

WSR 25-19-044

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)

[Filed September 9, 2025, 5:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-13-075.

Title of Rule and Other Identifying Information: WAC 388-106-0010 What definitions apply to this chapter?, 388-106-0090 How does the CARE tool measure cognitive performance?, and other related rules as may be required.

Hearing Location(s): On November 4, 2025, at 10:00 a.m., virtually via Teams or call in. See the department of social and health services (DSHS) website at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: No earlier than November 5, 2025.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, beginning noon on October 1, 2025, by 5:00 p.m. on November 4, 2025.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, TTY 711 relay service, email shelley.tencza@dshs.wa.gov, by 5:00 p.m. on October 21, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to amend WAC 388-106-0010 What definitions apply to this chapter?, to implement HB [SHB] 1942 (chapter 224, Laws of 2024) to not consider an individual provider to be a source of informal support. Additionally, changes include WAC 388-106-0090 How does the CARE tool measure cognitive performance?, to align with requirements defined in WAC 388-106-0010 Ability to make self understood.

Reasons Supporting Proposal: The reason for supporting this proposal is to implement recently passed HB [SHB] 1942 and include requirements in WAC 388-106-0010 Ability to make self understood, and 388-106-0090 How does the CARE tool measure cognitive performance?

Statutory Authority for Adoption: RCW 49.46.800.

Statute Being Implemented: RCW 49.46.800.

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Dru Aubert, P.O. Box 45600, Olympia, WA 98504-5600, 360-725-2524.

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. These rules are exempt as allowed under RCW 34.05.328 (5) (b) (vii) which states in part, "this section does not apply to rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.["]

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(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of

other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Is exempt under RCW 19.85.025(4).

Is exempt under RCW 34.05.328 (5)(b)(vii).

Explanation of exemptions: These amendments do not impact small businesses. They only impact DSHS customers.

Scope of exemption for rule proposal:

Is fully exempt.

September 9, 2025
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 25-20 issue of the Register.