



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: December 20, 2021

TIME: 12:26 PM

WSR 22-01-187

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

**Title of rule and other identifying information:** (describe subject) WAC 388-71-0503, What definitions apply to WAC 388-71-0500 through WAC 388-71-05640?

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The department is proposing to rephrase the order of definitions to put them in alphabetical order. The change does not alter the intent or context of the rule and will not affect any existing rules.

**Reasons supporting proposal:** The proposed changes are for housekeeping purposes only to correct the alphabetical order.

**Statutory authority for adoption:** RCW 74.08.090, 74.09.520, 43.43.832, 74.39A.270, 74.39A.056, 74.39A.074

**Statute being implemented:** RCW 74.08.090, 74.09.520, 43.43.832, 74.39A.270

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Name of proponent:** (person or organization) Department of Social and Health Services

Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Stacy Graff	PO Box 45600, Olympia WA 98504-5600	360-742-2071
Implementation:	Stacy Graff	PO Box 45600, Olympia WA 98504-5600	360-742-2071
Enforcement:	Stacy Graff	PO Box 45600, Olympia WA 98504-5600	360-742-2071

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** The proposed rule only reorders the list of definitions to a correct alphabetical list.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Rules Coordinator

Agency: Department of Social and Health Services

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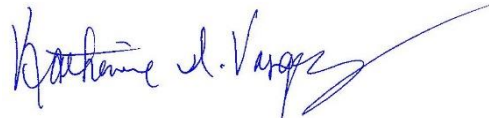
**AND RECEIVED BY** (date) 5:00 pm on 02/22/2022

**Date:** December 20, 2021

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



**WAC 388-71-0503 What definitions apply to WAC 388-71-0500 through WAC 388-71-05640? "Agency provider"** means a long-term care worker who works for a home care agency.

**"Area agencies on aging (AAA)"** means a contracted entity that aging and long-term support administration (AL TSA) grants funds to in order to carry out the functions of the Older Americans Act, general-fund state programs and to provide case management services and supports to individuals eighteen and older who receive medicaid-funded LTC in their own homes.

**"Applicant"** means a person who is in the process of becoming an in-home long-term care worker.

(~~"Negative actions" are listed in WAC 388-113-0030.~~)

**"Background check"** means a name and date of birth check or a fingerprint-based background check, or both.

**"Background check result"** is defined in WAC 388-113-0010.

**"Background check central unit (BCCU)"** means the DSHS entity responsible for conducting background checks for the department.

**"Character, competence, and suitability determination (CC&S)"** is defined in WAC 388-113-0050.

**"Client"** means an individual receiving medicaid-funded in-home long term services from the department.

**"Department"** means the department of social and health services or its designees.

**"Family member"** includes, but is not limited to a parent, child, sibling, aunt, uncle, niece, nephew, cousin, grandparent, grandchild, grandniece, grandnephew, or such relatives when related by marriage.

**"Fingerprint-based background check"** means a search of in-state criminal history records through the Washington state patrol and national criminal history records through the Federal Bureau of Investigation.

**"Home care agency (HCA)"** means an entity that is licensed by the department of health to provide home care services through a contract arrangement with the department to clients in places of permanent or temporary residence.

**"Home care agency long-term care worker"** means a long-term care worker who works for a home care agency.

**"Individual provider (IP)"** as defined in RCW 74.39A.240 limited to individual providers contracted with the department.

**"Long-term care worker"** as defined in RCW 74.39A.009 (17) but limited to individual providers contracted with the department or hired by the home care agency.

**"Name and date of birth check"** is a search conducted by the background check central unit (BCCU) of Washington state criminal history and negative action records using the applicant's name and date of birth.

**"Negative actions"** are listed in WAC 388-113-0030.