



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: July 01, 2021

TIME: 11:33 AM

WSR 21-14-049

Agency: Department of Social and Health Services (department)

Subject of possible rule making: The department is considering amending WAC 388-97-1080, Nursing Services, WAC 388-97-1090, Direct Care Hours, and other related rules as may be necessary to implement ESHB 1120 (Chapter 203, Laws of 2021).

Statutes authorizing the agency to adopt rules on this subject: RCW 74.42.620, Department Rules

Reasons why rules on this subject may be needed and what they might accomplish: This rule making is necessary to implement ESHB 1120 (Chapter 203, Laws of 2021). The amendments to WAC 388-97-1080 will re-establish requirements for registered nurse (RN) staffing levels in nursing homes, and the exception process for the RN standard. The amendments to WAC 388-97-1090 will re-establish requirements for direct care staffing, as well as associated oversight activities and penalties for non-compliance. These rules were held in suspension during the COVID-19 pandemic, in accordance with Governor proclamation 20-18.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: N/A.

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

Negotiated rule making

Pilot rule making

Agency study

Other (describe) The department will use a collaborative rule-making process to develop and receive comments on the draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

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

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Additional comments:

Date: July 1, 2021

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature: