, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-460, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-470 Supervision of youth. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-470, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-480 Child care workers—Qualifications. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-480, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-480, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-

- 001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-490 Program supervision. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-490, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-490, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-500 Training. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-500, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-500, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-510 Services. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-510, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-520 Client records and information—Overnight youth shelters. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-520, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-530 Personnel policies and records—Overnight youth shelters. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-530, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-530, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-540 Reporting of death, injury, illness, epidemic, or child abuse. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-540, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-550 Reporting runaway youth. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-550, filed 10/4/96, effective 11/4/96.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-560 Reporting circumstantial changes. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-560, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.

WAC 388-160-0005 Authority. The following rules including minimum licensing requirements for overnight youth shelters are adopted under chapter 74.15 RCW.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0005, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0015 What is the purpose of overnight youth shelters? (1) The purpose of overnight youth shelters is to provide youth with an emergency sleeping arrangements.

(2) The overnight youth shelter may be licensed to provide care for one of the following categories of youth:

(a) Youth from thirteen through seventeen years of age;

or

(b) Youth sixteen through twenty years of age.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0015, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0025 What definitions apply to this chapter? The following definitions apply to this chapter.

"Capacity" means the maximum number of children a facility is licensed to care for at a given time.

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"Children's administration" means a management section of the department of social and health services responsible for many services to children including but not limited to: child protective services, child welfare services, policy development, budget and fiscal operations.

"Compliance agreement" means a written plan of short duration with a specific ending date for completion of the plan. The agreement addresses the improvement or correction of specific issues to maintain or increase the safety and well-being of children in care.

"Department" means the department of social and health services (DSHS).

"DLR" means the division of licensed resources. A division of children's administration of the department of social and health services.

"Full licensure" means the facility licensed or approved by the department of social and health services meets all applicable licensing standards.

"I" or **"you"** refers to anyone who operates an overnight youth shelter.

"Overnight youth shelter" or **"OYS"** means a licensed facility operated by a nonprofit agency that provides overnight shelter to homeless or runaway youth. Overnight youth shelters do not provide residential care during daytime hours.

"We" refers to the department, including DLR licensors.

"Youth" means an individual who is under twenty-one years old. The term "child" or "children" may also be used in some sections.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0025, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0035 What services must be offered at a shelter? (1) At a minimum, all overnight youth shelters must offer the following services to all clients:

(a) A client identification and intake assessment including:

- (i) Emergency contacts (phone numbers);
- (ii) Areas of possible problems, such as school status, medical problems, family situation and suicide evaluation;
- (iii) History of assaultive or predatory behavior; and
- (iv) Drug and/or alcohol involvement.

(b) Individual crisis intervention;

(c) Assistance in accessing emergency resources, including child protective services (CPS) and emergency medical services; and

(d) Resource information.

(2) An overnight youth shelter must provide (as needed by the youth) information about:

- (a) Educational or vocational services;
- (b) Housing;
- (c) Medical care or services;
- (d) Substance abuse services;
- (e) Mental health services;
- (f) Other treatment agencies;
- (g) Food programs;
- (h) Disability services; and
- (i) Other DSHS services.

(3) If the overnight youth shelter cannot directly provide these services, staff must have information for referrals to programs or organizations that would provide these services to clients.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0035, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0045 What must I include in the assessment when a youth first enters a shelter? (1) When a youth first enters an overnight youth shelter, you must:

- (a) Determine whether the parents are aware of the whereabouts of the youth;
- (b) Determine whether an adult contact exists; and
- (c) Notify the police or children's administration intake (either the local CPS number or toll-free 1-886-ENDHARM) of any youth twelve years of age or younger who is unaccompanied by an adult and is requesting service.

(2) As part of the initial assessment, you must also assess the youth's:

- (a) Recent history;
- (b) Outstanding warrants;
- (c) Physical and medical needs, including medication;
- (d) School status;
- (e) Immediate needs for counseling; and
- (f) Options for the near future.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0045, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0055 How does the department decide how many youth I may serve in my overnight youth shelter? (1) The number of youth that an overnight youth shelter may serve is based on an evaluation of the following factors:

- (a) Physical accommodations in your overnight youth shelter;
- (b) The number of staff and volunteers available for providing care;
- (c) The skills of your staff and volunteers; and
- (d) The ages and characteristics of the people you are serving.

