



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, WA 98504-5600

October 21, 2016

ALTSA: AFH #2016-024
PROPOSED AMENDMENTS TO CHAPTER 388-76 WAC

Dear Adult Family Home Provider:

The department recently completed the formal rule making process adopting Substitute Senate Bill (SSB) 5600, which amended definitions related to abuse in Chapter 388-76 as well as adding definitions one of which being “chemical restraint”. The revision to Chapter 388-76 also included an amendment to Washington Administrative Code (WAC) 388-76-10145, which exempted nurses who are a provider, entity representative, or resident manager in an Adult Family Home (AFH) from the first aid requirement.

Through public comment during the CR 102 hearing for WSR 16-14-037 on August 23, 2016, it was identified that WAC 388-76-10135 also needed to be amended to allow nurses who work in the home (but are not a provider, entity representative or resident manager) to be exempt from the first aid requirement. The need to amend WAC 388-76-10660 was also identified during this comment period, as the added definition of “chemical restraint” is significantly different than how it is defined in this section. However, WACs 388-76-10135 and 388-76-10660 were not identified as being amended on WSR 16-14-037, and per RCW 34.05.340(2) since the amendments are substantive they could not be included in the CR 103 filing.

Recently the department filed the CR-102, a more formal phase of the rulemaking process, with the Office of the Code Reviser. The CR-102, including proposed rule language, is available on the ALTSA website at <https://www.dshs.wa.gov/altsa/residential-care-services/information-adult-family-home-providers> under “AFH Rule Filings”.

You may either submit comments in person at the public hearing listed below or in writing to the Department’s rules and Policies Assistance Unit (RPAU)

The formal hearing for the proposed rules is scheduled:

Date: November 22, 2016 at 10:00 AM
Location: Office Building 2 (DSSH Headquarters) Lookout Room
1115 Washington
Olympia, WA 98504

Dear AFH Provider
October 21, 2016
Page 2

You must submit written comments by 5:00PM on this date, to the following address or by email to Jennisha Johnson at DSHSRPAURulesCoordinator@dshs.wa.gov

DSHS Rules Coordinator/RPAU
PO Box 45850
Olympia, WA 98504-5850

Directions to Office Building 2 can be found: <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>. Public parking is available at 11th and Jefferson streets.

For rule-making questions, please contact Sherise Baltazar, Policy Program Manager, at (360) 725-3204.

Sincerely,



Candace Goehring, Director
Residential Care Services

"Transforming Lives"