WSR 26-15-066
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Home and Community Living Administration)
[Filed July 15, 2026, 8:21 a.m., effective August 15, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The amendments and new sections will incorporate the requirements of E2SSB 5337, chapter 187, Laws of 2025, Memory care certification, creating a certification process for assisted living facilities (ALF) providing memory care services in a memory care facility or memory care unit. There are also minor changes and clarifications to other sections of chapter 388-78A WAC, Assisted living facility rules. Proposed changes to the ALF chapter for operators of memory care facilities or memory care units adds new sections for certification requirements, implementation of certification for licensed ALFs, certified memory care disclosure, the evaluation of certification, and the addition of the Consumer Protection Act for memory care.

Proposed changes to existing rules include definitions for dementia, memory care facility or memory care unit, and memory care services. The proposed rules allow dementia services to be provided in a nonrestricted egress ALF; semi-annual ongoing assessments for residents receiving memory care services; daily activity requirements; and health support services to include memory care services, physical environment requirements, caregiver availability 24 hours per day, including caregivers physically present 24 hours a day in cottages or buildings, caregivers completing six hours of continuing education related to dementia, and policies and procedures to address residents with behavioral challenges.

Proposed changes to existing rules include ALF developing an emergency plan addressing residents with dementia, extreme heat and cold in the emergency and disaster preparedness plan, a licensee's responsibility to post the certification certificate, how an ALF will apply for certification, what the department of social and health services (department) can review during a certification application, the annual renewal process for certification, and how an ALF with a certification completes a change of ownership. The proposed rules also provide enforcement remedies for ALFs providing memory care services without being certified; continued use of terminology, such as memory care or specialized dementia care without certification; and the ability to suspend or revoke a certification.

The proposed rules make minor changes to existing rules, [including] updating reporting of abuse and neglect, and reporting fires and incidents. Edits were also made to reflect the organizational name change, include the option to report online, correct a rule reference in sewage and liquid waste disposal, change an "or" to "and" in resident units, update toilet rooms and bathrooms to the current building code regulations for roll-in showers, and update laundry to allow for hot water temperatures or chemical sanitizer.

Citation of Rules Affected by this Order: New WAC 388-78A-2383, 388-78A-2384, 388-78A-2385, 388-78A-2387, and 388-78A-2389; and amending WAC 388-78A-2020, 388-78A-2050, 388-78A-2100, 388-78A-2180, 388-78A-2200, 388-78A-2381, 388-78A-2450, 388-78A-2600, 388-78A-2630, 388-78A-2650, 388-78A-2700, 388-78A-2730, 388-78A-2750, 388-78A-2760, 388-78A-2775, 388-78A-2790, 388-78A-2960, 388-78A-3010, 388-78A-3030,

388-78A-3040, 388-78A-3160, 388-78A-3170, 388-78A-3181, and 388-78A-3230.

Statutory Authority for Adoption: RCW 18.20.090 and 18.20.550.

Adopted under notice filed as WSR 26-09-129 on April 21, 2026.

Changes Other than Editing from Proposed to Adopted Version: Clarifying language changes were made to WAC 388-78A-2381 General design requirements for memory care: The language in subsection (2)(g)(i)(B) was changed from "provide" to "maintain." Additionally, a reference to an already established subsection in this WAC was added to subsection (2)(g)(i)(B) clarifying a facility must have a policy and procedures to ensure residents can access an outdoor space when the facility provides an alternative viewing area. Finally, the department inadvertently missed an amended reference in WAC 388-78A-2020 that had been adopted in WSR 26-05-046 but had not been codified on the legislative website. That amended rule is reflected in this permanent adoption filing.

A final cost-benefit analysis is available by contacting Tamara Tredo, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-999-0237, TTY 711 relay service, email RCSPolicy@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, Amended 18, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 5, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 24, Repealed 0.

Date Adopted: July 14, 2026.

Lisa N.H. Yanagida
Chief of Staff

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 26-17 issue of the Register.