(2) Based on our evaluation, we may license you for the care of fewer persons than you would normally serve in your category.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0055, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0065 How old do I have to be to apply for a shelter license? You must be at least twenty-one years old to apply for a license for an overnight youth shelter.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0065, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0075 What qualifications do I need to care for youth at an overnight youth shelter? If you are requesting a license or a position as an employee, intern, or a volunteer at an overnight youth shelter, you must not:

- (1) Have a history of founded child abuse or neglect.
- (2) Be disqualified by our background check (see chapter 388-06 WAC).

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(3) The department may require additional information from you, your staff, interns, or volunteers. We may request this information at any time and it may include, but is not limited to any of the following evaluations and/or documentation of completed treatment:

- (a) Substance and alcohol abuse evaluations;
 - (b) Psychiatric evaluations;
 - (c) Psycho-sexual evaluations; and
 - (d) Medical evaluations or reports.
- (4) Any evaluation or information requested by the department must be supplied at the expense of the applicant or licensee.
- (5) The department must approve the evaluator providing the above services and you must give the licenser permission to speak with the evaluator before and after the evaluation.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0075, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0085 Who must be on the premises when youth are present at an overnight youth shelter? (1) In an open or dormitory type setting, a same gender staff person must be within visual and auditory range of same gender youth at all times. The staff must be awake while on-duty.

(2) At least one fully trained lead counselor must be on the premises at all times when youth are present.

(3) A qualified program supervisor must be on call at all times when the shelter is open or youth are present (see WAC 388-160-0095 for qualifications). The program supervisor may be on-staff, on contract or available by written agreement.

(4) Staff must represent both genders to reflect the population of youth in care.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0085, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0095 What qualifications must a program supervisor have in order to work in a shelter? Every overnight youth shelter must have a program supervisor. The program supervisor must have either a:

- (1) Master's degree in social work or a related field and one year of experience working with adolescents; or
- (2) Bachelor's degree and three years of experience working with adolescents.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0095, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0105 What qualifications must a lead counselor have in order to work in a shelter? To work in an overnight youth shelter, lead counselors must meet the following qualifications:

- (1) Be at least twenty-one years of age;
- (2) Have at least one year of experience working with adolescents;
- (3) Have completed HIV/AIDS/Blood-borne pathogen training;
- (4) Have completed first aid and CPR; and
- (5) Have completed a tuberculin test (as required under WAC 388-160-0565).

(2003 Ed.)

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0105, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0115 What minimum qualifications must child care staff, lead counselors, interns, and volunteers have in order to work in a shelter? (1) All child care staff, lead counselors, interns, and volunteers who work at an overnight youth shelter must be at least twenty-one years old. Note: Eighteen through twenty-year-old persons may work or volunteer at an overnight youth shelter if they are enrolled and participating in an internship program through an accredited college or university. They must be on-duty and supervised by a fully-trained staff person twenty-one years old or older.

(2) Child care staff, interns, and volunteers also must have successfully completed:

- (a) A background check (see chapter 388-06 WAC);
- (b) A tuberculin test (as required under WAC 388-160-0565);
- (c) Current first aid and cardio-pulmonary resuscitation (CPR) training; and
- (d) HIV/AIDS/Blood-borne pathogen training consistent with the department of health approved curriculum prior to beginning work with youth. If the training is not readily available, it must be completed within sixty days of beginning work.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0115, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0125 What training is required for overnight youth shelter staff, lead counselors, interns and volunteers? (1) All overnight youth shelter staff, lead counselors, interns, and volunteers must receive training before providing care for youth. The overnight youth shelter must ensure that this training includes, at a minimum, the following subjects:

- (a) Job responsibilities, including the mandatory reporting requirements for licensee and their staff;
- (b) Facility administration;
- (c) Supervision of youth;
- (d) Behavior management training in accordance with department behavior management guidelines;
- (e) Fire safety procedures;
- (f) Handling of emergency situations; and
- (g) Current first aid and cardiopulmonary resuscitation (CPR) training.

