WSR 26-09-013
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Home and Community Living Administration)
[Filed April 2, 2026, 2:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-14-041.

Title of Rule and Other Identifying Information: The department of social and health services (department) is proposing to repeal or amend the following sections in chapter 388-76 WAC: WAC 388-76-10037 License requirements—Multiple adult family homes—Additional homes, 388-76-10045 Licensing—Certain state employees and employee household members—Prohibited, 388-76-10120 License—Must be denied, 388-76-10125 License—May be denied, 388-76-10315 Resident record—Required, 388-76-10320 Resident record—Content, 388-76-10685 Bedrooms, 388-76-10715 Doors—Ability to open, 388-76-10895 Emergency evacuation drills—Frequency and participation, and 388-76-10930 Plan of correction (POC)—Required. Updates to other related rules may be required. As needed, amendments will also make changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Hearing Location(s): On May 26, 2026, at 10:00 a.m., virtually via Teams or call in. See the department 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 May 27, 2026.

Submit Written Comments to: Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, beginning noon on April 22, 2026, by 5:00 p.m. on May 26, 2026.

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 May 5, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department received a petition requesting it update the chapter to align with federal requirements for long-term care ombuds access to resident records. The department received a petition requesting a change in the requirement for adult family providers to conduct emergency evacuation drills from every "sixty days" to every "two months." The change will reduce the burden on adult family home (AFH) providers who must count 60 calendar days from each drill to ensure they comply with the time frame. The requirement that the department not issue a license to certain department employees and their household members will be repealed (ethics laws and department rules require employees to report any conflict of interest and outside employment to their employer). Other updates clarify when an AFH license must or may be denied to a multiple home provider, remove the requirement that the resident record contain the resident's Social Security number, add a requirement to keep the notice of rights and services in the resident record (as required in other sections of the chapter), add a minimum interior door width requirement (effective date for this will be updated when rules adopted), require residential care service (RCS) approval of modifications or new construction of resident bedrooms occurring after licensure, and clarify requirements for provider plan of correction.

Reasons Supporting Proposal: Two changes were the result of petitions. These and other changes will maintain residents' rights and safety, give clarity that will help AFH providers comply with the rules, and remove certain barriers to licensure.

Statutory Authority for Adoption: RCW 70.128.040, 70.128.065, and 45 C.F.R. § 1324.11 (e)(2).

Statute Being Implemented: RCW 70.128.007, 70.128.065, and 70.129.090.

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

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Colleen Jensen, 4500 10th Avenue S.E., Lacey, WA, 360-725-2300.

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 Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 360-725-2300, TTY 711 relay service, email rcspolicy@dshs.wa.gov.

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 only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: WAC 388-76-10315 Resident record—Required. The exempted section adds the statutory reference for clarity.

Scope of exemption for rule proposal:

Is partially exempt:

Explanation of partial exemptions: WAC 388-76-10315 Resident record—Required. The exempted section adds the statutory reference for clarity. RCW 34.05.310 (4)(d) clarifies language of a rule without changing its effect. The other sections of rule are not exempt.

The proposed rule does impose more-than-minor costs on businesses.

Small Business Economic Impact Statement

SUMMARY OF PROPOSED RULES: The department's home and community living administration (HCLA) is proposing amendments to chapter 388-76 WAC, Adult family home minimum licensing requirements. The purpose of this chapter is to promote the safety and well-being of AFH residents, to specify standards for AFH providers, and to further establish requirements for operating an AFH.

The purpose of this proposed rule making is to:

- Improve efficiency by removing an outdated requirement.
- Protect residents by adding physical plant requirements.
- Remove barriers to licensure for state employees and their families.
- Clarify language to help providers comply with the rules.
- Align the rules with RCW and department practice.

The proposed changes to the chapter are to:

- Update to align with federal requirements for long-term care ombuds access to resident records (petition).

- Change emergency evacuation drill frequency from every "sixty days" to every "two months" (petition).
- Clarify when an AFH license cannot be granted to a department employee or household member of the employee (repeal).
- Clarify when an AFH license must or may be denied to a multiple home provider.
- Remove the requirement that the resident record contains the resident's Social Security number.
- Add a requirement to keep the notice of rights and services in the resident record.
- Add a minimum interior door width requirement.
- Require RCS approval of modifications or new construction of resident bedrooms occurring after licensure.
- Clarify requirements for provider plan of correction.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT: RCS has analyzed these proposed rules and concludes that the proposed changes may impose a cost to AFH providers. The cost would be related to construction to widen interior doorways that are less than 27 inches wide. Costs also include the time an AFH provider spends with the RCS licensor who is inspecting a new or modified resident bedroom.

