

WSR 25-20-083

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)

[Filed September 30, 2025, 9:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-16-078.

Title of Rule and Other Identifying Information: WAC 388-116-1020 Pilot.

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: Not earlier than November 5, 2025.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, 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, fax 360-664-6185, 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 proposed rule implements section 16 of ESSB 5291 (chapter 380, Laws of 2025), for a pilot project from January 1, 2026, through June 30, 2026. The draft rules establish parameters for the pilot project, including participating locations, capacity limitations, approved services limitations, and other topics necessary for the pilot.

Reasons Supporting Proposal: This rule making is necessary for the WA Cares fund program to set parameters for pilot participation.

Statutory Authority for Adoption: RCW 50B.04.020(k).

Statute Being Implemented: Section 16 of ESSB 5291 (chapter 380, Laws of 2025).

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Arielle Finney, P.O. Box 45600, Olympia, WA 98504-5600, 360-764-0384; Implementation and Enforcement: Katie Kelnhofner (provider), P.O. Box 45600, Olympia, WA 98504-5600, 564-669-4440 or Tracey Rollins (beneficiary), P.O. Box 45600, Olympia, WA 98504-5600, 360-688-6359.

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

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Arielle Finney, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-764-0384, TTY 711 relay service, email Arielle.Finney2@dshs.wa.gov.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The rule is the least burdensome route to achieving the goals and objectives of the program. The rule does not re-

quire an action that violates federal or state law. The rule does not impose more stringent requirements on private entities than on public entities. There are no applicable federal regulations related to the subject of the rule. The proposed rule does not change program requirements for receipt of benefits or for long-term services and supports providers.

September 25, 2025
Katherine I. Vasquez
Rules Coordinator

SHS-5109.1

NEW SECTION

WAC 388-116-1020 Pilot. (1) The purpose of the pilot is for the department to assess administrative processes and system capabilities in preparation for implementation of the full program.

(2) The department will conduct a pilot from January 1, 2026, through June 30, 2026, for the benefits under this chapter.

(3) The department will accept up to 400 applications for benefits in order of receipt, based on the date of application. The department may accept additional applications if the department does not enroll a sufficient number of beneficiaries to obtain necessary data from the pilot.

(4) The department will accept applications for benefits from January 6, 2026, until March 31, 2026.

(5) Applicants and eligible beneficiaries must reside and receive services within Lewis, Mason, Spokane, or Thurston counties.

(6) Applicants and eligible beneficiaries may not be enrolled in apple health (medicaid) for the duration of the pilot.

(7) During the pilot, approved services do not include memory care or nursing home services.

(8) Benefit units used during the pilot are deducted from the beneficiary's lifetime benefit units.

(9) Pilot participants will remain enrolled as eligible beneficiaries after termination of the pilot and subject to all other sections of this chapter.

(10) Unless explicitly modified in this section, all other sections of this chapter apply to the pilot.

(11) This section will expire on July 1, 2026.