(2) HIV/AIDS/Blood-borne pathogen training consistent with the department of health approved curriculum must be completed prior to beginning work with youth. If the training is not readily available, it must be completed within sixty days of beginning work.

(3) An overnight youth shelter must provide on-going training to all staff, interns, and volunteers.

(a) The training must cover qualifications for each position, including supervisory skills, adolescent development and problems, and the needs of youth.

(b) The shelter's training must also include, at a minimum, classes addressing:

- (i) Sexual abuse;
- (ii) Predatory behavior;

- (iii) Substance abuse;
- (iv) Depression;
- (v) Mental health;
- (vi) Teen suicide;
- (vii) Injurious behavior towards one's self or others; and
- (viii) Cultural sensitivity.

(3) New overnight youth shelter staff, interns, and volunteers must work shifts with fully trained staff until the new person has completed all required training.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0125, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0135 What is the required ratio of staff to youth in a shelter? (1) A shelter licensed for youth who are thirteen through seventeen years old must have one staff person to every eight youth.

(2) A shelter licensed for youth who are sixteen through twenty years old must have one staff person to every six youth.

(3) A shelter must maintain the staffing ratio while youth are asleep.

(4) At least one staff person must remain awake while youth are asleep. Other staff persons may be asleep, but must be available in the shelter in case of emergency.

(5) Whenever only one staff person is required to be on duty, a second staff person must be on call.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0135, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0145 How do I apply or reapply for a license? (1) To apply or reapply for a license, the person or legal entity responsible for your overnight youth shelter must send the following information to the department licensor:

- (a) The application form;

Note: If you are applying for a license renewal, you must send the application form to the department licensor ninety days prior to the expiration of your current license.

(b) A completed and signed criminal history and background inquiry form from each applicant, staff person, intern, board member and volunteer who:

- (i) Is at least sixteen years old;
- (ii) Is not a foster child or shelter youth; and
- (iii) Has unsupervised access to youth.

(c) Written verification of:

- (i) A tuberculosis test unless you have religious beliefs which prohibit the test;
- (ii) First-Aid and cardiopulmonary resuscitation (CPR) training; and
- (iii) HIV-AIDS/Blood-borne pathogens training.

(2) If a person required to have a background check has lived in Washington state less than three years immediately prior to their application, a completed FBI fingerprint form must be provided to us for that person.

(3) We may require additional information from you including, but not limited to:

- (a) Substance and alcohol abuse evaluations;
- (b) Psychiatric evaluations;
- (c) Psycho-sexual evaluations; and
- (d) Medical evaluations.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0145, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0155 May I receive more than one type of group care license at the same physical location?

(1) If you are licensed to operate an overnight youth shelter, you may not hold a license for any other type of residential care at the same physical location.

(2) If you make it clear to us that care for one kind of client does not interfere with the care for another kind of client an exception to WAC 388-160-0155(1) may be granted. (See WAC 388-160-0175 for exceptions.)

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0155, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0165 Does the department put limitations or conditions on a person who is licensed? Even if we approve you for an overnight youth shelter license, we may put limitations or conditions on the license to ensure youth's safety and health.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0165, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0175 Does the department allow exceptions to the licensing requirements? (1) At its discretion, the department may make a written exception, and license or continue to license an overnight youth shelter that does not meet the minimum licensing requirements.

(2) Exceptions are approved for nonsafety requirements only.

(3) The safety and well-being of the youth receiving care must not be compromised.

(4) You must request an exception to the licensing requirements in writing.

(5) You must keep a copy of the approved exception to the licensing requirements for your files.

(6) Along with an exception to the licensing requirements, the department may require you to enter into a compliance agreement to ensure the safety and well-being of the youth in your care.

(7) You do not have appeal rights if the department denies your request for an exception to our requirements.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0175, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0185 Does the department issue probationary licenses? (1) The department may issue a probationary license as part of a corrective action plan with a licensed provider.

(2) The department must base its decision as to whether a probationary license will be issued on the following:

(a) Intentional or negligent noncompliance with the licensing rules;

(b) A history of noncompliance with the rules;

(c) Current noncompliance with the rules;

(d) Evidence of a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

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(3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0185, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0195 When must the department deny, suspend or revoke a license? (1) A license must be denied, suspended or revoked if the department decides that you cannot provide care for youth in a way that ensures their safety, health and well-being.

