

WSR 22-23-115

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed November 17, 2022, 3:39 p.m., effective December 18, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of these adopted rules is to amend WAC 388-101-3130 Certification evaluation, and add new WAC 388-101-31301 Certification evaluation timelines, as necessary to prioritize and resume certification evaluations of service providers which were suspended during the declared emergency relating to the COVID-19 pandemic.

Upon the effective date, this CR-103P supersedes the CR-103E filed as WSR 22-22-060.

Citation of Rules Affected by this Order: New WAC 388-101-31301; and amending WAC 388-101-3130.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.12.080.

Adopted under notice filed as WSR 22-17-072 on August 16, 2022.

A final cost-benefit analysis is available by contacting Debbie Hoeman, P.O. Box 45600, Olympia, WA 98504, phone 360-725-3210, fax 360-438-7903, email DebbieHoeman@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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: November 17, 2022.

Katherine I. Vasquez  
Rules Coordinator

**SHS-4821.3**

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

**WAC 388-101-3130 Certification evaluation.** (1) The department may conduct an on-site certification evaluation of each service provider at any time(~~(, but at least once every two years)~~).

(2) During certification evaluations the service provider's administrator or designee must:

(a) Cooperate with department representatives during the on-site visit;

(b) Provide all contractor records, client records, and other relevant information requested by the department representatives;

(c) Ensure the service provider's administrator or designee is available during any visit to respond to questions or issues identified by department representatives; and

(d) Ensure the service provider's administrator or designee is present at the exit conference.

[Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3130, filed 12/21/07, effective 2/1/08.]

#### NEW SECTION

**WAC 388-101-31301 Certification evaluation timelines.** (1) In response to the COVID-19 pandemic, the department filed an emergency rule suspending the requirement for the department to conduct on-site certification evaluations of each service provider at least once every two years as authorized by RCW 71A.12.080 and required by WAC 388-101-3130.

(2) During the suspension of the certification evaluation requirements, the department continued to conduct complaint investigations in CCRSS settings (group homes, group training homes, and supported living client households) when it became aware of information indicating an immediate threat to client health and safety.

(3) The department must prioritize and resume certification evaluations of service providers affected by the suspension of the certification evaluation requirements by applying the following criteria collectively:

(a) The department has identified an ongoing threat to the health and safety of clients through one or more reported complaints, previous certification evaluations, or previous investigations;

(b) Whether the service provider has had an enforcement remedy imposed in the last 24 months; and

(c) The length of time since the service provider's last certification evaluation.

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