



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Office of the Secretary
PO Box 45850 – Olympia, WA 98504-5850

Rules and Policies Assistance Unit

July 22, 2024

TO: Office of the Code Reviser
Interested Parties
Office of Financial Management
Joint Administrative Rules Review Committee
Agency Rules Coordinators for the:
Department of Children, Youth, and Families
Department of Commerce
Department of Corrections
Employment Security Department
Department of Enterprise Services
Department of Labor and Industries
Department of Health
Health Care Authority
Military Department
Office of Administrative Hearings
Office of the Superintendent of Public Instruction

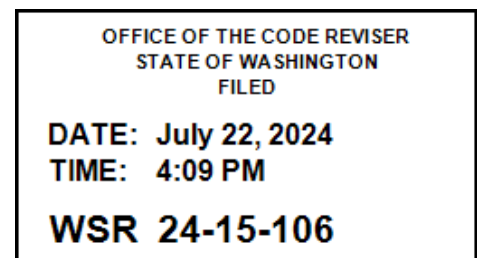
FROM: Katherine Vasquez, Rules Coordinator
Department of Social and Health Services

SUBJECT: DSHS Semi-Annual Rule-Making Agenda, July 1, 2024 –December 31, 2024

Attached is the Department of Social and Health Services semi-annual rule-making agenda for July 1, 2024 – December 31, 2024. This agenda will be published in the Washington State Register as required in RCW 34.05.314 and distributed to interested parties. It is also available online at <https://www.dshs.wa.gov/office-of-the-secretary/dshs-semi-annual-rule-making-agenda>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

Attachment



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Administration / Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
Aging and Long-Term Support Administration					
Home and Community Services Division					
	388-71-0503, 388-106-0010; 388-106-0060, and 388-115-0516	The department is planning to amend WACs to support the passage of the Senate Bill 5866, an act relating to Medicaid long-term services and supports eligibility determinations being completed by federally recognized Indian tribes. The department is planning to amend the following WACs: What definitions apply to WAC 388-71-0500 through 388-71-05640?; What definitions apply to this chapter?; Who must perform the assessment?; and What are the responsibilities of the consumer directed employer when providing care to a client? and other related rules as required.	WSR: 22-13-116 Filed: 06/16/2022		
	388-112A-0080	The department is planning to amend Who is required to complete the seventy-hour long-term care worker basic training and by when? This section relates to adult family home administrator training certification. During the course of this rule making, we may amend other related rules as required.	WSR: 23-16-088 Filed: 07/31/2023		
	388-106-2000, 388-106-2005, 388-106-2010, 388-106-2015, 388-106-2020, 388-106-2025, 388-106-2030, 388-106-2035, 388-106-2040,	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	WSR: 23-24-046 Filed: 11/30/2023	WSR: 24-11-137 Filed: 05/21/2024	WSR: 24-05-046 Filed: 02/15/2024

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	388-106-2045, 388-106-2050	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.			
	388-112A-0118	What documentation is required for completion of each training? related to documentation of facility orientation.	WSR: 24-03-107 Filed: 01/18/2024		
	388-106-2100, 388-106-2105, 388-106-2110, 388-106-2115, 388-106-2120, 388-106-2125, 388-106-2130, 388-106-2135, 388-106-2140, 388-106-2145, 388-106-2150, 388-106-2155, 388-106-2160, 388-106-2165	The department is considering adding new sections in chapter 388-106 WAC to implement a State Funded Guardianship, Conservatorship, and Alternative Arrangements Assistance Program. The rules will describe the program requirements, including but not limited to, eligibility criteria, application process, payment details, administrative appeals, and overpayments. During this rulemaking, the department may make additional changes necessary to improve the program requirements, provide clarity, and add or amend other related rules as may be necessary.	WSR: 24-04-015 Filed: 01/26/2024	WSR: 24-12-057 Filed: 06/03/2024	
	388-112A-0400	The department is proposing to amend WAC 388-112A-0400, What is specialty training and who is required to take it?		CR 105 WSR: 24-06-059 Filed: 03/04/2024	
	388-106-1800 through 388-106-1820	The department is considering amending Long Term Care Services, specifically the rules related to the Long-Term Service & Supports Presumptive Eligibility and any related rules as may be required.	WSR: 24-10-100 Filed: 04/30/2024		
	388-106-0010 and 388-106-0090	The department is planning to amend “What definitions apply to this chapter?” and “How does	WSR: 24-13-075 Filed: 06/17/2024		

