

WSR 23-08-041

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed March 29, 2023, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-12-084.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is planning to amend WAC 388-106-0010 What definitions apply to this chapter? and 388-106-0130 How does the department determine the number of hours I may receive for in-home care?

Hearing Location(s): On May 23, 2023, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington [Street S.E.], Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or virtually. Due to the COVID-19 pandemic, hearings are held virtually, see the DSHS website <https://www.dshs.wa.gov/office-of-the-secretary/filings-and-rules> for the most current information.

Date of Intended Adoption: Not earlier than May 24, 2023.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, by May 23, 2023, by 5:00 p.m.

Assistance for Persons with Disabilities: DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email [shelley.tencza@dshs.wa.gov](mailto:shelley.tencza@dshs.wa.gov), by May 9, 2023, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to amend rules that are a result of DSHS efforts to modernize the comprehensive assessment and reporting evaluation (CARE) assessment tool. Most of the changes in this proposal were intended to be a part of WSR 20-23-124 and went through most of the rule-making review process but had to be pulled in order to prioritize other rule-making priorities. There have been no changes that affect how DSHS determines eligibility or benefit level using the CARE tool. In addition, in WAC 388-106-0010, "Turning and repositioning program," "Passive range of motion," "Active range of motion," and "Bowel program" definitions are being added. A couple of definitions that are no longer relevant are being removed. Subsection (6)(c) is being removed because it is being added to WAC 388-106-0010(3) "Informal support" definition in this rule-making effort. Also, updates to terminology were made due to CARE modernization.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090 and 74.09.520.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Rachel Ames, P.O. Box 45600, Olympia, WA 98504-5600, 360-789-1708.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are exempt under RCW 34.05.328 (5) (b) (vii), rules of DSHS relating only to client medical or financial eligibility.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

March 28, 2023  
Katherine I. Vasquez  
Rules Coordinator

**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 23-09 issue of the Register.