

WSR 23-17-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed August 11, 2023, 1:57 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending WAC 388-76-10031 License requirements—Seven or eight bed adult family homes—Licensure, to clarify requirements for homes wishing to increase capacity to seven or eight beds when the adult family home (home) serves only residents who do not require assistance with evacuation and the home does not have a residential sprinkler system. The department may amend other related rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering updates to reflect the department's interpretation of RCW 70.128.066 (2)(f), which requires (seven and eight bed adult family) homes to "have a residential sprinkler system in place in order to serve residents who require assistance during an evacuation." The department interprets RCW 70.128.066 (2)(f) to mean homes licensed for seven or eight beds whose residents do not require assistance with evacuation do not require a residential sprinkler system. The department places a limit on the license of these homes specifying the home may not care for residents who require assistance during evacuation. The current rule requires all homes licensed for seven or eight beds to have a residential sprinkler system and includes no language to reflect the department's interpretation of the statute. Updating the rule will allow homes meeting requirements in RCW 70.128.066 to request a capacity increase for up to eight beds without having a residential sprinkler system when the home serves only residents who do not require assistance with evacuation. This will expand the number of adult family home beds while maintaining the safety of residents.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state building code council oversees state building codes. The department will confirm consistency with the state requirements and consult as necessary.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 564-999-3182, fax 360-438-7903, email colleen.jensen1@dshs.wa.gov.

August 11, 2023
Katherine I. Vasquez
Rules Coordinator