



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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DATE: January 26, 2022

TIME: 1:28 PM

WSR 22-04-046

**Agency:** Department of Social and Health Services (department)

**Subject of possible rule making:** The department is considering amending the following chapters of rule to implement specific sections to SHB 1218. The department may amend other related rules as necessary.

- Chapter 388-76 WAC, Adult Family Home Minimum Licensing Requirements,
- Chapter 388-78A WAC, Assisted Living Facility Licensing Rules,
- Chapter 388-97 WAC, Nursing Homes, and
- Chapter 388-107 WAC Licensing Requirements for Enhanced Services Facilities.

The department is considering amending the rules to:

- Adopt requirements for providers to publicly post stop placement orders,
- Adopt requirements for providers to create and maintain resident rosters as well as responding to requests from ombuds for roster information,
- Incorporate new definition of resident representative,
- Replace the phrase “his or her” with appropriate gender-neutral terms.

**Statutes authorizing the agency to adopt rules on this subject:**

- RCW 18.20.090, Rules, regulations, and standards.
- RCW 18.51.070, Rules.
- RCW 70.97.230, Rules for implementation of chapter.
- RCW 70.128.040, Adoption of rules and standards – Negotiated rulemaking – Specialty license.

**Reasons why rules on this subject may be needed and what they might accomplish:**

- SHB 1218 instructs the department to require providers to create and regularly maintain resident rosters as well as provide copies to ombuds within a reasonable time.
- In order to meet requirements in SHB 1218, the department is considering amending rules for posting stop placement orders to ensure they are in a conspicuous place for the public.
- SHB 1218 replaced “his or her” with “resident” and the department plans to update the rules with appropriate gender-neutral terms.
- SHB 1218 updated the definition for “resident representative” and the department plans to revise the rules to ensure consistency with this definition.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** No other federal or state agencies regulate this subject.

**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 draft rules. Contact the department staff listed below to receive draft material and information about how to participate in the rule-making process

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

(If necessary)

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Additional comments:

**Date:** January 25, 2022

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**