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		the CARE tool measure cognitive performance?” and other related rules as may be required.			
	388-115-0523, 388-71-0523, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0977	The Department of Social and Health Services (department) is amending WAC sections 388-71-0523, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0977, and 388-115-0523. The purpose of these changes is to bring rules into compliance with Senate Bill 5811 (chapter 322, Laws of 2024) passed during the 2024 legislative session. This rulemaking expands the definition of individual provider. Permanent rules are in process.	WSR: 24-14-086 Filed: 06/28/2024		WSR: 24-14-083 Filed: 06/28/2024
Management Services Division					
	388-96-738	What default case mix group and weight must the department use for case mix grouping when there is no minimum data set resident assessment for a nursing facility resident? And other related sections as necessary.	WSR: 24-14-072 Filed: 06/28/2024		
Residential Care Services Division					
	Chapter 388-97 WAC	The department is proposing to add new sections, repeal existing sections, and amend sections in “Nursing Homes” related to tuberculosis screening.	WSR: 19-18-051 Filed: 08/30/2019		
	Chapter 388-107 WAC	The department is planning to add new sections, repeal existing sections, and amend sections in ”Licensing Requirements for Enhanced Services Facilities” related to tuberculosis screening.	WSR: 19-18-059 Filed: 09/03/2019		
	Chapter 388-76 WAC	The department is planning to add new sections, repeal existing sections, and amend sections in “Adult Family Home Minimum Licensing Requirements” related to tuberculosis screening.	WSR: 19-18-061 Filed: 09/03/2019		

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	chapter 388-78A WAC	The department is planning to add new sections, repeal existing sections, and amend sections in “Assisted Living Facility Licensing Rules” related to tuberculosis screening.	WSR: 19-18-062 Filed: 09/03/2019		
	388-107-0460, 388-76-10265, 388-76-10285, 388-76-10290, 388-78A-2480, 388-78A-2484, 388-78A-2485	The department is temporarily repealing or amending WAC 388-76-10265, 388-76-10285, 388-76-10290(1), 388-78A-2480(1), 388-78A-2484, 388-78A-2485(1), 388-101D-0650(1), 388-101D-0660(3), 388-107-0460(1), AND 388-107-0490 to assure long-term care programs are not significantly impeded during the hiring process due to inability to access the tuberculosis (TB) testing required as a part of the hiring process. *COVID-19*	WSR: 20-16-069 Filed: 07/29/2020		WSR: 22-07-004 Filed: 03/03/2022 WSR: 21-23-015 Filed: 11/05/2021 WSR: 21-15-113 Filed: 07/21/2021 WSR: 21-07-109 Filed: 03/23/2021 WSR: 20-24-060 Filed: 11/24/2020 WSR: 20-16-102 Filed: 07/31/2020 WSR: 20-09-009 Filed: 04/02/2020
	388-97-1660	The department is considering amending “staff and equipment” and other related rules as may be necessary to implement ESHB 1120 (Chapter 203, Laws of 2021).	WSR: 21-14-051 Filed: 07/01/2021		
	388-97-0140	The department is amending to waive and suspend the requirement for nursing homes to suspend transfers and discharges pending the outcome of a resident appeal of the nursing home transfer or discharge decision. The COVID-19 pandemic continues to require more rapid transfers and discharges than the rule permits. This emergency rule waives the requirement for	WSR: 22-08-060 Filed: 04/04/2022		WSR: 23-07-108 Filed: 03/20/2023 WSR: 22-23-155 Filed: 11/22/2022 WSR: 22-16-063 Filed: 07/29/2022

