



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Department of Social and Health Services, Children's Administration

**Subject of possible rule making:**

The department is proposing to amend licensing regulations in WAC 388-145-1555(5), WAC 388-145-1600(4), WAC 388-145-1665(4), WAC 388-145-1675(1, 2), WAC 388-148-1465(3,6), and other related rules as may be required as recommended by the Washington State Patrol fire protection bureau. These proposed changes affect both the Division of Licensed Resources (DLR) Group Care Facilities' WACs (chapter 388-145 WAC) and the Child Foster Home WACs (chapter 388-148 WAC). For group care facilities, the state-adopted building code does not require facilities that are sprinkler protected to have windows that open to the outside or to have windows that are large enough for emergency personnel to enter and exit. The current WAC requires this even if the facility is sprinkler protected. Further, the state-adopted building code also requires smoke detectors to be both inside and outside of all bedrooms in homes and facilities, which is different from those requirements listed in the current WAC. Finally, foster homes without a window large enough for emergency personnel to enter and exit have been approved by the fire marshal or building official having jurisdiction to do so. Immediately changing the WAC to reflect current standards and practices implemented by the fire marshal or building official will allow such foster homes to meet minimum licensing standards. DLR is therefore amending these WACs to align with the state-adopted building code requirements.

The department is also proposing to amend licensing regulations in WAC 388-148-1470(14,15) and 388-148-1515(9) as recommended by the Children's Administration Regional Medical Consultants. These proposed changes are based on child safety. Additional proposed requirements will address the use of weighted blankets and clarify that neither formula nor breastmilk can be warmed in the microwave oven.

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 74.15.010, RCW 74.15.030, RCW 74.15.040, RCW 74.15.090, RCW 74.13.031

**Reasons why rules on this subject may be needed and what they might accomplish:**

The intent of the WAC revision 388-145-1555 (5), 388-145-1600 (4), 388-145-1665 (4), 388-145-1675 (1, 2) and 388-148-1465 (3,6) is to provide further instructions on fire safety and to align the Division of Licensed Resources (DLR) WACs with the current building code requirements. The intent of WAC revision 388-148-1470 (14,15) and 388-148-1515 (9) is to provide additional safety requirements regarding the use of weighted blankets and to clarify that neither formula or breastmilk can be warmed in the microwave oven. This WAC change is specific to infant and child safety and was a recommendation by the Children's Administration Regional Medical Consultants.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact: Kristina Wright, Program Manager

Division of Licensed Resources, Children's Administration, DSHS  
1115 Washington Street SE, PO Box 45710  
Olympia, WA 98504-5710

Phone: 360.902.8349 Fax: 360.902.7903 TTY:  
E-mail: wrightks@dshs.wa.gov

**DATE**

June 22, 2017

**NAME (TYPE OR PRINT)**

Katherine Vasquez

**SIGNATURE**

**TITLE**

DSHS Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 22, 2017**

**TIME: 4:53 PM**

**WSR 17-14-018**