



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

May 20, 2021

ALTSA: AFH #2021-029
CR-103P ADULT FAMILY HOME RULE FILING

Dear Adult Family Home Provider and Interested Parties:

This message is to announce the filing of a CR-103P, Rule-making Order (Permanent Rule) amending Chapter 388-76 WAC, Adult Family Home Minimum Licensing Requirements. The Department of Social and Health Services (department) is amending, adding, and repealing sections of this chapter.

On December 19, 2019, the department filed a CR-102 with the Office of the Code Reviser (WSR 20-02-013) to propose rules for adoption and announce the formal public comment period on those proposed rules. A public hearing was held on February 4, 2020, and the department received public comments during this formal public comment period. The department made amendments to the proposal and filed a supplemental CR-102 on May 19, 2020, (WSR 20-11-055) followed by a second supplemental CR-102 on November 3, 2020 (WSR 20-22-102). No public comments were received during the second and third public comment periods. A Concise Explanatory statement can be found at the link [here](#) with more information.

The department filed the CR-103P, Rule-making Order (WSR 21-11-074) on May 17, 2021, to announce the adoption of the proposed rules. These rules will have a delayed effective date and will not become effective until August 1, 2021.

The adopted changes:

- Strengthen resident rights with clearer language and add a signature requirement to the Disclosure of Charges form.
- Add information to the emergency evacuation drill requirement to protect a resident's right to refuse to participate, while also requiring the provider to demonstrate they can evacuate all residents in the existing five-minute timeframe.
- Update rules on video and audio monitoring to allow security cameras and resident safety devices like tracking bracelets, and provide a way for providers to disconnect systems set up by families that violate department rules and privacy laws.
- Establish additional burn and fire protection measures for heaters and fireplaces that get hot to the touch.
- Incorporate requirements from the building code into the chapter for easier understanding and compliance.
- Make editorial changes for clarity.
- A summary of changes can be found [here](#).

One section of the rules being changed, [WAC 388-76-10595](#), is currently waived under [Senate Concurrent Resolution 8402](#). These changes will not take effect until the end of the COVID-19 state of emergency or until rescinded by the governor or the legislature, although the subsection that was suspended will be moving from (6) to (5). This will continue to be suspended until reinstated by the governor or legislature. The remainder of the rule changes are not impacted by the current state of emergency or the suspended rules and laws.

If you have any questions, please contact [Libby Wagner](#), LTC Policy Program Manager at (360) 464-0487.

Sincerely,

A handwritten signature in black ink that reads "Mike Anbesse". The signature is written in a cursive, flowing style.

Mike Anbesse, Director
Residential Care Services

DSHS: "Transforming Lives"