WSR 26-13-032
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)

[Filed June 9, 2026, 3:35 p.m.]

Subject of Possible Rule Making: WAC 388-106-0020 Under the medicaid personal care (MPC), community first choice (CFC), community options program entry system (COPES), and chore programs, what services are not covered? The department of social and health services (department) is considering amending the rule to update current practices; and other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, and 74.39A.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The reasons for this rule making are because the current rule mentions the services not covered under the MPC, CFC, COPES, and chore programs. The department plans to revise the title to be inclusive of the other long-term care programs, removing "family member" from subsection (2)(a) and (b) requiring skilled tasks be nurse delegable or self-directed to a qualified long-term care worker, and removing subsection (4) to allow service delivery over the telephone as approved by the Centers for Medicare and Medicaid Services (CMS). If applicable, these amendments will make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: CMS regulates the service delivery for these long-term care programs. The home and community living administration (HCLA) and the developmental disabilities administration (DDA) will coordinate during this rule-making process.

Process for Developing New Rule: Collaborative; the department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representatives listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Victoria Nuesca, CFC Program Manager, HCLA, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2393, TTY 711 relay service, email victoria.nuesca@dshs.wa.gov; or Sue Halle, CFC Program Manager, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-764-3561, TTY 711 relay service, email suzan.halle@dshs.wa.gov.

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