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		nursing homes to suspend transfers and discharges pending the outcome of a resident appeal hearing and improves resident safety by allowing faster grouping of COVID-19 positive residents in one facility, or grouping asymptomatic residents together. This helps expedite infection control processes and maximizes the availability of nursing home beds. Also, WAC 388-97-0120 & 0130			WSR: 22-08-062 Filed: 04/04/2022 WSR: 22-01-072 Filed: 12/10/2021 WSR: 21-24-069 Filed: 11/30/2021
	Chapters 388-76, 388-78A, 388-97, 388-107 WAC	The department is considering amending to implement specific sections to SHB 1218. The department may amend other related rules as necessary. 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.	WSR: 22-04-046 Filed: 01/26/2022		
	Chapters 388-76, 388-78A, 388-97, 388-107 WAC	The department is considering amending to implement specific sections to SHB 1218. The department may amend other related rules as necessary to meet the legislative intent of SHB 1218. The department is considering amending the rules to add requirements related to facility communication system, resident access to communications, and facility responsiveness to outside communications. Comprehensive disaster preparedness plans, and related policies and procedures, and equipment for a range of potential hazards, emergencies, and disasters. Visitation of essential support persons. Resident’s rights to a safe and healthy environment.	WSR: 22-04-047 Filed: 01/26/2022		

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	Chapter 388-76 WAC	The department is considering amending Adult Family Home Minimum Licensing Requirements, to address a process gap that occurs when residents transfer or discharge from Adult Family Homes and prescription medications for those residents continue to be filled by pharmacies. These filled prescriptions may not be returned to the pharmacy and are subject to diversion and misuse by others. The department may amend other related rules as appropriate.	WSR: 22-23-041 Filed: 11/08/2022		
	Chapters 388-76, 388-78A, 388-97 & 388-107 WAC	The department is considering amending the following rules, adding a new section, and amending other sections as needed. Regarding Death with Dignity - including labeling, documentation, and storage of resident medications, specifically related to the DWD act.	WSR: 23-08-038 Filed: 03/29/2023		
	388-101-3020,	The department is considering amending Compliance and adding a new section to Ch 388-101 WAC, as necessary to make clear compliance and reporting requirements in the event of an outbreak of a communicable disease or suspected food poisoning, and other related rules as may be required.	WSR: 23-13-042 Filed: 06/13/2023		
	388-76-10780,	The department is considering amending Toilets and bathing facilities. to clarify requirements for homes licensed after August 1, 2023, that have a licensed capacity of more than five. The department may amend other related rules as necessary.	WSR: 23-17-058 Filed: 08/11/2023		
	Chapter 388-76 WAC Chapter 388-78A WAC Chapter 388-97 WAC	The department is considering adding new sections, repealing, and amending existing sections in “Adult family home minimum licensing requirements,” “Assisted living facility licensing rules,” “Nursing homes,” and Chapter 388-107 WAC “Licensing requirements for	WSR: 23-21-034 Filed: 10/06/2023		

