



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

January 31, 2025

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, January 1, 2025 – June 30, 2025

Attached is the Department of Social and Health Services Semi-annual rule-making agenda for January 1, 2025 – June 30, 2025. 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

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED
DATE: January 31, 2025
TIME: 3:09 PM
WSR 25-04-079

Department of Social and Health Services

Semi-annual rule-making agenda

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Administration / Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR 105 Filings	CR-103E Filings
Aging and Long-Term Support Administration					
Home and Community Services Division					
	WACs 388-106-0010, 388-106-0060, 388-115-0516, 388-71-0503	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	WSR: 24-24-078 Filed: 12/02/2024	
	WAC 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		
	WACs 388-106-0010 and 388-106-0090	The department is planning to amend “What definitions apply to this chapter?” and “How does the CARE tool measure cognitive performance?” and other related rules as may be required.	WSR: 24-13-075 Filed: 06/17/2024		
	388-115-0523, 388-71-0523, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0977	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: 24-19-048 Filed: 09/11/2024	WSR: 24-22-004 Filed: 10/23/2024 WSR: 24-14-083 Filed: 06/28/2024

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	New chapter 388-05B WAC	New chapter 388-05B WAC, Electronic Visit Verification System Requirements, and other related rules as may be required.	WSR: 24-18-008 Filed: 08/22/2024		
	388-112A-0010	The department is planning to amend a section in the Residential Long Term Care Services Training Chapter under “What definitions apply to this chapter?” The purpose of the amendment is to correct an error in an RCW reference in WAC 388-112A-0010(2). The RCW reference number is incorrect and should be RCW 41.56.029.		CR 105 WSR: 24-21-055 Filed: 11/06/2024	
	WACs 388-71-1055, 388-71-1064, 388-112A-1240, and 388-112A-1250	The amendments are related to the minimum qualifications for an instructor for adult education, nurse delegation core, and specialized diabetes trainings when the instructor only teaches at the facility or corporation where they are employed. Other necessary changes and corrections related to numerical representation, consistency, inclusive language, and other related rules as may be required.	WSR: 24-22-012 Filed: 10/24/2024		
	WACs 388-71-0985 and 388-112A-0600.	These sections are titled continuing education and what topics may be covered in continuing education? The purpose of these changes includes clarification, updating acceptable reasons for repeating continuing education courses, and other related rules as may be required.	WSR: 24-23-007 Filed: 11/07/2024		
	WACs 388-71-1031 388-112A-1010	DSHS is considering amendments to What is the curriculum approval process for orientation, safety, the 70-hour basic training population specific training, the 30-hour basic training, the seven-hour parent provider training, and continuing education? and What is the curriculum approval process for orientation, safety training, basic training, population specific training, specialty training, residential care administrator	WSR: 24-24-053 Filed: 11/26/2024		

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		training, and continuing education? These rules are related to curriculum approval. Other necessary changes and corrections related to grammar, numerical representation, consistency, and inclusive language may also be included. DSHS may amend other related rules as required.			
Management Services Division					
	WAC 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 are necessary.	WSR: 24-14-072 Filed: 06/28/2024		
	WAC 388-96-809	Change of ownership—Final reports—Settlement securities, and other related rules as may be necessary	WSR: 24-20-126 Filed: 10/01/2024		
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		
	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		

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	<p>WACs 388-107-0460, 388-76-10265, 388-76-10285, 388-76-10290, 388-78A-2480, 388-78A-2484, 388-78A-2485</p>	<p>The department is temporarily repealing or amending 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*</p>	<p>WSR: 20-16-069 Filed: 07/29/2020</p>		<p>WSR: 22-07-004 Filed: 03/03/2022</p> <p>WSR: 21-23-015 Filed: 11/05/2021</p> <p>WSR: 21-15-113 Filed: 07/21/2021</p> <p>WSR: 21-07-109 Filed: 03/23/2021</p> <p>WSR: 20-24-060 Filed: 11/24/2020</p> <p>WSR: 20-16-102 Filed: 07/31/2020</p> <p>WSR: 20-09-009 Filed: 04/02/2020</p>
	<p>388-97-1660,</p>	<p>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).</p>	<p>WSR: 21-14-051 Filed: 07/01/2021</p>		
	<p>388-97-0140, 388-97-0120 & 388-97-0130</p>	<p>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 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</p>	<p>WSR: 22-08-060 Filed: 04/04/2022</p>		<p>WSR: 23-07-108 Filed: 03/20/2023</p> <p>WSR: 22-23-155 Filed: 11/22/2022</p> <p>WSR: 22-16-063 Filed: 07/29/2022</p> <p>WSR: 22-08-062 Filed: 04/04/2022</p> <p>WSR: 22-01-072</p>

