



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: January 28, 2025

TIME: 3:27 PM

WSR 25-04-035

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

Effective date of rule:

Permanent Rules

- ☐ 31 days after filing.
☒ Other (specify) March 4, 2025 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: This rulemaking modifies language in WAC 388-76-10031 that conflicts with the department's interpretation of RCW 70.128.066 related to automatic sprinkler systems in seven and eight bed adult family homes (AFH) that serve only residents who are independent with evacuation. This rulemaking also implements ESHB 2015, Chapter 147, Laws of 2024, that gives the Department of Social and Health Services the ability to temporarily prioritize licensing inspections of adult family homes requesting to increase licensed capacity to seven or eight beds when the home has met all other requirements. The anticipated effect is a reduction of regulatory burden for some existing adult family homes, enabling expansion. This will provide more available options for residents choosing to live in an adult family home.

Citation of rules affected by this order:

New: none
Repealed: none
Amended: WAC 388-76-10031, 388-76-10225, 388-76-10530
Suspended: none

Statutory authority for adoption: RCW 70.128.040 and 70.128.066

Other authority: none

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-24-016 on 11/22/24 (date).

Describe any changes other than editing from proposed to adopted version: none

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted using:

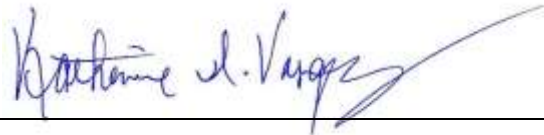
Negotiated rule making:	New	_____	Amended	<u>3</u>	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Date Adopted: January 28, 2025

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-76-10031 License requirements—Seven or eight bed adult family homes—Licensure. (1) An adult family home submitting an application to increase the licensed capacity of a currently licensed adult family home to seven or eight residents must:

(a) Be able to demonstrate to the department the applicant's history of financial solvency and successful management experience as an adult family home provider;

(b) Maintain the initial license for the adult family home identified on the capacity increase application for a period of no less than 24 months prior to application;

(c) Maintain a licensed capacity for six residents for at least the 12 months immediately prior to application;

(d) Demonstrate to the department the ability to comply with the emergency evacuation standards in WAC 388-76-10865; and

((d)) (e) Receive at least two full inspections prior to application, with no enforcement action taken against the home during the time period starting with the older of the two most recent inspections and ending at the time the capacity increase is approved((; and)) . Between June 6, 2024, and January 1, 2026, for adult family homes applying to increase bed capacity under RCW 70.128.066, the department may:

((e) Demonstrate to the department the ability to comply with the emergency evacuation standards in WAC 388-76-10865.))

(i) Complete the first inspection upon receipt of an application to increase bed capacity if the home has otherwise met the requirements of RCW 70.128.066.

(ii) Complete a second inspection upon receipt of an application to increase bed capacity if at least six months have passed since the first inspection.

(2) The adult family home must provide the following items to the department with the application:

(a) Documentation verifying the installation of an automatic sprinkler system that meets the requirements of chapter 51-54A WAC if the home serves residents who require assistance during an evacuation;

(b) Any outstanding fees associated with licensure or additional inspections;

(c) A written plan to mitigate the potential impact of vehicular traffic related to the increased capacity; and

(d) An attestation signed by the provider that states an increase in the number of beds will not adversely affect the provider's ability to meet the health, safety, rights, or quality of life needs of the current and prospective residents in the home.

(3) At the time of application for a license capacity increase to seven or eight residents, the adult family home must provide a written notice to all residents and the residents' representatives that the home has applied for a license capacity increase. This notice must:

(a) Be provided at least 60 days prior to admitting a seventh or eighth resident;

(b) Be written in a manner or language that is understood by the residents and the residents' representatives;

(c) Inform residents and resident representatives that the department will consider their comments regarding the quality of care

and quality of life offered by the home and their views regarding the addition of one or two more residents; and

(d) Provide contact information for the regional residential care services licensing office where the resident or their representative can share their comments.

(4) An adult family home licensed for seven or eight beds that does not have an automatic sprinkler system must not serve residents that require assistance during evacuation as defined by WAC 388-76-10870 and will have a limit placed on their license by the department.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10225 Reporting requirement. (1) The adult family home must ensure all staff:

(a) Report suspected abuse, neglect, exploitation, or abandonment of a resident:

(i) As required by chapter 74.34 RCW;

(ii) To the department by calling the complaint toll-free hotline number or completing an online report; and

(iii) To the local law enforcement agency when required by RCW 74.34.035.

(b) Report the following to the department by calling the complaint toll-free hotline number or completing an online report:

(i) Any actual or potential event requiring any resident to be evacuated;

(ii) Conditions that threaten the provider's or entity representative's ability to continue to provide care or services to each resident; and

(iii) A missing resident.

(2) When there is a significant change in a resident's condition, or a serious injury, trauma, or death of a resident, the adult family home must immediately notify:

(a) The resident's family;

(b) The resident's representative, if one exists;

(c) The resident's health care provider;

(d) Other appropriate professionals working with the resident;

(e) Persons identified in the negotiated care plan; and

(f) The resident's case manager if the resident is a department client.

(3) Whenever an outbreak of suspected food poisoning or communicable disease occurs, the adult family home must notify:

(a) The local public health officer; and

(b) The department's complaint toll-free hotline number or online reporting system.

(4) The adult family home must notify the department's case management office within ~~((twenty-four))~~ 24 hours whenever a resident, whose stay is paid for by the department is discharged for more than ~~((twenty-four))~~ 24 hours on medical leave to a nursing home or hospital.

(5) The adult family home licensed for seven or eight beds that does not have an automatic fire sprinkler system must notify the department's complaint toll-free hotline number or complete an online

report when any resident in the home requires assistance with evacuation as defined in WAC 388-76-10870.

AMENDATORY SECTION (Amending WSR 21-11-074, filed 5/17/21, effective 8/1/21)

WAC 388-76-10530 Resident rights—Notice of rights and services.

(1) The adult family home must provide each resident written notice of the resident's rights and services provided in the home in a language the resident understands and before the resident is admitted to the home. The notice must be reviewed at least once every ~~((twenty-four))~~ 24 months from the date of the resident's admission and must include the following:

(a) Information regarding resident rights, including rights under chapter 70.129 RCW;

(b) A complete description of the services, items, and activities customarily available in the home or arranged for by the home as permitted by the license;

(c) A complete description of the charges for those services, items, and activities, including charges for services, items, and activities not covered by the home's per diem rate or applicable public benefit programs;

(d) The monthly or per diem rate charged to private pay residents to live in the home;

(e) Rules of the home, which must not violate resident rights in chapter 70.129 RCW;

(f) How the resident can file a complaint concerning alleged abandonment, abuse, neglect, or financial exploitation with the state hotline; ~~((and))~~

(g) If the home will be managing the resident's funds, a description of how the home will protect the resident's funds ~~((--))~~ ; and

(h) If the home does not serve residents who require assistance with evacuation due to a limit on their license, notice that residents living in the home whose status changes to require assistance will be discharged from the facility.

(2) Upon receiving the notice of rights and services at admission and at least every ~~((twenty-four))~~ 24 months, the home must ensure the resident and a representative of the home sign and date an acknowledgement stating that the resident has received the notice of rights and services as outlined in this section. The home must retain a signed and dated copy of both the notice of rights and services and the acknowledgement in the resident's record.