Industry Analysis: AFHs may be licensed to provide care for two to eight residents. RCS is responsible for licensing and regulating AFHs. As part of monitoring, the department maintains a database[1] of currently licensed facilities. Using this database gives an accurate estimate of the number of businesses affected by these rule changes. There are 5,533 AFHs licensed by RCS and these rules impact all of them. The majority of AFHs are operated as small businesses.

INVOLVEMENT OF SMALL BUSINESSES AND INTERESTED PARTIES: RCS held two interested parties' meetings with 15 to 16 participants attending each meeting. Representatives included one AFH provider, an AFH consultant, the AFH council (the bargaining representative for AFHs), the long-term care ombudsman program, and the developmental disabilities ombuds.

RCS found the average AFH provider pay rate online. RCS staff provided information on their experiences with finding interior doors of less than 27 inches and the circumstances and time related to inspecting a new or modified bedroom for licensure.

EVALUATION OF PROBABLE COSTS AND PROBABLE BENEFITS: Since the proposed amendments "make significant amendments to a policy or regulatory program" under RCW 34.05.328 (5)(c)(iii), RCS has determined the proposed rules to be "significant" as defined by the legislature. As required by RCW 34.05.328 (1)(d), RCS has analyzed the probable costs and probable benefits of the proposed amendments, taking into account both the qualitative and quantitative benefits and costs. The rules impact operators of AFHs. Under chapter 19.85 RCW, RCS has considered annual costs to small businesses that are $50 or more per client. Our analysis shows there is a financial impact to AFHs that have doors that are less than 27 inches wide. This cost is mitigated by the fact that RCS currently applies this requirement to all AFHs, so adopting the rule will not result in a new cost.

WAC 388-76-10685: The proposed rule requires AFHs to notify RCS and receive an approved RCS inspection before they use a new or modified bedroom as a resident bedroom.

Costs: The AFH would need to escort the licensor through the bedroom and be available for questions while the licensor is inspecting the bedroom. This typically takes about 30 minutes to an hour for one

bedroom. At a rate of $26[2] per hour the provider's cost for the time spent would be $13-$26, less than $50 per resident per year.

This cost is mitigated by the fact that this is not a new cost. RCS's current and historical practice has been to inspect new and modified resident bedrooms. This typically occurs when the AFH notifies RCS of a new or modified bedroom, submits a capacity increase request, or when the licensor encounters a new or modified bedroom during an inspection or complaint investigation.

Benefits: The proposed rule supports the safety and well-being of current and future residents who will sleep in a room that meets licensing requirements. Placing the requirement in the rules will support the AFH in maintaining compliance.

WAC 388-76-10715: The proposed rule will require nonemergency exit interior doors that residents will pass through to be at least 27 inches wide in AFHs.

Costs: When RCS finds doorways less than 27 inches wide, they are typically in walk-in closets or bathrooms attached to a bedroom. AFHs with affected doors will need to do construction to widen the doorway or not use the room for residents. Construction costs to widen a doorway vary based on the number of affected doorways, complexity of the job, geographic location, cost of materials, who performs the work, and other things.

If the AFH chooses not to use a bedroom in lieu of widening the doorway, that would reduce the revenue of the AFH, as they would need to be licensed for fewer bedrooms. The decreased revenue would be minimally offset by a lower annual bed fee, based on the cost of fewer licensed rooms. Either option would cost the AFH more than $50 per resident per year.

Costs are mitigated by the fact that the AFH would incur these costs even if the rule was not adopted. Since about 2012, RCS has required a minimum 27-inch width for all nonemergency exit interior doors that residents will pass through.

Benefits: Adopting the proposed rule will recognize the needs of residents using mobility devices and those with bariatric conditions. They will be able to pass through the doorways more easily and are less likely to experience bumping or pinching as they pass through. AFHs will be able to care for a wider range of residents if they have doors meeting the minimum width. This could provide an increase in revenue over time.

DISPROPORTIONATE ECONOMIC IMPACT ANALYSIS: Our analysis found there would be no disproportionate impact on smaller AFH businesses because construction costs do not vary based on the size of the business. While the AFH statute requires all AFHs to be financially solvent, the larger businesses may have access to funds more readily. AFHs with a larger business operation, such as those with multiple licensed homes, may feel less of a financial impact than smaller AFHs if they must do construction or opt to be licensed for fewer residents.

MITIGATING COSTS: Both rules codify RCS requirements that have been in practice for several years. RCS does not expect AFHs to incur new costs with adoption of the rule.

JOBS CREATED OR LOST: No jobs are expected to be created or lost due to the proposed rule changes.

CONCLUSION: RCS concludes that the benefits of these regulations exceed any possible cost. These rules will implement RCW 70.128.005 and 70.128.007. RCS has complied with the appropriate sections of the Ad-

ministrative Procedure Act and is prepared to proceed with the rule filing.

Contact Colleen Jensen, email rcspolicy@dshs.wa.gov or phone 564-999-3182, if you have questions.

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 360-725-2300, TTY 711 relay service, email rcspolicy@dshs.wa.gov.

March 30, 2026
Katherine I. Vasquez
Rules Coordinator

SHS-5131.2

AMENDATORY SECTION (Amending WSR 20-05-016, filed 2/6/20, effective 3/8/20)

WAC 388-76-10037 License requirements—Multiple adult family homes—Additional homes. ((~~The department will only accept and process an~~)) When an operator of one or more currently licensed adult family homes applies for an additional adult family home license, the department will only accept and process the operator's application ((~~for an additional license~~)) as follows:

(1) For a second home, if the ((~~applicant~~)) operator has maintained the first adult family home license for at least ((~~twenty-four~~)) 24 months with no enforcement actions as listed in RCW 70.128.160(2) related to a significant violation of chapters 70.128, 70.129, or 74.34 RCW, this chapter, or other applicable laws and regulations; and

(2) For a third or additional homes as follows:

(a) When ((~~twelve~~)) 12 months have passed since the operator's previous adult family home license was granted and the department has taken no enforcement actions against the ((~~applicant's~~)) operator's currently licensed adult family homes during the ((~~twelve~~)) 12 months prior to application; or

(b) When less than ((~~twelve~~)) 12 months have passed since the previous adult family home license was granted; and

(i) The applications are due to the change in ownership of existing adult family homes that are currently licensed; and

(ii) No enforcement action was taken against any of the ((~~applicant's~~)) operator's currently licensed homes during the ((~~twelve~~)) 12 months prior to application.

(3) For the purposes of this section "operator" means an individual or entity with possession, directly or indirectly, of the power to direct the management, operation, or policies of an adult family home, whether through ownership, voting control, by agreement, by contract, or otherwise.

AMENDATORY SECTION (Amending WSR 20-05-016, filed 2/6/20, effective 3/8/20)

WAC 388-76-10120 License—Must be denied. The adult family home license will not be granted if:

(1) The applicant has not successfully completed a department-approved adult family home administration and business planning class except as provided in WAC 388-76-10064;

(2) It has been less than ((~~twenty~~)) 20 years since the applicant surrendered or relinquished an adult family home license after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of the license; or

(3) The applicant, the spouse, or domestic partner of an applicant who is a sole proprietor, the spouse or domestic partner of an entity representative with an ownership interest in the business, or any partner, officer, director, managerial employee, or majority owner of the applying entity:

(a) Has a history of significant noncompliance with federal or state laws or regulations in the provision of care or services to children or vulnerable adults;

(b) Has prior violations of federal or state laws or regulations relating to residential care facilities resulting in revocation, suspension, or nonrenewal of a license or contract with the department within the past ((~~ten~~)) 10 years;

(c) Has a conviction or pending criminal charge for a crime that is automatically disqualifying under chapter 388-113 WAC; or

(d) Has one or more of the following disqualifying negative actions:

(i) A court has issued a permanent restraining order or order of protection, either active or expired, against the person that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult;

(ii) The person is a registered sex offender;

(iii) The person is on a registry based upon a final finding of abuse, neglect, or financial exploitation of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003;

(iv) A founded finding of abuse or neglect of a child was made against the person, unless the finding was made by child protective services prior to October 1, 1998;

(v) The individual was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child;

(vi) The individual was found by a court in a domestic relations proceeding under Title 26 RCW, or under any comparable state or federal law, to have sexually abused or exploited any child or to have physically abused any child;

(vii) The individual has had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or

(viii) The individual has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult.

(4) The applicant is the operator, as defined in WAC 388-76-10037(3), of one or more currently licensed adult family homes

and does not meet the requirements of being a multiple home provider under RCW 70.128.065 and WAC 388-76-10037.

