

## CHAPTER 8: Policy

### HCLA Residential Care Services, Standard Operating Procedures Manual



## Overview

Residential Care Services' (RCS) core mission is to protect the vulnerable population in all RCS-regulated settings. The policy unit enables RCS to achieve its mission by providing good stewardship for the regulatory system on which RCS relies. This means the policy unit has the responsibility for careful planning, management, and monitoring of the rules, policies, procedures, and legislation affecting RCS.

The five primary functions of the policy unit are:

- Writing Washington Administrative Codes (WACs) and policies in response to changes in the legal landscape of Washington State (i.e., new laws, regulations, or RCS business needs and processes).
- Reviewing, analyzing, and drafting legislation that affects RCS regulated settings, including timely responses to the Governor's office, legislators, and public inquiries.
- Providing WAC, policy, and law interpretation to RCS leadership, staff, and the public.
- Promoting good governance processes through transparency, accountability, and democracy to ensure effective management of public resources and services.
- Supporting RCS leadership decision making by providing guidance founded on evidence-based research, consultation, and input from RCS staff, the Assistant Attorney General's office (AAG), resident and client input as well as business process analysis.

## Authority

- [Administrative Procedure Act \(Chapter 34.05 RCW\)](#)
- [Rulemaking \(Chapter 1-21 WAC\)](#)
- [Regulatory Fairness Act \(Chapter 19.85 RCW\)](#)
- [Open Public Meetings Act \(Chapter 42.30 RCW\)](#)

These procedures are in addition to [DSHS Administrative Policies](#), as they are specific to RCS. These procedures will be reviewed for compliance and accuracy at least every five years.

## Contacts

- [RCS Policy Unit General Contact](#) (**internal** RCS use)
- [RCSPolicy@dshs.wa.gov](mailto:RCSPolicy@dshs.wa.gov) (**external** RCS use)
- [RCS Quality Improvement Unit General Contact](#)

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## Part I: Legislation

### A. Rulemaking

#### Purpose

To create, amend, or repeal Washington State Administrative Codes (WACs) for clarity and consistency for RCS providers and staff. The rule drafting process includes solicitation of public input for consideration in rulemaking and is subject to the requirements of the [Open Public Meetings Act](#) (OPMA). Solicitation of public input may involve engagement meetings with interested parties, surveys, as well as formal and informal comment opportunities on draft rule text.

#### Process

1. Vetting Potential Rulemaking:
  - a. A need for rulemaking is identified through one or more of the following:
    - 1) Alignment with regulatory compliance requirements
    - 2) Legislation – new bill requires rulemaking
    - 3) Petitions
    - 4) Subject Matter Expert (SME) identified need
    - 5) Data-driven decisions
    - 6) Resident and client input
  - b. When a rulemaking need has been identified, the Policy Program Manager (PPM) and Policy Unit Manager (PUM) meet to discuss if the department has the authority and need to conduct rulemaking or if it is appropriate to solve the need using an alternative method (i.e. training, DPL, MB, etc.).
2. Intention to File Rulemaking: If it is determined that rulemaking is the best course of action, the department must follow the procedural requirements set out in the [Administrative Procedure Act \(Chapter 34.05 RCW\)](#), [Regulatory Fairness Act \(Chapter 19.85 RCW\)](#), [DSHS Administrative Policy 11.09](#), and the [Rules and Policies Assistance Unit \(RPAU\) DSHS Rules Manual](#) for conducting rulemaking.
  - a. The PPM prepares for Notification of Intent to do Rulemaking, which includes:
    - 1) Creating a workplan
    - 2) Drafting a Director’s memo in preparation for Home and Community Living Administration’s (HCLA) Assistant Secretary’s signature
    - 3) Drafting a Proposal Statement of Inquiry (i.e., CR-101 packet)
    - 4) Drafting a Management Bulletin (MB) and Dear Provider Letter (DPL)
      - a) Distributing notification via GovDelivery to interested parties
  - b. Send the approved Preproposal Statement of Inquiry (CR-101) packet and the interested parties list to RPAU to file.
  - c. Begin drafting the proposed rule text.

