



# 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: April 17, 2023

TIME: 12:43 PM

WSR 23-09-049

**Agency:** Department of Social and Health Services (department), Adult and Long-Term Support Administration, RCS

**Subject of possible rule making:** The department is considering amending WAC 388-76-10315, Resident Record – Required. The intent is to help the regulated community comply with the rule by providing clear language about Long-Term Care Ombuds access to resident records. The department may amend other related rules as appropriate.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 70.128.040

**Reasons why rules on this subject may be needed and what they might accomplish:** This rulemaking was requested as a means to align the rule with federal requirements for Long-Term Care Ombuds access to resident records. The amended rule will give clarity to adult family home providers. It will also support adult family home residents who may benefit from or are currently receiving Long-Term Care Ombuds advocacy.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The department will compare the draft rules with 45 CFR §1324.11(e)(2), Centers for Medicare and Medicaid Services (CMS) requirements related to Long-Term Care Ombuds access to resident records. The department will confirm consistency with the federal requirements and will consult with CMS as necessary.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

**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:** April 17, 2023

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**