AMENDATORY SECTION (Amending WSR 20-05-016, filed 2/6/20, effective 3/8/20)

WAC 388-76-10125 License—May be denied. The adult family home license may be denied if the applicant or the applicant's spouse, domestic partner, or any partner, officer, director, managerial employee, or majority owner of the applying entity:

(1) Has any conviction or pending criminal charge for crime that is not automatically disqualifying under chapter 388-113 WAC, but that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of an adult family home;

(2) Has abused, neglected, or financially exploited a vulnerable adult, unless denial is required under WAC 388-76-10120;

(3) Has engaged in the illegal use, sale, or distribution of drugs or excessive use of alcohol or drugs without the evidence of rehabilitation;

(4) Has been found in any final decision of a federal or state agency to have abandoned, neglected, abused, or financially exploited a vulnerable adult, unless such decision requires a license denial under WAC 388-76-10120;

(5) Has had a license for the care of children or vulnerable adults denied, suspended, revoked, or not renewed in connection with the operation of any facility for the care of children or vulnerable adults, relinquished or returned a license, or did not seek license renewal following written notification that the licensing agency intended to deny, suspend, or revoke the license, unless such action requires a license denial under WAC 388-76-10120;

(6) Has a history of prior violations of chapter 70.128 RCW or any law regulating residential care facilities that resulted in revocation, suspension, or nonrenewal of a license;

(7) Has been enjoined from operating a facility for the care and services of children or adults;

(8) Has had a medicaid or medicare provider agreement or any other contract for the care and treatment of children or vulnerable adults, terminated, cancelled, suspended, or not renewed by any public agency, including a state medicaid agency;

(9) Has been the subject of a sanction, ((~~or~~)) corrective, or remedial action taken by federal, state, county, or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;

(10) Has obtained or attempted to obtain a license from the department by fraudulent means or misrepresentation;

(11) Knowingly, or with reason to know, made a false statement of material fact on ((~~his or her~~)) their application for a license or any data attached to the application, or in any matter involving the department;

(12) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(13) Willfully prevented or interfered with or failed to cooperate with any inspection, investigation, or monitoring visit made by

the department, including refusal to permit authorized department representatives to interview residents or have access to their records;

(14) Failed or refused to comply with:

(a) A condition imposed on a license or a stop placement order; or

(b) The requirements of chapters 70.128, 70.129, 74.34 RCW, this chapter, or other applicable laws and regulations;

(15) Misappropriated property of a resident, unless such action requires a license denial under WAC 388-76-10120;

(16) Exceeded licensed capacity in the operation of an adult family home;

(17) Operated a facility for the care of children or adults without a license or with a revoked license;

(18) When providing care to children or vulnerable adults, has had resident trust funds or assets seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;

(19) Failed to meet financial obligations as the obligations fell due in the normal course of owning or operating a business involved in the provision of care and services to children or vulnerable adults;

(20) Has failed to meet personal financial obligations, or if the applicant is an entity, has failed to meet the entity's financial obligation, or both;

(21) Interfered with a long-term care ombuds or department staff in the performance of ((~~his or her~~)) their duties;

(22) Has not demonstrated financial solvency or management experience in its currently licensed homes, or has not demonstrated the ability to meet other relevant safety, health, and operating standards pertaining to the operation of multiple homes, including ways to mitigate the potential impact of vehicular traffic related to the operation of the homes;

(23) The home is currently licensed:

(a) As an assisted living facility; or

(b) To provide care for children in the same home, unless:

(i) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns ((~~eighteen~~)) 18 to remain in the home;

(ii) The applicant provides satisfactory evidence to the department of the home's capacity to meet the needs of children and adults residing in the home; and

(iii) The total number of residents receiving care and services in the home does not exceed the number permitted by the licensed capacity of the home;

(24) Failed to give the department access to all parts of the home as authorized under RCW 70.128.090; or

(25) ((~~Has an ownership interest in one or more currently licensed adult family homes or additional applications and does not meet the requirements of being a multiple home provider; or~~

~~(26)~~)) Has demonstrated any other factors that give evidence the individual lacks the appropriate character, competence, and suitability to provide care or services to vulnerable adults.