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		asymptomatic residents together. This helps expedite infection control processes, and maximizes the availability of nursing home beds.			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, and 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		
	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.	WSR: 22-23-041 Filed: 11/08/2022	WSR: 24-24-020 Filed: 11/22/2024	

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		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.			
	Chapters 388-76, 388-78A, 388-97 & 388-107 WACs	Amending, adding a new section, and amending other sections as needed. Regarding Death with Dignity -incl labeling, documentation, and storage of resident medications, specifically related to the DWD act.	WSR: 23-08-038 Filed: 03/29/2023		
	Chapter 388-101 WAC	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		
	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 “Licensing requirements for enhanced services facilities,” and other related rules as maybe required.	WSR: 23-21-034 Filed: 10/06/2023		
	Chapters 388-76, 388-78A, and 388-107 WAC	The department is considering amending the following rules, adding new sections, and amending other sections as needed: Adult Family Home Minimum Licensing Requirements; Assisted Living Facility Licensing Rules; and Licensing Requirements for Enhanced Services Facilities. This proposal re-files the project previously filed as WSR 24-18-013 to clarify the scope of rulemaking. Amendments and new sections will address the need for a legally enforceable agreement between the operators of AFH, ESF, and ALF and residents in those	WSR: 24-22-123 Filed: 11/05/2024		

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		settings whose care is paid through Medicaid. Requirements for these agreements include the need to outline resident rights that include resident eviction processes and appeals related to transfer and discharge. This rulemaking is needed to comply with federal regulations 42 CFR §441.530(a)(1)(vi)(A) & 42 CFR §441.301(c)(4)(vi)(A). This rulemaking will include other related rules as may be required.			
	New rules in title 388 WAC	The department is considering writing new rules to regulate providers of Emergency Transitional Support Services (ETSS), which are currently outlined in Chapter 388-829Z WAC, and other related rules as may be required.	WSR: 25-01-089 Filed: 12/13/2024		
WACares					
	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 - General Provisions & Approved Services.	WSR: 24-04-031 Filed: 01/30/2024		
	Title 388 WAC -	WA Cares - Intake & application process for beneficiaries.	WSR: 24-04-032 Filed: 01/30/2024		
	Title 388 WAC -	WA Cares - Provider registration.	WSR: 24-04-033 Filed: 01/30/2024		
	Creating rules in a new chapter in title 388 WAC	The Department of Social and Health Services (DSHS) is creating rules in a new chapter in title 388 WAC for the Long-Term Services and Supports Trust Program (WA Cares). This rulemaking will address appeals of department decisions by beneficiaries, and other related rules as appropriate.	WSR: 25-04-062 Filed: 01/30/2025		
	Creating rules in a new chapter in title 388 WAC	The Department of Social and Health Services (DSHS) is creating rules in a new chapter in title 388 WAC for the Long-Term Services and	WSR: 25-04-063 Filed: 01/30/2025		

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		Supports Trust Program (WA Cares). This rulemaking will address notifications to beneficiaries of department decisions, and other related rules as appropriate.			
	Creating rules in a new chapter in title 388 WAC	The Department of Social and Health Services (DSHS) is creating rules in a new chapter in title 388 WAC for the Long-Term Services and Supports Trust Program (WA Cares). This rulemaking will address appeals of department decisions by providers, and other related rules as appropriate.	WSR: 25-04-064 Filed: 01/30/2025		
	Creating rules in a new chapter in title 388 WAC	The Department of Social and Health Services (DSHS) is creating rules in a new chapter in title 388 WAC for the Long-Term Services and Supports Trust Program (WA Cares). The rulemaking will address maximum rates for approved services provided by registered providers, and other related rules as appropriate.	WSR: 25-04-065 Filed: 01/30/2025		
	Creating rules in a new chapter in title 388 WAC	The Department of Social and Health Services (DSHS) is creating rules in a new chapter in title 388 WAC for the Long-Term Services and Supports Trust Program (WA Cares). The rulemaking will address reimbursements to beneficiaries for approved services permitted to be paid privately and reimbursed by the trust, and other related rules as appropriate.	WSR: 25-04-066 Filed: 01/30/2025		
	Creating rules in a new chapter in title 388 WAC	The Department of Social and Health Services (DSHS) is creating rules in a new chapter in title 388 WAC for the Long-Term Services and Supports Trust Program (WA Cares). This rulemaking will address notifications to providers of department decisions, and other related rules as appropriate.	WSR: 25-04-068 Filed: 01/31/2025		
Behavioral Health Administration					

