



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 28, 2024

TIME: 9:22 AM

WSR 24-14-072

Agency: Department of Social and Health Services, Aging and Long-Term Support Administration, MSD

Subject of possible rule making: WAC 388-96-738 *What default case mix group and weight must the department use for case mix grouping when there is no minimum data set resident assessment for a nursing facility resident?* And other related sections as are necessary.

Statutes authorizing the agency to adopt rules on this subject: RCW 74.46.571 and 74.46.800(1)

Reasons why rules on this subject may be needed and what they might accomplish: The Centers for Medicare and Medicaid (CMS) has discontinued the Resource Utilization Group (RUG) data set and replaced it with the Patient-Driven Payment Model (PDPM). Washington is transitioning from RUGs to PDPM for the purpose of adjusting the nursing facility Medicaid rate by acuity. WAC 388-96-738 addresses how to weigh certain situations with incomplete data and references specific RUG groups. These references need to be updated to reflect the usage of PDPM.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) DSHS welcomes the public to take part in developing the rules. Anyone interested should

contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Elizabeth Pashley	(If necessary) Name:
Address: PO Box 45600, Olympia WA 98504	Address:
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Other:	Other:

Additional comments:

Date: June 28, 2024

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature: