

WSR 23-16-085

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 28, 2023, 7:21 p.m., effective August 28, 2023]

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

Purpose: Amending 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? Most changes are a result of the department's efforts to modernize the comprehensive assessment and reporting evaluation (CARE) assessment tool. The amendments are consistent with updates made to the CARE tool. The changes were intended to be a part of WSR 20-23-124 and went through the majority of the rule-making review process, but had to be withdrawn in order to prioritize other rule-making priorities. There have been no changes that affect how the department 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.

In WAC 388-106-0130, subsection (6)(d) indicating "home health aide" is being removed because it has not been a service available in the COPES waiver since 2017 (public notice filed as WSR 16-15-065). Subsection (6)(c) is being removed because it is being added to WAC 388-106-0010, "Informal support" definition in this rule-making effort. Other updates to terminology were made due to CARE modernization.

Citation of Rules Affected by this Order: Amending WAC 388-106-0010 and 388-106-0130.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 23-08-041 on March 29, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: July 28, 2023.

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**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 23-17 issue of the Register.