

WSR 21-18-081  
PERMANENT RULES  
DEPARTMENT OF

**SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)  
[Filed August 30, 2021, 8:43 a.m., effective October 1, 2021]

Effective Date of Rule: October 1, 2021.

Purpose: The department is amending, repealing, and creating new sections in chapters 388-71, 388-106, and 388-113 WAC, and creating a new chapter 388-115 WAC, Consumer directed employer (CDE), as a reference for the individual providers employed by the CDE.

The purpose for making changes is to clarify and consolidate rules related to background checks, disqualifying convictions, and negative actions, and character, competence and suitability determinations for home and community services, residential care services, and the developmental disabilities administration.

These changes will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language across programs, and help preserve the health and safety of our clients. Other provisions related to long-term care worker qualifications, and a client's choice of provider will also be clarified and consolidated.

Citation of Rules Affected by this Order: New WAC 388-71-0503, 388-71-0511, 388-71-05410, 388-71-05415, 388-71-0837, 388-71-0893, 388-71-0971, 388-71-0977, 388-71-0981, 388-71-1064, 388-113-0050, 388-113-0060, 388-113-0070, 388-113-0100, 388-113-0101, 388-113-0103, 388-113-0105, 388-113-0107, 388-113-0108, 388-113-0109, 388-115-0500, 388-115-0503, 388-115-0505, 388-115-0510, 388-115-0511, 388-115-0513, 388-115-0516, 388-115-0520, 388-115-0523, 388-115-0540, 388-115-05410, 388-115-05415, 388-115-0562 and 388-115-05640; repealing WAC 388-71-0512, 388-71-0514, 388-71-0544, 388-71-0546, 388-71-0551, 388-71-0553, 388-71-0556 and 388-71-0560; and amending WAC 388-71-0500, 388-71-0505, 388-71-0510, 388-71-0513, 388-71-0515, 388-71-0517, 388-71-0523, 388-71-0540, 388-71-0543, 388-71-0561, 388-71-0836, 388-71-0839, 388-71-0860, 388-71-0870, 388-71-0875, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0911, 388-71-0932, 388-71-0936, 388-71-0953, 388-71-0975, 388-71-0980, 388-71-0985, 388-71-0990, 388-71-0991, 388-71-1001, 388-71-1026, 388-71-1055, 388-71-1066, 388-106-0035, 388-106-0040, 388-106-1445, 388-106-1458, 388-113-0005, 388-113-0010, and 388-113-0030.

The following section of the Washington Administrative Code is decodified and recodified as follows: Old WAC 388-113-0040; new WAC 388-113-0025.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 43.43.832, 74.39A.270, 74.39A.056, 74.39A.074, 43.20A.710, 74.39A.525, 43.43.842, 74.39A.326, 74.39A.515, 74.39A.505, 18.88B.021, and 43.43.837.

Other Authority: ESSB 6199 in 2018.

Adopted under notice filed as WSR 21-10-094 on May 4, 2021.

A final cost-benefit analysis is available by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-407-7582, TTY 360-493-2637, email angel.sullivan@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 34, Amended 38, Repealed 8; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 34, Amended 38, Repealed 8.

Date Adopted: August 30, 2021.

Donald Clintsman  
Acting Secretary

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the [21-20](#) issue of the Register.