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		enhanced services facilities,” and other related rules as may be required.			
	388-76-10031	The department is considering amending, License requirements—Seven or eight bed adult family homes—Licensure.	WSR: 24-10-097 Filed: 04/30/2024		
WA Cares - APS					
	Title 388 WAC – WA Cares	Title 388 WAC - WA Cares - Beneficiary assessments - service denial or termination - and complaint resolution for delivery of service.	WSR: 24-04-030 Filed: 01/30/2024		
	Title 388 WAC – WA Cares	Title 388 WAC - WA Cares - General Provisions & Approved Services.	WSR: 24-04-031 Filed: 01/30/2024		
	Title 388 WAC – WA Cares	Title 388 WAC - WA Cares - Intake & application process for beneficiaries.	WSR: 24-04-032 Filed: 01/30/2024		
	Title 388 WAC – WA Cares	Title 388 WAC - WA Cares - Provider registration.	WSR: 24-04-033 Filed: 01/30/2024		
Behavioral Health Administration					
	Chapter 388-878 WAC	The department is planning to amend to develop rules for a leave of absence, amend the procedures for program removal and program end, and update definitions. The department may add new rules or amend other related rules as may be required.	WSR: 22-21-057 Filed: 10/12/2022		
	Chapter 388-881 WAC	Sexual Predator Program – External Oversight and possible other sections this chapter and in chapter 388-880 WAC as may be required.	WSR: 24-14-109 Filed: 07/01/2024		
Developmental Disabilities Administration					
	Chapter 833 WAC	Intensive habilitation services for children and other related rules as may be required.	WSR: 23-05-048 Filed: 02/09/2023	WSR: 24-15-001 Filed: 07/03/2024	

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	388-825-206	The department is planning to repeal WAC 388-825-206 and other related rules as may be required.	WSR: 23-20-054 Filed: 09/28/2023		
	388-850-020, 388-850-025, 388-850-035, 388-850-045	Chapter 388-850 WAC & other related rules as may be required. 388-850-020, 025, 035, & 045. DDA is planning to amend these rules to increase the percentage of a county’s allocated funds for county administrative expenses; remove text that duplicates requirements dictated by statute; and update the distribution formula and other outdated service names and processes. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.	WSR: 23-20-065 Filed: 09/29/2023	WSR: 24-09-034 Filed: 04/11/2024 WSR: 24-03-051 Filed: 01/10/2024	
	New chapter	New chapter within DDA's portion of title 388 WAC - rules will establish the process for certifying DDA providers not otherwise certified by Residential Care Services.	WSR: 23-23-133 Filed: 11/17/2023		
	388-825-058, 388-825-082, 388-825-083, 388-828-9000, 388-828-9140, Chapter 388-832 WAC, 388-845-0220, 388-845-0500, 388-845-0505, 388-845-0510, 388-845-2010	WAC 388-825-058, 388-825-082, 388-825-083, 388-828-9000, 388-828-9140, Chapter 388-832 WAC, WAC 388-845-0220, 388-845-0500, 388-845-0505, 388-845-0510, 388-845-2010, and other related rules as may be required. DDA is considering amending rules from these chapters in order to update lists of available services, their names, descriptions, limits, and qualified providers, and to increase the individual and family service award amounts.	WSR: 24-02-034 Filed: 12/26/2023		
	Chapter 388-826 WAC	Chapter 388-826 WAC and other related rules as may be required.	WSR: 24-02-088 Filed: 01/03/2024		
	388-101D-0105, 388-829-0040, 388-829-0050	The department is proposing to amend WAC 388-829-0040, 388-829-0050, 388-829-0065, and 388-101D-0105, and may amend other related rules as may be required.	WSR: 24-04-019 Filed: 01/29/2024		WSR: 24-11-150 Filed: 05/22/2024