AMENDATORY SECTION (Amending WSR 15-03-037, filed 1/12/15, effective 2/12/15)

WAC 388-76-10315 Resident record—Required. The adult family home must:

(1) Create, maintain, and keep records for residents in the home where the resident lives and ensure that the records:

(a) Contain enough information so the home can provide the needed care and services to each resident;

(b) Be in a format useful to the home;

(c) Be kept confidential so that only authorized persons see their contents;

(d) Are only released to the following persons:

(i) A health care institution;

(ii) When requested by the law;

(iii) To department representatives; and

(iv) To the resident;

(e) Be protected to prevent loss, alteration, or destruction, and unauthorized use;

(f) Be kept for three years after the resident leaves the home or death of the resident;

(g) Be available so that department staff may review them when requested; and

(h) Provide access to the resident to review their record and obtain copies of their record at a reasonable cost.

(2) Ensure staff has access to the parts of residents' records needed by staff to provide care and services; and

(3) Allow representatives of the long-term care ombuds access to a ((~~resident record if approved by the resident~~)) resident's records in accordance with RCW 70.129.090.

AMENDATORY SECTION (Amending WSR 25-18-037 [26-05-046], filed 8/25/25 [2/12/26], effective 1/1/26 [3/15/26])

WAC 388-76-10320 Resident record—Content. The adult family home must ensure that each resident record contains, at a minimum, the following information:

(1) Identifying information about the resident, including, but not limited to:

(a) Name;

(b) Bedroom they reside in;

(c) Telephone number, if available; and

(d) Email address, if available.

(2) The name, address, and telephone number of the resident's:

(a) Representative and the representative's;

(i) Relationship to the resident; and

(ii) Email address, if available.

(b) Health care providers;

(c) Significant family members identified by the resident; and

(d) Other individuals the resident wants involved or notified.

(3) Current medical history;

(4) The resident assessment information;

(5) The preliminary service plan;

(6) The negotiated care plan;

(7) List of resident medications;

(8) ((~~The resident's Social Security number;~~)) A copy of:

(a) The notice of rights and services required by this chapter; and

(b) The acknowledgement required by this chapter that the resident received a copy of the notice, signed and dated by:

(i) The resident; and

(ii) The home;

(9) When the resident was:

(a) Admitted to the home;

(b) Absent from the home; and

(c) Discharged from the home.

(10) A current inventory of the resident's personal belongings dated and signed by:

(a) The resident; and

(b) The adult family home.

(11) Financial records.

(12) The residency agreement for residents with medicaid as a payor.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 21-11-074, filed 5/17/21, effective 8/1/21)

WAC 388-76-10685 Bedrooms. The adult family home must meet all of the following requirements:

(1) Ensure each resident's bedroom is an outside room that allows entrance of natural light.

(2) Ensure window and door screens:

(a) Do not hinder emergency escape; and

(b) Prevent entrance of flies and other insects.

(3) Ensure each resident, including those using mobility aids such as wheelchairs and walkers has direct, unrestricted, and free access from the bedroom through doors, hallways, and corridors to common use areas and other rooms used for care and services including bathrooms.

(4) When a bedroom will be shared by two residents, the home must:

(a) Document through the notice of rights and services that the resident's bedroom is a shared bedroom; and

(b) Allow residents to express their preference of roommate and allow residents who mutually consent to share a bedroom to live in a double occupancy bedroom together, unless this will pose a health or safety risk for any resident in the home;

(5) Provide each bedroom with a minimum usable floor space as required in WAC 388-76-10690.

(6) Give each resident the opportunity to have a lock on their bedroom door if they choose to unless having a locked door would be unsafe for the resident and this is documented according to WAC 388-76-10401.

(7) Ensure each bedroom has a closet or a wardrobe, armoire, or reasonable storage space for clothes accessible to residents. Neither the closet nor wardrobe/armoire floor space will be considered a part

of the room's usable square footage. The home must not remove a closet in order to provide additional floor space.

(8) Ensure there are no more than two residents to a bedroom.

(9) Unless the resident chooses to provide their own furniture and bedding, the home must provide each resident a bed ((~~thirty-six~~)) 36 inches or wider with:

(a) A clean, comfortable mattress;

(b) A waterproof cover for use when needed or requested by the resident;

(c) Clean sheets and pillow cases;

(d) Adequate clean blankets to meet the needs of each resident; and

(e) Clean pillows.

(10) Do not use the upper bunk of double-deck beds for a resident's bed.

(11) Provide each resident a call bell, or an alternative way of alerting staff in an emergency, that the resident can use, unless the bedroom of an AFH staff member is within hearing distance of the resident's bedroom and a staff member will be within hearing distance at all times.

