



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
**(Implements RCW 34.05.360)**

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

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (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:** House Bill 1132 passed and allows RCS to waive the adult family home application fee under exceptional circumstances such as the death of a provider. These changes eliminate barriers that may keep a new provider from taking over the home so residents will not have to be moved.

Other changes were made to ensure resident safety and protection of their rights. Residents must now be given a 14 day notice prior to their rates increasing when they have had a significant change in their condition and at least one primary door must be equipped with hardware that allows residents to exit and re-enter the home.

**Citation of existing rules affected by this order:**

Repealed: None  
 Amended: WAC 388-76-10064, WAC 388-76-10107, WAC 388-76-10535, WAC 388-76-10715,  
 Suspended: None

**Statutory authority for adoption:** Chapter 70.128 RCW

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 15-21-100 on 10/21/2015.

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:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**Date adopted:**

December 21, 2015

**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: December 22, 2015**

**TIME: 12:46 PM**

**WSR 16-01-171**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	<u>1</u>	Amended	<u>4</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 in 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	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	<u>1</u>	Amended	<u>4</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 12-01-004, filed 12/7/11, effective 1/7/12)

**WAC 388-76-10064** (~~(Application - Forty-eight hour administration and business planning class)~~) Adult family home administrator training requirements. (1) The applicant(~~(r)~~) and the entity representative must successfully complete the department approved (~~(forty-eight hour)~~) adult family home administration (~~(and business planning)~~) class as required in chapter 388-112 WAC.

(2) An applicant and entity representative may not be required to take the (~~(forty-eight hour)~~) adult family home administrator class if there is a change in ownership and the applicant and entity representative are already participants in the operation of a currently licensed home.

(3) An applicant and entity representative must take the (~~(forty-eight hour)~~) adult family home administrator class when the application is for an additional licensed home and the (~~(forty-eight hour)~~) class has not already been successfully taken.

(4) The class must be a minimum of forty-eight hours of classroom time and approved by the department.

(5) Under exceptional circumstances, the department may waive the administrator training class for up to four months if the application meets all the other requirements for licensure and all the components of WAC 388-76-10074.

NEW SECTION

**WAC 388-76-10074 Application - Waiver of fees** The department may authorize a one-time waiver of the application fees for a change of ownership or relocation, if the situation meets all of the following conditions;

(1) The current provider has experienced an exceptional circumstance such as:

(a) The death or incapacity of a spouse who was also named on the license; or

(b) The diagnosis of a terminal or debilitating illness that prevents them from running the adult family home; and

(2) Residents will be forced to move if a new provider is not licensed; and

(3) Full payment of the licensing fee would cause the applicant a financial hardship; and

(4) The application has been approved for priority processing by the local field office per WAC 388-76-10107; and

(5) Neither the applicant nor the current provider has requested a waiver of fees in the past.

AMENDATORY SECTION (Amending WSR 10-14-058, filed 6/30/10, effective 7/31/10)

**WAC 388-76-10107** (~~(Change of ownership)~~) **Priority processing - Change of ownership and relocation.** In order to prevent disruption to residents, currently licensed providers may request in writing that the department give priority processing to an applicant seeking to be licensed as the new provider (~~(for the)~~) of an existing, licensed adult family home in the event of a change of ownership or relocation.

AMENDATORY SECTION (Amending WSR 15-03-037, filed 1/12/15, effective 2/12/15)

**WAC 388-76-10535** ~~Resident rights~~ **Notice of change to services.**

(1) The adult family home must inform each resident:

- (a) In writing; and
- (b) In advance of changes in the availability of, or the charges for services, items, or activities, or of changes in the home's rules.

(2) The home must:

- (a) Provide at least fourteen days advanced notice when there has been a substantial and continuing change in the resident's condition that necessitates substantially greater or lesser services, items or activities.
- (b) Give residents a thirty day notice prior to the effective date of the change if the home decreases services due to circumstances beyond the home's control; and
- ~~((b))~~ (c) Give residents a ninety day notice prior to the effective date of the decrease if the home voluntarily decreases services or if the change results in the discharge of at least one resident.

(3) The home is not required to give notice:

- (a) If the home gives each resident written notice of the availability and charges of services, items and activities before admission, when there are changes and every twenty-four months; and
- (b) If the resident is provided different or additional services, items or activities from the home which do not result in an additional cost to the resident.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

**WAC 388-76-10715** ~~Doors~~ **Ability to open.** The adult family home must ensure:

- (1) Every bedroom and bathroom door opens from the inside and outside;
- (2) Every closet door opens from the inside and outside; and
- (3) ~~((All exit doors leading to the outside will open from the inside without))~~ One door leading to the outside must be designated as the primary egress and, effective January 1, 2016, must have hardware

that allows residents to exit, even when the door is locked, and also allows reentry into the home without a key, tool or ((any)) special knowledge or effort by residents.

(4) Other external exit doors not designated as the primary egress, must open without any special skills or knowledge and they must remain accessible to residents unless doing so poses a risk to the health or safety of at least one resident.

(5) All internal and external doors must comply with local jurisdictional requirements as well as the building code requirements as contained in chapter 51.51 WAC.