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					WSR: 24-04-018 Filed: 01/29/2024
	388-848-0010 thru 0100	DDA is adopting new sections of rule on an emergency basis to implement Engrossed Second Substitute Senate Bill 5440 (2023), which directs DSHS to develop a process for connecting individuals who have been found not competent to stand trial due to an intellectual or developmental disability to available wraparound services and supports in community-based settings.	WSR: 24-07-045 Filed: 03/14/2024		WSR: 24-15-010 Filed: 07/08/2024 WSR: 24-07-044 Filed: 03/13/2024
	Chapter 388-828 WAC	DDA is planning to amend sections in chapter 388-828 WAC (the Supports Intensity Scale (SIS-A) portions of the DDA assessment) to align with updates the American Association of Intellectual and Developmental Disabilities (AAIDD) has made to its SIS-A assessment tool, Second Edition. Aligning with AAIDD’s Second Edition will not impact the algorithm. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.	WSR: 24-07-054 Filed: 03/14/2024		
	Chapter 388-823 WAC	Chapter 388-823 WAC and other related rules as may be required.	WSR: 24-10-059 Filed: 04/26/2024	WSR: 24-13-080 Filed: 06/17/2024	
	Chapters 388-829R, 388-829Z, 388-847 WAC	Chapter 388-829R, 388-829Z, 388-847 WAC, and other related rules as may be required.	WSR: 24-12-017 Filed: 05/24/2024		
	Chapter 388-829A WAC	Chapter 388-829A WAC and other related rules as may be required.	WSR: 24-13-015 Filed: 06/06/2024		
	Chapter 388-829C WAC	Chapter 388-829C WAC and other related rules as may be required.	WSR: 24-13-016 Filed: 06/06/2024		
Economic Services Administration					

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Community Services Division					
	388-60B-0015, 388-60B-0025, 388-60B-0120, 388-60B-0315, 388-60B-0325, 388-60B-0345, and 388-60B-0500,	The department is planning to amend “What definitions apply to this chapter?”, “What is the purpose of this chapter?”, “Facility requirements—What facility requirements must a program meet for the space where domestic violence intervention assessments or treatment services are provided?”, “Quality management—What are the minimum treatment outcomes for participants and how must a program measure staff and treatment effectiveness?”, “Group treatment—What standards must programs follow regarding the provision of group treatment?”, “Victim safety—What steps must programs take in order to help increase victim safety?”, “Participant requirements-What must the program require of participants accepted into a domestic violence intervention treatment program?”, “On-site reviews and plans of correction—How does the department review certified programs for compliance with the regulations of this chapter?”, and other rules as may be required.	WSR: 23-18-016 Filed: 08/25/2023		
	388-310-0800	The department is planning to amend “WorkFirst – Support Services” and other related rules as may be required.	WSR: 24-09-048 Filed: 04/15/2024	WSR: 24-15-062 Filed: 07/16/2024	WSR: 24-14-046 Filed: 06/26/2024
	388-432-0005,	The department is planning to amend “Can I get help from DSHS for a family emergency without receiving monthly cash assistance?” and other related rules as may be required.	WSR: 24-09-049 Filed: 04/15/2024		
	388-310-0300, 388-310-1450, 388-484-0006	The department is planning to amend WAC 388-310-0300 “WorkFirst- Infant care exemptions for mandatory participants,” 388-310-1450 “Pregnancy to employment,” 388-484-0006 “TANF/SFA time limit extension,” and other related rules as may be required.	WSR: 24-10-030 Filed: 04/23/2024	WSR: 24-13-123 Filed: 06/20/2024	WSR: 24-14-045 Filed: 06/26/2024

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	<p>388-400-0030, 388-424-0001, 388-424-0006, 388-424-0015, 388-424-0020, 388-424-0030, 388-436-0002, 388-466-0005, 388-466-0120, and 388-466-0150,</p>	<p>The department is planning to amend the following WAC sections: WAC 388-400-0030, 388-424-0001, 388-424-0006, 388-424-0015, 388-424-0020, 388-424-0030, 388-436-0002, 388-466-0005, 388-466-0120, and 388-466-0150, During the course of this rule making, the department may amend or adopt other related rules as may be required.</p>	<p>WSR: 24-11-138 Filed: 05/21/2024</p>		
	<p>388-487-0010, 388-487-0020, 388-487-0030</p>	<p>The department is creating WAC Chapter 388-487, “SUN Bucks,” and adopting the following WAC sections: “What is the sun bucks program?”, “Is my child eligible for sun bucks?”, and “General information about sun bucks benefits.” Adoption of these rules will support implementation of the new Summer EBT program, known as “SUN Bucks,” beginning after the 2023-2024 school session in accordance with a federally approved state plan.</p>	<p>WSR: 24-12-024 Filed: 05/24/2024</p>		<p>WSR: 24-12-014 Filed: 05/24/2024</p>
	<p>388-449-0080</p>	<p>The department is adopting emergency amendments to “Sequential evaluation process step IV—How does the department evaluate if I am able to perform relevant past work?” These amendments are necessary to align Aged, Blind, or Disabled (ABD) program rules with Social Security Administration’s revision of the definition of “past relevant work,” by reducing the relevant work period from 15 years to five years.</p>	<p>WSR: 24-13-124 Filed: 06/20/2024</p>		<p>WSR: 24-13-110 Filed: 06/20/2024</p>
	<p>388-492-0070</p>	<p>The department is planning to amend “How are my WASHCAP food benefits calculated?” and other related rules as appropriate.</p>	<p>WSR: 24-14-141 Filed: 07/03/2024</p>		