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3. Rule Text Drafting and Formal Input:
  - a. The PPM will draft the proposed rule text and provide opportunities for review, recommendations, and input from interested parties. The PPM will also:
    - 1) Facilitate engagement meetings with interested parties;
    - 2) Outline rule language draft;
    - 3) Gather workgroup recommendations;
    - 4) Identify controversial issues;
    - 5) Document significant changes; and,
    - 6) Forward approved draft rules to the AAG for review and determination of “significant rule changes”
4. For **Significant** rule changes, follow steps 4-7. For **Non-significant** rule changes, skip step 4, go to step 5.
  - a. For Significant Rulemaking, the PPM will:
    - 1) Continue to draft rule text;
    - 2) Draft a Significant Legislative Rule Analysis (SLA);
    - 3) Draft a Cost Benefit Analysis (CBA);
    - 4) Draft a Small Business Economic Impact Statement (SBEIS);
    - 5) Draft a crosswalk, if applicable;
    - 6) Send final draft rule, CBA and SBEIS to the AAG for review and comments; and,
    - 7) Schedule meeting with RCS leadership staff and AAG to review and final rule language, CBA, and SBEIS
5. Draft Rule Text Review:
  - a. Once the draft rule text is ready for review, the PPM will:
    - 1) Request the Reviewer’s list for the [Rules and Approval for Proposed DSHS Rules \(DSHS 02-003\)](#) form from RPAU;
    - 2) Complete the [DSHS 02-003](#) form;
    - 3) Send the [DSHS 02-003](#) form and related documents to the people from Reviewer’s List received from RPAU;
      - a) Documents for **Significant** Rulemaking include the CBA, SBEIS, Draft Rule Text, and SLA.
      - b) Documents for **Non-Significant** Rulemaking includes the Draft Rule Text.
    - 4) Collect any comments from the reviewers and review with the PUM to determine if any substantive changes are needed; and,
    - 5) Finalize the [DSHS 02-003](#) form.
  - b. Send the rule text and applicable documents to RPAU for formatting.
  - c. Prepare the CR-102 packet.
    - 1) Draft the Director’s memo in preparation for the HCLA Assistant Secretary’s signature.
    - 2) Draft the CR-102.
    - 3) Include the formatted rule text, SLA, CBA, and SBEIS (if applicable), and the [DSHS 02-003](#) form.
  - d. Email the CR-102 packet to the executive leadership for approval.
  - e. Once approved, send the CR-102 packet and interested parties list to RPAU.

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- f. Draft the MB and DPL
  - 1) Within three days of filing the CR-102, distribute the notification via GovDelivery, to interested parties, including the final draft of the rule text and all applicable documents from the rulemaking packet.
6. Public Comment/Hearing
  - a. The Formal Comment period allows interested parties to provide formal comments and feedback on any draft rule text (often in addition to informal comments already collected during engagement meetings with interested parties). During this process, the PPM will:
    - 1) Attend public hearing;
    - 2) Evaluate all comments from hearing; and,
    - 3) Prepare rule change recommendations, if necessary.
  - b. Complete a Concise Explanatory Statement (CES).
  - c. Meet with the PUM to discuss any rule-change recommendations and the CES.
    - 1) If there are rule change recommendations, send recommended changes to the AAG.
    - 2) Meet with the AAG, before returning to step 6 (above).
    - 3) Forward to the Director for approval.
7. Adoption and Implementation of Rules
  - a. Depending on the outcome of the public hearing(s), the department will file a final revised rule with the Office of the Code Reviser as part of the rule adoption phase (i.e., CR-103). To prepare for filing the CR-103, the PPM will:
    - 1) Draft a Director's memo in preparation for HCLA's Assistant Secretary's signature;
    - 2) Prepare the CR-103P form; and,
    - 3) Create an implementation plan.
  - b. Send the completed CR-103P packet to RCS leadership for approval. Packet should include:
    - 1) The prepared Director's memo pending the HCLA Assistant Secretary's signature;
    - 2) CR-103P;
    - 3) Rule text;
    - 4) Analyses (SLA, CBA, SBEIS) if applicable;
    - 5) CES;
    - 6) Implementation plan; and,
    - 7) Interested parties list.
  - c. Once approved, email the CR-103P packet to RPAU for filing.
  - d. Draft the MB and DPL.
    - 1) Distribute notification via GovDelivery to interested parties 31 days after filing the CR-103P.
8. Emergency Rule Adoption (i.e., CR-103E):
  - a. Emergency rules must meet certain criteria and are not standard practice for regular rulemaking. If applicable, the PPM will follow Procedures outline in the [Administrative Procedure Act \(Chapter 34.05 RCW\)](#).
9. Expedited rulemaking (i.e., CR-105):
  - a. Expedited rules must meet certain criteria and are not standard practice for regular rulemaking. If applicable, the PPM will follow Procedures outline in the [Administrative Procedure Act \(Chapter 34.05 RCW\)](#).

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## B. Legislative Session

### Purpose

To evaluate proposed legislation for potential impact to HCLA/RCS programs and services.

### Process

1. The Policy Unit Manager (PUM), Policy Unit Lead (PUL), and Management Analyst 5 (MA5) will review proposed legislation to identify those that may have a potential impact on RCS, HCLA, and DSHS.
2. Legislative bills are assigned to PPMs and MAs in the morning and afternoon, based on subject matter and workload distribution. PPMs then complete either a Formal bill analysis or an Informal bill analysis.
  - a. Formal bill analyses are formally assigned by the Legislative & Policy Analyst in the legislative bill tracking platform (i.e. LobbyGov).
  - b. Informal bill analyses are assigned to vet out any potential impact on bills that have not been identified by the PUM. These are done using an internal unit process developed by the MA5.
3. Legislation that impacts or has the potential to impact RCS's programs and services are monitored by SMEs throughout legislative session by:
  - a. Monitoring hearings associated with bills;
  - b. Analyzing amendments and substitutions of bills for impact;
  - c. Working with the Legislative & Policy Analyst and legislature on bill language changes (when applicable); and,
  - d. Providing guidance on the bill and potential impact (when applicable) to HCLA staff and RCS Leadership.

