

WSR 24-04-015
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 26, 2024, 1:57 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering adding new sections in chapter 388-106 WAC to implement a state funded guardianship, conservatorship, and alternative arrangements assistance program. The rules will describe the program requirements including, but not limited to, eligibility criteria, application process, payment details, administrative appeals, and overpayments. During this rule making, the department may make additional changes necessary to improve the program requirements, provide clarity, and add or amend other related rules as may be necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.17.060, 43.20B.030, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering implementing a program to provide assistance with guardianship and conservatorship for certain clients or potential clients of the department. Because this is a public assistance program, the eligibility and program requirements meet the definition of rules under RCW 34.05.010 (16)(c). The rules will allow the public to identify whether they might be eligible for the program, the steps to apply for assistance, the process to appeal department decisions, and other relevant aspects of the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: **Administrative office of the court:** Responsible for overseeing certification of professional guardians and conservators with the supreme court of Washington, which is a requirement for contractors under this proposed rule-making language.

Certified professional guardianship and conservatorship review board: Responsible for overseeing certification of professional guardians' and conservators' compliance with statewide policies and procedures and standards of practice for professional guardians, including proposed program contractors.

Health care authority: Responsible for establishment of WAC 182-513-1530 which outlines maximum guardianship fee and related cost deductions allowed from a client's participation or room and board on or after June 1, 2018.

Process for Developing New Rule: Collaborative; the department welcomes the public to take part in developing the rules. Anyone interested should contact the staff persons identified below. Stakeholder interest meeting to be conducted for contractor/provider feedback on rules. At a later date, the department will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Tremblay, P.O. Box 45600, Lacey, WA 98503, phone 564-999-1032, email sarah.tremblay@dshs.wa.gov; or Kelli Emans, P.O. Box 45600, Lacey, WA 98503, phone 360-725-3213, email kelli.emans@dshs.wa.gov.

January 26, 2024
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