(2) The department must disqualify you for any of the reasons that follow.

(a) You have failed your background check (see chapter 388-06 WAC).

(b) You have been found to have committed child abuse or neglect or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation.

(c) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults.

(d) You attempt to get a license by deceitful means, such as making false statements or leaving out important information on the application.

(e) You commit, permit or assist in an illegal act on the premises of a home or facility providing care to children.

(f) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(g) You knowingly allowed employees or volunteers who made false statements on their applications to work at your agency.

(h) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(i) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(j) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0195, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0205 Are there other reasons the department must suspend my overnight youth shelter license? (1) The department must suspend your license to provide care to children, if we receive a notice from the division of child support that you are not in compliance with a support order.

Note: The governing authority is RCW 43.20A.205 and 74.20A.320.

(2) The suspension of your license for noncompliance of a support order would be effective the date you receive a notice that we received the certificate of noncompliance from the division of child support.

(3) Your license would remain suspended until you provide proof that you are in compliance with the child support order.

(4) You would not have a right to an administrative hearing based on a suspension of your license due to noncompliance of a child support order.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0205, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0215 When may the department suspend or revoke my overnight youth shelter license? A license may be suspended or revoked if you exceed the conditions of your facility license by:

- (1) Having more youth than the license allows;
- (2) Having youth with ages different than the license allows;
- (3) Failing to provide a safe and healthy environment for youth in your care; or
- (4) Failing to comply with any other licensing requirements.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0215, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0225 How does the department notify me if my license is modified, denied, suspended or revoked? The department sends you a certified letter informing you of our decision to modify, deny, suspend or revoke your license. The letter will include any applicable laws or regulations and provide you with information on what to do if you disagree with the department's decision.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0225, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0235 What may I do if I disagree with the department's decision to modify, deny, suspend or revoke my license? You have the right to appeal any decision the department makes to modify, deny, suspend or revoke your license, except for circumstances identified in WAC 388-160-0205.

(1) You may request an administrative hearing if you disagree with our decision to modify, suspend, revoke or deny your license.

(2) You must request an administrative hearing within twenty-eight days of receiving a certified letter with our decision (chapter 34.05 RCW).

(3) You must send a letter to the Office of Administrative Hearings, PO Box 42489, Olympia, WA 98504-2489, 1-800-583-8271 requesting an administrative hearing. The letter must have the following attachments:

- (a) A specific statement of your reasons for disagreeing with the decision and any laws that relate to your reasons; and
- (b) A copy of the certified letter from the department containing the decision that you are disputing.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0235, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0245 What incidents involving youth must I report? (1) You or your staff must report any of the following incidents within forty-eight hours to your local children's administration child protective services intake staff:

- (a) Any alleged incidents of child abuse or neglect;

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- (b) Any violations of the licensing requirements;
- (c) Death of a child;
- (d) Any youth's suicide attempt that results in injury requiring medical attention or hospitalization;
- (e) Any emergent medical care to any youth in care;
- (f) Any use of physical restraint that is alleged improper or excessive;

(g) Sexual contact between two or more youth;

(h) Physical assaults between two or more youth that result in injury requiring off-site medical attention or hospitalization;

(i) Unexpected health problems that require off-site medical attention;

(j) Any medication given incorrectly that required off-site medical attention;

(k) Serious property damage that is a safety hazard and is not immediately corrected.

(2) In addition to WAC 388-160-0245 (1)(a) through (k), you or your staff must report any of the following incidents to the youth's DSHS social worker, if the youth is a client of DSHS:

(a) Suicidal/homicidal ideas, gestures or attempts that do not require professional medical attention;

(b) Unexpected health problems that do not require professional medical attention;

(c) Any incident of medication incorrectly administered;

(d) Physical assaults between two or more children resulting in injury that does not require professional medical attention;

(e) Runaways; and

(f) Use of physical restraints for routine discipline.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0245, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0255 Are there other reporting requirements? Any occurrence of food poisoning or communicable disease must be reported to the local public health department, as required by the department of health.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0255, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0265 Do I need to report runaway youth who stay at the shelter? (1) Within eight hours of learning that a youth staying at a shelter does not have parental permission to be there, shelter staff must report the location of the youth to:

(a) The parent;

(b) The law enforcement agency having jurisdiction in the shelter's area; or

(c) The department.