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	Chapter 388-878 WAC	The department is planning to amend chapter 388-878 WAC 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		
Mental Health Delivery Systems					
	388-881-010, 388-881-015, 388-881-020, 388-881-025, 388-881-030, 388-881-035	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	WSR: 24-19-081 Filed: 09/17/2024	
	WACs 388-880-042 388-880-044 388-880-045 388-880-150 388-880-151, possible other related rules	Resident Records-Purposes (amend), 388-880-043 Resident records-Location and custody (amend), Resident records – Access (amend), Resident records – Retention (repeal), Requests for public disclosure (amend), Requests for resident medical information (amend), and possible other related sections in chapter 388-880 WAC as may be required.	WSR: 24-19-053 Filed: 09/12/2024		
Developmental Disabilities Administration					
	Chapter 388-841 WAC 388-825-201, 388-825-206, 388-825-211	The department is planning to adopt new chapter 388-841, repeal WAC 388-825-201, 388-825-206, 388-825-211, and may amend or repeal other related rules as may be required.	WSR: 23-20-054 Filed: 09/28/2023	WSR: 25-04-074 Filed: 01/31/2025	
	New chapter in title 388 WAC	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. Using Ch 388-825A WAC.	WSR: 23-23-133 Filed: 11/17/2023		

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	<p>388-825-058, 388-825-082, 388-825-083, 388-828-9000, 388-828-9140, chapter 388-832 WAC</p> <p>388-845-0220, 388-845-0500, 388-845-0505, 388-845-0510, 388-845-2010</p>	<p>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, and other related rules as may be required.</p>	<p>WSR: 24-02-034 Filed: 12/26/2023</p>	<p>WSR: 24-21-043 Filed: 10/08/2024</p>	
	<p>Chapter 388-826 WAC</p>	<p>Chapter 388-826 WAC, Out-of-Home Services (OHS) Program and other related rules as may be required. To establish a connection with the new certification rules under development at DDA, which will be codified as Chapter 388-825A WAC; and standardize provider requirements to create consistency across provider types licensed – state-operated providers and DDA-contracted</p>	<p>WSR: 24-02-088 Filed: 01/03/2024</p>	<p>WSR: 25-04-060 Filed: 01/30/2025</p>	
	<p>Chapter 388-848 WAC</p>	<p>WAC 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.</p>	<p>WSR: 24-07-045 Filed: 03/14/2024</p>		<p>WSR: 24-24-092 Filed: 12/03/2024</p> <p>WSR: 24-17-026 Filed: 08/12/2024</p> <p>WSR: 24-15-010 Filed: 07/08/2024</p> <p>WSR: 24-07-044 Filed: 03/13/2024</p>
	<p>Chapters 388-829R, and 388-847 WAC</p>	<p>Chapter 388-829R, 388-829Z, 388-847 WAC, and other related rules as may be required. - no longer 388-829Z per Chantelle 11.15.24.</p>	<p>WSR: 24-12-017 Filed: 05/24/2024</p>	<p>WSR: 25-04-059 Filed: 01/30/2025</p>	

