



# 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: November 30, 2023

TIME: 3:30 PM

WSR 23-24-046

**Agency:** Department of Social and Health Services, Aging and Long-Term Support Administration, HCS

**Subject of possible rule making:** The Department of Social and Health Services (department) is adding New WAC sections to chapter 388-106 WAC relating to the Civil Transitions Program WAC. These WAC Sections include WAC 388-106-2000 through 388-106-2050 based on Engrossed Senate Bill 5440 (chapter 453, Laws of 2023) provisions. The department may adopt or amend other related rules as may be required to implement provisions of ESB 5440. The rules provide conditional services for individuals who are referred by the Behavioral Health Administration who have been found not functionally and financially eligible for Long-Term Support Services. During this rule making, the department may make additional changes necessary to improve the program requirements and provide clarity.

**Statutes authorizing the agency to adopt rules on this subject:** RCWs 74.08.090 and 74.09.520

**Reasons why rules on this subject may be needed and what they might accomplish:** The legislature passed Engrossed Senate Bill 5440 (chapter 453, Laws of 2023) that addressed timely competency evaluations and restoration services for individuals experiencing behavioral health disorders consistent with the Trueblood settlement. Section 13 of the bill requires Aging and Long-Term Support Administration (AL TSA) and Developmental Disabilities Administration to provide services for individuals that have been found by the court to be not competent and not restorative to stand trial due to a diagnosis of dementia, traumatic brain injury, or intellectual or developmental disability. AL TSA is to provide services whether the individual is financially or functionally eligible for services. These services will allow individuals to access services that they would not otherwise be able to access through Long-Term Services and Supports if not eligible.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Health Care Authority

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Collaborative. The department welcomes the public to take part in developing the rules. Anyone

interested should contact the staff persons identified below. At a later date, the department will file a proposal with the Office of the Code Reviser with a notice of proposed rulemaking. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.


**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:

<b>Date:</b> November 30, 2023	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	