

WSR 25-23-054

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)

[Filed November 17, 2025, 9:44 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 388-116-1030
Additional service limitations for pilot.

Hearing Location(s): On December 23, 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 December 24, 2025.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, beginning noon on November 19, 2025, by 5:00 p.m. on December 23, 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 December 9, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DSHS proposed pilot rules under WSR 25-20-083 to implement section 16 of ESSB 5291 (chapter 380, Laws of 2025) for a pilot project from January 1, 2026, through June 30, 2026. The proposed rule missed addressing services provided by a financial management services vendor under WAC 388-116-4030. The draft rules adds language to clarify that beneficiary reimbursement and other services by a financial management vendor are not permitted during 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 [(3)](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 Kelnhofer (provider) and Tracey Rollins (beneficiary), P.O. Box 45600, Olympia, WA 98504-5600, 564-669-4440 and 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 ach-

ieving the goals and objectives of the program. The rule does not require 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.

A copy of the detailed cost calculations may be obtained by contacting Arielle Finney, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-764-0384, TTY 711 relay, email Arielle.Finney2@dshs.wa.gov.

November 12, 2025
Katherine I. Vasquez
Rules Coordinator

SHS-5119.2

NEW SECTION

WAC 388-116-1030 Additional service limitations for pilot. (1) Reimbursing eligible beneficiaries, acquisition of adaptive equipment and technology on behalf of a beneficiary, and processing claims for provider payments by a financial management services vendor are not permitted during the pilot.

(2) This section is effective through June 30, 2026.