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### Part II: Policy Inbox Inquiries

#### Purpose

The purpose of the policy inbox is to have a ticketing system for staff, providers, and interested parties to ask Policy SMEs for clarification on policy, procedure, WAC/statutory interpretation, etc. The Policy Unit's role is not to give advice or recommendations.

#### Process

- A. PPMs manage and respond to internal and external policy inquiry ticket assignments. Tickets are automatically assigned to a SME in the inbox ticketing system based off identified topic areas.
1. Internal Inquiries: RCS staff submit inquiries to the policy inbox using the [Policy Inbox Submission form](#) found on the [RCS Intranet website](#).
  2. External Inquiries: State staff that are not employed by RCS, providers, and interested parties submit inquiries via email to the policy inbox at [rcspolicy@dshs.wa.gov](mailto:rcspolicy@dshs.wa.gov).

# Part III: Management Bulletins (MBs) and Dear Provider Letters (DPLs)

## Purpose

To inform staff and providers about rule, policy, and/or procedural changes using MB and DPL documents.

## MB Process

The PPM drafts an MB following the guidelines in the MB drafting guide on the [HCLA website](#). The completed draft is sent to the PUM for review in Policy Unit Projects (PUP) tracker and ends in the finalized draft being sent by the Communications Program Manager via Gov Delivery.

### A. MBs include:

1. The reason for the change to the rule, policy, and/or procedure and the necessary action required;
2. The background information about the rules, policy and or procedure that is recommended for the change;
3. The related regulatory reference;
4. What is new or staff expectations; and,
5. Policy Inbox contact information.

## DPL Process

### A. DPLs will include

1. The regulatory reference;
2. What is being updated; and,
3. A description of the change.

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### Part IV: Appendices

#### A. Helpful Links

1. [DSHS Rules](#)
2. [DSHS Rulemaking Process](#)
3. [DSHS Proposed Rules and Public Hearings](#)
4. [RPAU Rules Manual](#)
5. [RAPU SharePoint website](#)
6. [Rulemaking Resources](#)

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## B. Glossary of Terms

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**Agency** – State agency.

**Code of Federal Regulation (CFR)** – The Departments and Agencies of the Federal Government providing codification of the general and permanent rules published in the Federal Register.

**Community programs** – includes Adult Family Homes (AFH), Assisted Living Facilities (ALF), Certified Community Residential Services and Supports (CCRSS), and Enhanced Services Facilities (ESF).

**Compliance** – The state of an organization that meets prescribed specifications, contract terms, regulations, or standards.

**Department** – This term refers to the Washington state Department of Social and Health Services (DSHS).

**Facility** – as defined in [RCW 74.34.020](#).

**Federal programs** – This includes Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) and Nursing Homes (NH).

**Requirement** – Any structure, process, or outcome that is required by law or regulation.

**Revised Code of Washington (RCW)** – The compilation of all permanent laws now in force. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriation acts.

**Washington Administrative Code (WAC)** – Regulations of executive branch agencies issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State. The WAC codifies the regulations arranging them by subject or agency.

**Working days (business days)** – defined as Monday through Friday, excluding federal and state holidays.

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## C. Acronym List

AA	Administrative Assistant
AAG	Assistant Attorney General
AFH	Adult Family Home
ALF	Assisted Living Facility
AL TSA	Aging and Long-Term Support Administration (formerly HCLA)
CBA	Cost Benefit Analysis
CCRSS	Certified Community Residential Services and Supports
CES	Concise Explanatory Statement
CFR	Code of Federal Regulations
DPL	Dear Provider Letter
DSHS	Department of Social and Health Services
ESF	Enhanced Services Facilities
HCLA	Home and Community Living Administration (previously AL TSA)
ICF/IID	Intermediate Care Facilities for Individuals with Intellectual Disabilities
MA	Management Analyst
MB	Management Bulletin
NH	Nursing Homes
OPMA	Open Public Meetings Act
PPM	Policy Program Manager
PUL	Policy Unit Lead
PUM	Policy Unit Manager
PUP Tracker	Policy Unit Project Tracker
RCS	Residential Care Services
RCW	Revised Code of Washington
RPAU	Rules and Policies Assistance Unit
SBEIS	Small Business Economic Impact Statement
SLA	Significant Legislative Rule Analysis
SME	Subject Matter Expert
WAC	Washington Administrative Code

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## D. Change Log

Eff. Date	Chapter/ Section #	Description of Change	Reason for Change	Communication and Training Plan
06/25/2025	Full Chapter	All of chapter 8 was created based on Policy Unit's processes	Chapter development	<a href="#">MB R25-067</a>
09/08/2023	Full Chapter	<ul style="list-style-type: none"><li>• SOP Management moved to Chapter 10 (Quality Management)</li><li>• Reformat Chapter</li></ul>	<ul style="list-style-type: none"><li>• SOP Management responsibility transferred to newly created Quality Improvement Unit</li><li>• Provide for easier navigation</li></ul>	<a href="#">MB R23-075</a>