(2) The shelter staff must:

(a) Make the report by telephone or other reasonable means; and

(b) Document the report in writing in the youth's file.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0265, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0275 What changes to my overnight youth shelter must I report to my licensor? (1) You must

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report to your licensor any changes in the information contained in your original licensing application that might cause the department to reclassify your overnight youth shelter. Changes include any of the following:

- (a) Changes in your location;
- (b) Change in the designated space, or phone number;
- (c) Changes in the maximum number, age ranges, and gender of persons you wish to serve;
- (d) Changes in the structure of your facility or premises due to events causing damage such as a fire, or caused by remodeling; or

(e) Additions of any new staff person, intern, employee or volunteer, who might have contact with the youth in care.

(2) A license is valid only for the person or organization named on the license.

(3) You must also report the following changes to your licensor:

- (a) A change of your facility's chief executive;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in name of a licensed corporation, or name by which your facility is commonly known; or
- (d) Changes in the agency's articles of incorporation and bylaws.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0275, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0285 What are the department's requirements for keeping client records? (1) Your records must be kept at your overnight youth shelter and contain, at a minimum, the following information:

- (a) The child's name and birthdate;
- (b) Daily attendance logs and referrals;
- (c) Names, address and home and business telephone numbers of parents or persons to be contacted in case of emergency;
- (d) Dates and kinds of illnesses, accidents, medications and treatments given at the shelter;
- (e) An incident log documenting the use of physical restraint; and
- (f) Other information determined relevant by the department.

(2) Identifying and personal information about the youth must be kept confidential.

(3) You must keep information about the youth and their families in a secure place.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0285, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0295 Do I need a citizens' board for my overnight youth shelter? (1) Every overnight youth shelter must have a citizens' board that complies with laws and rules for nonprofit boards of directors. If the overnight youth shelter is part of a larger agency that has a citizens' board, that board will suffice.

(2) The shelter director must keep the following on file:

- (a) A list of all members of the current citizens' board; and
- (b) A copy of the articles of incorporation filed with the secretary of state verifying nonprofit status.

[Title 388 WAC—p. 622]

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0295, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0305 What personnel policies must I have? The following requirements apply to licensed overnight youth shelters.

(1) Employees, interns, or volunteers with unsupervised access to youth are not allowed to have unsupervised access to youth until the department approves their background checks.

(2) If you have five or more staff, you must have written policies describing duties and qualifications of staff, and staff benefits.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0305, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0315 What personnel records must I keep? You must keep personnel records on file for each staff person and volunteer for your overnight youth shelter. These must include:

- (1) An employment application, including work and education history;
- (2) Documentation of completed criminal history and background check form;
- (3) A record of a negative Mantoux, tuberculin skin tests results, X-ray, or an exemption to the skin test or X-ray;
- (4) A record of participation in HIV/AIDS education and training, including blood borne pathogens training;
- (5) A record of participation in staff development training;
- (6) A record of participation in the program's orientation;
- (7) Documentation of a valid food handler permit, when applicable; and
- (8) A record of participation in the current first-aid/CPR/Blood-borne pathogens training.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0315, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0325 Where must I post my license? You must post your license where it can be easily viewed by the public.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0325, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0335 What other information must I keep readily available? If you operate an overnight youth shelter, you must have the telephone number of "on-call" master's or bachelor's degree-level persons with other emergency numbers readily available for staff.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0335, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0345 Are local ordinances part of our licensing requirements? (1) Local ordinances (laws), such as zoning regulations and local building codes, fall outside the scope of our licensing requirements.

(2) The department may require you to provide proof that you have met local ordinances.

(2003 Ed.)

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0345, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0355 What fire safety requirements must I follow to qualify for a license? If you operate an overnight youth shelter, you must follow the regulations developed by the Washington state fire marshall's office. The regulations are minimum requirements for protecting life and property against fire. You can find these contained in the Uniform Fire Code as adopted with Washington state amendments.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0355, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0365 Where may my shelter be located? (1) Your overnight youth shelter must be located on a well-drained site free from hazardous conditions. The safety of the youth in care is paramount.

(2) You must discuss with the licensor any potential hazardous conditions, considering the youth's ages and behaviors. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0365, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0375 May I have firearms in my overnight youth shelter? (1) You may not have firearms or other weapons on the premises.

(2) Firearms and weapons that are confiscated from youth must be locked up and given to law enforcement officers as soon as possible.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0375, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0385 What substances are prohibited at overnight youth shelters? (1) During operating hours when youth are in care, no staff, intern, or volunteer on the premises or caring for youth off-site may be under the influence of, consume, or possess alcoholic beverages or illegal drugs.

(2) You must prohibit smoking in:

(a) Your facility while caring for youth; and

(b) Any motor vehicles transporting youth.

(3) You may permit adults to smoke outdoors away from youth.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0385, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0395 What are your requirements for storing dangerous items? (1) You must lock the following items:

(a) Cleaning supplies,

(b) Toxic substances,

(c) Poisons,

(d) Aerosols,

(e) Items with warning labels.

(2) You must label containers filled from a stock supply.

The labels must identify all contents.

(2003 Ed.)

(3) Toxic substances must be stored separately from food items.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0395, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0405 Do I need to have first aid supplies? (1) You must keep first aid supplies on hand for immediate use, including unexpired syrup of ipecac that is to be used only when following the instructions of the poison control center.

(2) The following first aid supplies must be kept on hand:

(a) Barrier gloves and one-way resuscitation mask;

(b) Ace bandage and band-aids;

(c) Scissors and tweezers;

(d) Gauze; and

(e) Thermometer.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0405, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0415 What structural safety requirements must my facility meet? You must keep your equipment and the physical structures in your facility safe and clean for the youth you serve. At a minimum you must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards and in good repair;

(2) Provide handrails for steps if the department decides handrails are necessary for safety;

(3) Have emergency lighting devices available and in operating condition;

(4) Refinish all flaking or deteriorating lead-based paint with lead-free paint or other nontoxic material for exterior and interior wall surfaces and equipment;

(5) Have washable, water-resistant floors in the facility's toilet rooms, kitchen, and other rooms exposed to moisture;

Exception: We may approve washable, short-pile carpeting that is kept clean and sanitary for your facility's kitchen.

(6) Have easy access to rooms occupied by youth in case an emergency arises.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0415, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0425 What measures must I take for pest control? You must keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0425, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0435 What are your requirements for kitchens? If your overnight youth shelter provides food service, you must ensure:

(1) The proper storage, preparation, and service of food to meet the needs of the youth; and

(2) Provide the facilities and implement practices as required by the rules and regulations of the department of

health that govern food service sanitation (see chapter 246-215 WAC).

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0435, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0445 What are the requirements for bedrooms in shelters? You must comply with the following requirements for bedrooms:

- (1) Provide sleeping areas at least fifty square feet per occupant of unobstructed floor area with a ceiling height of at least seven feet, six inches;
- (2) Not use hallways and kitchens as sleeping rooms;
- (3) Maintain a space that is at least thirty inches between sleeping youths;
- (4) Provide sleeping areas separated by a visual barrier five feet high or more for gender; and
- (5) Separate youth under eighteen years old from youth who are eighteen through twenty years old by having a staff or volunteer supervise open space or have a physical barrier to prevent contact.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0445, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0455 What are your requirements for bedding? (1) An overnight youth shelter providing youth with sleeping equipment and bedding must keep the equipment and bedding in good repair, clean, and sanitary.

(2) The shelter must accept the use of sleeping and bedding equipment that is personally provided by the youth if it is not a health or safety risk.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0455, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0465 What telephone requirements must I follow? The department has two requirements for the telephone that you must meet at your overnight youth shelter.