(12) Ensure that members of the household and staff do not share bedrooms with residents.

(13) Ensure a resident does not share a bedroom with a person under ((~~eighteen~~)) 18 years of age, unless the person is the resident's own child.

(14) The adult family home must notify the department and receive an approved inspection from the department before allowing a resident to sleep in a bedroom not previously inspected and approved by the department.

AMENDATORY SECTION (Amending WSR 21-11-074, filed 5/17/21, effective 8/1/21)

WAC 388-76-10715 Doors—Ability to open. The adult family home must ensure:

(1) Every bedroom and bathroom door opens from the inside and outside;

(2) Every closet door opens from the inside and outside;

(3) At least one door leading to the outside is designated as an emergency exit. In homes licensed after January 1, 2016, this door must have a lever door handle on both sides and hardware that allows residents to exit when the door is locked and immediately reenter without a key, tool, or special knowledge or effort by residents;

(4) Other doors leading to the outside that are not designated as an emergency exit must open without any special skills or knowledge, and they must remain accessible to residents unless doing so poses a risk to the health or safety of at least one resident; ((~~and~~))

(5) All internal and external doors comply with local jurisdictional requirements as well as the building code requirements in chapter 51-51 WAC((~~.~~)); and

(6) For homes licensed after the effective date of this chapter, all internal doors residents will pass through that are not designated as an emergency exit are at least 27 inches wide.

AMENDATORY SECTION (Amending WSR 21-11-074, filed 5/17/21, effective 8/1/21)

WAC 388-76-10895 Emergency evacuation drills—Frequency and participation. (1) There are two types of emergency evacuation drills:

(a) A full evacuation is evacuation from the home to the designated safe location; and

(b) A partial evacuation is evacuation to the designated emergency exit.

(2) The adult family home must conduct:

(a) Partial emergency evacuation drills which occur during random staffing shifts at least every ((~~sixty days~~)) two months, with each resident participating in at least one each calendar year;

(b) A full emergency evacuation drill at least once each calendar year, with all residents participating in the drill together and at the same time; and

(c) Emergency evacuation drills even if there are no residents living in the home for the purpose of staff practice.

(3) The home must respect the resident's right to refuse to participate in emergency evacuation drills. However, the home must still demonstrate the ability to safely evacuate all residents doing the following:

(a) Documenting the resident's wish to refuse to participate in the negotiated care plan;

(b) Providing an estimate of the amount of time it would take to evacuate the resident and how they calculated this estimate in the negotiated care plan;

(c) Adding the estimated time to the time recorded on the emergency evacuation drill log after each drill to ensure the length of time to evacuate does not exceed five minutes; and

(d) Continuing to offer the resident a chance to participate in every evacuation drill.

AMENDATORY SECTION (Amending WSR 09-03-029, filed 1/12/09, effective 2/12/09)

WAC 388-76-10930 Plan of correction (POC)—((~~Required~~)) When required. (1) ((~~The adult family home must comply with all applicable licensing laws and regulations at all times.~~

~~(2)~~)) When the department finds the adult family home out of compliance with any licensing law or regulation, the department will send the home an inspection report ((~~with an attestation of correction statement~~)) for each cited deficiency.

((~~(3)~~)) (2) The adult family home must complete an attestation of correction for ((~~any inspection report~~)) each cited deficiency as the department requires.

((~~(4)~~)) (3) For the purposes of this section an "attestation of correction statement" means a statement((~~, developed by the department and~~)) signed and dated by the home, that the home:

(a) Has or will correct each cited deficiency; and

(b) Will maintain correction of each cited deficiency.

((~~(5)~~)) (4) The home must be able to show to the department, upon request, that, for each deficiency cited, the home has:

(a) A plan of correction and maintaining correction;

(b) Corrected or is correcting each deficiency; and

(c) Maintained or is maintaining compliance.

((~~(6)~~)) (5) On each attestation of correction statement, the home must:

(a) Give a date, approved by the department, showing when the cited deficiency has been or will be corrected; and

(b) By signature and date show that the home has or will correct, and maintain correction, of each deficiency.

((~~(7)~~)) (6) The home must return the inspection report, with completed attestation of correction statements, to the department within ((~~ten~~)) 10 calendar days of receiving the report.

(7) This section does not apply where the department takes action to summarily suspend or revoke the adult family home license under its authority in RCW 70.128.100 or 70.128.160.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-76-10045	Licensing—Certain state employees and employee household members—Prohibited.