



EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON
FILED

DATE: April 18, 2018

TIME: 9:06 AM

WSR 18-09-104

Agency: Department of Social & Health Services

Title of rule and other identifying information: (describe subject) The department is proposing to repeal Chapter 388-865 WAC, Community Mental Health and Involuntary Treatment Programs and Chapter 388-877 WAC, Behavioral Health Services Administrative Requirements

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The legislature passed 2ESHB 1388, transferring portions of the responsibility for Behavioral Health to the Department of Health and portions to the Health Care Authority effective July 1, 2018. The rules in these chapters will be rewritten under the Department of Health and the Health Care Authority, therefore no longer needed by the Department of Social and Health Services.

Reasons supporting proposal: The authority and responsibility for the subjects covered in these chapters are transferring to the Department of Health and the Health Care Authority.

Statutory authority for adoption: RCW 71.05.560, RCW 71.24.035 and RCW 71.34.380

Statute being implemented: Chapter 201, Laws of 2018

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:	Katherine Vasquez	PO Box 45850, Olympia, WA, 98504-5850	360-664-6097
Implementation:	Dennis Malmer	PO Box 45330, Olympia, WA 98501-5330	360-725-3747
Enforcement:	Dennis Malmer	PO Box 45330, Olympia, WA 98501-5330	360-725-3747

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 legislature passed 2ESHB 1388 transferring portions of the responsibility and authority to the Department of Health and portions to the Health Care Authority.

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

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Agency: Department of Social and Health Services
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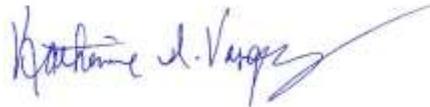
AND RECEIVED BY (date) 6/19/18

Date: 4/18/18

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



REPEALER

The following chapters of the Washington Administrative Code are repealed effective July 1, 2018:

Chapter 388-865 WAC Community mental health and involuntary treatment programs.

Chapter 388-877 WAC Behavioral health services administrative requirements.