(1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0465, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0475 What are the lighting requirements for my overnight youth shelter? You must locate light fixtures and provide lighting that promotes good visibility and comfort for the youth.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0475, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0485 What are the requirements about drinking water? You must provide:

- (1) A public water supply or a private water supply approved by the local health authority prior to the time of licensing or relicensing; and
- (2) Disposable paper cups, individual drinking cups or glasses, or inclined-jet type drinking fountains.

[Title 388 WAC—p. 624]

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0485, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0495 What are your requirements for laundry facilities? The department has specific requirements for laundry facilities at your overnight youth shelter. You must:

- (1) Have separate and adequate facilities for storing soiled and clean linen;
- (2) Provide adequate laundry and drying equipment or make other arrangements for getting laundry done on a regular basis; and
- (3) Locate laundry equipment in an area separate from the kitchen.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0495, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0505 What are the requirements for washing clothes? You must sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials through temperature or chemical measures.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0505, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0515 What are the requirements for toilets, sinks, and bathing facilities in shelters? You must provide:

- (1) Two or more indoor flush-type toilets close to handwashing sinks with hot and cold running water;
- (2) One toilet and sink for the first eight youth, with a second toilet and sink when four more youth are on the premises;
- (3) Privacy for persons of the opposite sex at toilets and any bathing facilities;
- (4) Hot and cold running water not exceeding one hundred twenty degrees Fahrenheit at handwashing sinks, and bathing facilities;
- (5) A conveniently located grab bar or nonslip floor surfaces in any bathing facilities;
- (6) Urinals instead of toilets as long as only urinals do not replace more than one-third of the total required number of toilets; and
- (7) Dispenser soap and individual towels, disposable towels, or other approved single-use hand drying devices, at handwashing sinks, and any bathing facilities.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0515, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0525 Do overnight youth shelters require a housekeeping sink? An overnight youth shelter must have and use a method of drawing clean mop water and disposing of wastewater.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0525, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0535 What are the requirements for sewage and liquid wastes? An overnight youth shelter must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0535, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0545 What health and emergency policies and procedures must I have? (1) An overnight youth shelter must have current written health policies and procedures including, but not limited to:

- (a) First aid;
- (b) Infection control;
- (c) Care of minor illnesses; and
- (d) General health practices and actions to be taken in event of medical and other emergencies.

(2) Health policies and procedures must be readily available for staff orientation and implementation.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0545, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0555 How must I manage medications for youth at my shelter? An overnight youth shelter must requirements for manage nonprescription and prescription medications by:

(1) Place any medication brought into the shelter by a youth in locked storage so it is unavailable to other youth in care;

(2) Supervise youth who take their own medication according to the prescription or manufacturer's instructions; and

(3) Properly dispose of medications that are no longer being taken.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0555, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0565 What must I do to prevent the spread of infections and communicable diseases? (1) You must take precautions to guard against infections and communicable diseases infecting the youth in care in your overnight youth shelter.

(2) Staff with a reportable communicable disease, as defined by the department of health, in an infectious stage must not be on duty until the staff has a physician's approval for returning to work.

(3) Those persons who have been approved for unsupervised access to children in an overnight youth shelter facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test prior to being employed, volunteering, or being licensed unless:

- (a) The person has evidence of testing within the previous twelve months;
- (b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;
- (c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis; or
- (d) A physician indicates that the test is medically unadvisable.

(4) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(5) The department does not require retesting unless a person believes they have been exposed to someone with

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tuberculosis or if testing is recommended by their health care provider.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0565, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0575 What nutritional guidelines must I follow? An overnight youth shelter providing meals must consider the age, cultural background, and nutritional requirements of youth served when preparing meals.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0575, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0585 What are your requirements for protecting a youth under my care from child abuse and neglect? As part of ensuring health, welfare and safety, you must protect youth in your care from all forms of child abuse and neglect (see RCW 26.44.020(12)).

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0585, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0595 What are the requirements about nondiscrimination? Overnight youth shelters must follow all state and federal laws regarding nondiscrimination while providing services to youth in care.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0595, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0605 What religious activities are allowed in overnight youth shelters? (1) You must respect the religious rights of the youth in care.

(2) Youth have the right to practice their own faith.

