WSR 26-13-037
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Home and Community Living Administration)
(Residential Care Services)
[Filed June 10, 2026, 10:26 a.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending the following rules, adding new sections, and amending other sections as needed: Chapter 388-76 WAC, Adult family home minimum requirements. This rule making may result in amending current rules, adopting new sections of rule, and repealing existing sections of rule. 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.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040, 70.128.060, and 70.129.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to remove the background check requirement for spouses and domestic partners of adult family home entity representatives with no ownership interest in the business who do not live in the home, to clarify the age for which background checks are required for household members, to update language in WAC 388-76-10616 related to resident transfer and discharge notice for alignment with statute, as requested by petition, and to update WAC 388-76-10795 to add a requirement for new adult family homes to have a 36" space in front of at least one resident bedroom window for emergency escape or rescue. These changes will reduce barriers to licensure, clarify existing requirements, align WAC with statute, and protect resident safety.

Process for Developing New Rule: Negotiated rule making; and the department will use a collaborative rule-making process to consult with internal and external interested parties in the development and review of the draft rules. The department invites the public to give input on the draft language for proposed rule changes. More information is available by contacting the residential care services policy unit as provided below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 360-725-2300, fax 360-438-7903, TTY 711 relay service, email rcspolicy@dshs.wa.gov.

June 10, 2026
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