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	388-449-0080	The department is adopting emergency amendments to “Sequential evaluation process step IV—How does the department evaluate if I am able to perform relevant past work?” These amendments are necessary to align Aged, Blind, or Disabled (ABD) program rules with Social Security Administration’s revision of the definition of “past relevant work,” by reducing the relevant work period from 15 years to five years.	WSR: 24-13-124 Filed: 06/20/2024		WSR: 24-13-110 Filed: 06/20/2024
Division of Child Support					
	388-14A-4900	The Division of Child Support (DCS) is proposing to amend WAC 388-14A-4900 and other related rules as may be required to implement SB 5842 as enacted during the 2024 Legislative Session (Chapter 126, Laws of 2024), and make other changes as may be necessary. SB 5842 amends RCW 26.23.037 with respect to DCS minimizing the use of social security numbers reported directly to DCS by insurance companies.	WSR: 24-07-104 Filed: 03/20/2024	WSR: 24-12-018 Filed: 05/24/2024	
	388-14A-1025, 388-14A-2105, 388-14A-8110, 388-14A-8120	The Division of Child Support (DCS) is proposing to amend WAC 388-14A-4111, 388-14A-8110, 388-14A-8120, and other related rules as may be needed to reflect that the Department of Children, Youth, and Families (DCYF) administers the state’s foster care program, rather than DSHS, and that DCS provides child support services on a foster care case when DCYF refers the case to DCS for action.	WSR: 24-08-044 Filed: 03/28/2024	WSR: 24-12-088 Filed: 06/05/2024	
	Chapter 388-14A WAC	DCS proposes to amend, adopt or repeal as needed various sections to make the administrative support establishment process more efficient and user-friendly as we: (1)	WSR: 24-08-063 Filed: 03/29/2024		

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		implement ESSB 6037 (Chapter 6, Laws of 2018, which adopted the 2017 version of the Uniform Parentage Act); and the technical corrections made to that bill by SSB 5333 (Chapter 46, Laws of 2019); as well as (2) update terminology and to clarify and streamline the rules and procedures regarding parentage to conform with current state and federal laws and other related rules as may be needed.			
	388-14A-3375	The Division of Child Support (DCS) is proposing to amend What kinds of credits does the division of child support give when establishing or enforcing an administrative support order? and other related rules as required to reflect the 2020 repeal of public assistance standards on which DCS calculates a credit available during administrative support establishment procedures to a paying parent for payments towards shelter care.	WSR: 24-09-039 Filed: 04/12/2024	WSR: 24-13-064 Filed: 06/13/2024	
Executive					
Office of the Secretary					
	388-02-0217	The department is considering amending – When do ALJs conduct the hearing and enter the hearing decision as an initial order or a final order? and other related rules as may be required to clarify the general hearing rules of the Board of Appeals at the Department of Social and Health Services. During this rulemaking, the department may make additional changes that are necessary to improve clarity.	WSR: 24-14-118 Filed: 07/02/2024		