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	Chapter 388-829A WAC	Chapter 388-829A WAC and other related rules as may be required.	WSR: 24-13-015 Filed: 06/06/2024	WSR: 25-04-058 Filed: 01/30/2025	
	Chapter 388-829C WAC	Chapter 388-829C WAC and other related rules as may be required.	WSR: 24-13-016 Filed: 06/06/2024	WSR: 25-04-057 Filed: 01/30/2025	
	Chapter 388-843	New WAC 388-843 - DDA is adopting a new chapter of rules on an emergency basis to implement Engrossed Substitute Senate Bill 5950 (2024), which directs DSHS to “to operate a staff-secure, voluntary, and transitional treatment facility specializing in services for adolescents over the age of 13 who have complex developmental, intellectual disabilities, or autism spectrum disorder and may also have a mental health or substance use diagnosis.” Services must be provided at the property of Lake Burien and be implemented in a way that prioritizes discharge to a less restrictive community-based setting. The emergency rules will establish service eligibility criteria, responsibilities for involved parties, administrative hearing rights, and more.	WSR: 24-18-015 Filed: 08/22/2024		WSR: 25-01-101 Filed: 12/16/2024 WSR: 24-17-139 Filed: 08/21/2024
	Chapters 388-825, 388-828, 388-842 & 388-845	Chapters 388-825, 388-828, 388-842 & 388-845. DDA is enacting these changes on an emergency basis to implement home and community-based services (HCBS) waivers as approved by the Centers for Medicare and Medicaid Services (CMS). Waiver and Residential Habilitation for Dependent Youth (RDHY) program.	WSR: 24-18-103 Filed: 09/03/2024		WSR: 25-02-044 Filed: 12/20/2024 WSR: 24-18-085 Filed: 08/30/2024
	Chapter 388-829Z WAC	Chapter 388-829Z WAC, Emergency Transitional Support Services (ETSS) and other related rules as may be required.	WSR: 25-02-063 Filed: 12/23/2024		
Economic Services Administration					

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Community Services Division					
	388-400-0030, 388-424-0001, 388-424-0006, 388-424-0007, 388-424-0015, 388-424-0020, 388-424-0030, 388-436-0002, 388-466-0005, 388-466-0120, 388-466-0150	The department is planning to amend WAC sections. During the course of this rule making, the department may amend or adopt other related rules as may be required.	WSR: 24-11-138 Filed: 05/21/2024	WSR: 25-03-044 Filed: 01/08/2025	WSR: 24-24-031 Filed: 11/25/2024
	388-412-0040	The department is adopting emergency amendments to “Can I get my benefits replaced?” Effective October 1, 2024, these amendments are necessary to align with the passing of the Continuing Appropriations and Extension Act, 2025, which authorizes the replacement of SNAP benefits stolen due to skimming, cloning, or other fraudulent methods through December 20, 2024.	WSR: 24-20-134 Filed: 10/01/2024		WSR: 25-04-046 Filed: 01/29/2025 WSR: 24-20-123 Filed: 10/01/2024
	388-410-0030	The department is planning to amend “How does the department calculate and set up my basic food, FAP, or WASHCAP overpayment?” and other related rules as may be required.	WSR: 24-21-044 Filed: 10/09/2024	WSR: 25-01-136 Filed: 12/17/2024	
	WACs 388-400-0060, 388-400-0070, 388-449-0200, 388-449-0210, and 388-474-0020,	The department is planning to amend the following WAC sections: “Who is eligible for aged, blind, or disabled (ABD) cash assistance?”, “Who is eligible for referral to the housing and essential needs (HEN) program?”, “Am I eligible for cash assistance for aged, blind, or disabled (ABD) while waiting for supplemental security income (SSI)?”, “What is interim assistance and how do I assign it to the department?” and “What can an aged, blind, or disabled (ABD) cash assistance client expect when supplemental	WSR: 25-01-079 Filed: 12/13/2024		

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		security income (SSI) benefits begin?” and other related rules as may be required.			
	388-478-0015	The department is planning to amend “Need standards for cash assistance,” and other rules as may be required.	WSR: 25-01-100 Filed: 12/13/2024		
	388-450-0070	The Department is planning to amend “When do we count a child’s income?” and other rules as may be required.	WSR: 25-02-023 Filed: 12/18/2024		
	388-449-0220	The Department is proposing to amend WAC 388-449-0220, “How does substance use affect my eligibility for the aged, blind, or disabled (ABD) cash and pregnant women assistance (PWA) programs?”		CR 105 WSR: 25-02-043 Filed: 12/20/2024	
Division of Child Support					
	Chapter 388-14A WAC	DCS proposes to amend, adopt or repeal as needed various sections in to make the administrative support establishment process more efficient and user-friendly as we: (1) 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.	WSR: 24-08-063 Filed: 03/29/2024	WSR: 25-03-068 Filed: 01/14/2025	
Executive					
Office of the Secretary, Headquarters Units					
	WAC 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	WSR: 24-14-118 Filed: 07/02/2024		

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		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.			
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