(3) Youth have the right not to practice another person's or any faith.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0605, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0615 How much supervision is required for child care staff and volunteers? The program supervisor must provide two hours of supervision for each forty hours that child care staff and volunteers work at overnight youth shelters.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0615, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0625 What requirements must I follow when disciplining youth? (1) You are responsible for disciplining youth in your care. This responsibility must not be delegated to any nonstaff, including youth in care.

(2) You must write down your disciplinary practices and include these with your application for a license.

(3) Discipline must be:

(a) Based on an understanding of the individual's needs and stage of development;

(b) Designed to help the youth under your care to develop inner control, acceptable behavior and respect for the rights of others; and

(c) Fair, reasonable, consistent, and related to the individual's behavior.

[Title 388 WAC—p. 625]

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0625, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0635 What types of disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

- (a) Spanking the youth with a hand or object;
 - (b) Biting, jerking, kicking, or shaking the youth;
 - (c) Pulling the youth's hair;
 - (d) Throwing the youth;
 - (e) Purposely inflicting pain as a punishment;
 - (f) Name calling, using derogatory comments, or abusing the youth verbally; and
 - (g) Threatening the youth with physical harm.
- (2) You must not use methods that interfere with a youth's basic needs, including but not limited to:
- (a) Depriving the youth of sleep;
 - (b) Depriving the youth of adequate food, clothing or shelter; or
 - (c) Interfering with a youth's ability to take care of their own hygiene and toilet needs.
- (3) You must not use methods that deprive a youth of necessary services, including:
- (a) Access to the youth's legal representative;
 - (b) DSHS social worker, if one is assigned; or
 - (c) Emergency medical or dental care.
- (4) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.
- (5) You must not use medications for a youth that have been prescribed for someone else.
- (6) You must not physically lock doors or windows in a way that prohibits a youth from exiting.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0635, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0645 What types of physical restraint are acceptable for youth in overnight youth shelters? (1) If your overnight youth shelter is approved for the use of physical restraint, the licensee and staff must be trained in the appropriate use of restraining techniques in accordance with the department's behavior management policy before restraining a youth. Restraint training must be nationally recognized and DLR approved.

(2) You must use other efforts to redirect or de-escalate the situation before using a physical restraint.

(3) If a youth's behavior poses an immediate risk to physical safety you may use physical restraint that is reasonable and necessary to:

- (a) Protect youth on the premises from harming themselves or others; or
- (b) Protect property from serious damage.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0645, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0655 What types of physical restraint are not acceptable in overnight youth shelters? (1) You must not use physical restraint as a form of punishment.

[Title 388 WAC—p. 626]

(2) You must not use mechanical restraints, such as handcuffs and belt restraints.

(3) You must not use locked time-out rooms.

(4) You must not use physical restraint techniques that restrict breathing, inflict pain as a strategy for behavior control or might injure a youth. These include, but are not limited to:

- (a) An adult sitting on or straddling a youth;
- (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
- (c) Arm twisting;
- (d) Hair holds;
- (e) Youth being thrown against walls, furniture, or other large immobile objects;
- (f) Choking or putting arms around a throat;
- (g) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs; or
- (h) Chemical restraints, except prescribed medication, including but not limited to pepper spray.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0655, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0665 Do I need to document instances when physical restraint is used? (1) You must document all instances of the use of physical restraints and follow the behavior management policy of children's administration regarding the information to be reported. You must keep a copy of this document at your overnight youth shelter. At a minimum, you must record:

- (a) The youth's name and age;
 - (b) The date of the use of the restraint;
 - (c) The time in and out of the restraint;
 - (d) The events preceding the behavior that lead to using the restraint;
 - (e) The de-escalation methods that were used;
 - (f) Names of those involved in the restraint and any observers;
 - (g) A description of the type of restraint used;
 - (h) A description of injuries to the youth, or others, including caregivers;
 - (i) An analysis of how the restraint might have been avoided; and
 - (j) The signature of the person making the report.
- (2) Additional information on behavior management and the use of physical restraints can be obtained from the department.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0665, filed 7/5/01, effective 8/5/01.]

Chapter 388-165 WAC

CHILDREN'S ADMINISTRATION CHILD CARE SUBSIDY PROGRAMS

WAC

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