



**STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Policy and External Relations
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Rules and Policies Assistance Unit

August 6, 2019

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 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, 2019 – December 31, 2019

Attached is the Department of Social and Health Services Semi-annual rule-making agenda for July 1, 2019 – December 31, 2019. 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/sesa/rules-and-policies-assistance-unit/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: August 06, 2019
TIME: 4:36 PM
WSR 19-16-141

DSHS Semi-Annual Rule-Making Agenda
July 1, 2019 – December 31, 2019

Administration/Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 or CR 105 Filings	CR-103E Filings
Aging & Long-Term Support Administration					
Home & Community Services Division					
	Chapter 388-112A WAC	The department is planning to amend “Residential Long-Term Care Services Training” and other related rules as may be required.	WSR: 18-05-022 Filed: 02/09/2018	WSR: 19-11-062 Filed: 05/15/2019 WSR: 18-19-108 Filed: 09/19/2018	
	Chapter 388-113 WAC and Chapter 388-71 WAC	The department is considering amending and repealing existing sections and adding new sections in “Disqualifying crimes and negative actions” and “Home and community services and programs” to clarify and consolidate rules related to background checks, disqualifying convictions and negative actions, and character, competence, and suitability (CC&S) determinations for home and community services, residential care services, and the developmental disabilities administration (DDA).	WSR: 18-17-146 Filed: 08/21/2018		
	388-106-0075 388-106-0090 388-106-0100 388-106-0033 388-106-0130 388-106-0095 388-106-0010	The department is planning to amend “How is my need for personal care services assessed in CARE?”, “How does the CARE tool measure cognitive performance?”, “How does the CARE tool measure mood and behaviors?”, “When may I receive services in a facility contracted to provide specialized dementia care services?”, “How does the department determine the number of hours I may receive for in-home care?”, “How does the CARE tool measure clinical complexity?”, “What definitions apply to this chapter?”, and other related rules as may be required to be consistent with changes, a majority of which are label changes, made to Comprehensive Assessment and Reporting Evaluation (CARE) tool as part of CARE Modernization.	WSR: 19-10-051 Filed: 04/29/2019		
Management Services Division					
	388-96-905	The department is planning to amend “Case mix accuracy review of MDS nursing facility resident assessments” and other related rules as may be required.	WSR: 18-22-128 Filed: 11/07/2018		

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	388-96-808	The department is planning to amend “Change of ownership—Assignment of department's contract” and other related rules as may be required.	WSR: 19-06-059 Filed: 03/05/2019		
	388-105-0005	The department is amending to update the tables of rates in WAC 388-105-0005 to reflect rates consistent with Legislative appropriation and direction.		WSR: 19-15-085 Filed: 07/19/2019	WSR: 19-14-070 Filed: 06/28/2019
Residential Care Services Division					
	Chapter 388-78A WAC	The department is planning to add new sections and amend existing sections including WAC 388-78A-3140, WAC 388-78A-3150, WAC 388-78A-3152, WAC 388-78A-3160, WAC 388-78A-3170, WAC 388-78A-3180, 388-78A-3181, 388-78A-3183, WAC 388-78A-3190, WAC 388-78A-3200, and other related rules as may be required to assure compliance with requirements of HB 2750 passed by the 2018 legislature.	WSR: 18-11-069 Filed: 05/15/2018	WSR: 19-12-117 Filed: 06/05/2019 WSR: 19-04-080 Filed: 02/04/2019 WSR: 18-20-016 Filed: 09/21/2018	
	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: 18-17-087 Filed: 08/14/2018		
	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: 18-17-088 Filed: 08/14/2018		
	Chapter 388-107 WAC	The department is proposing to add new sections, repeal existing sections, and amend sections in ”Licensing Requirements for Enhanced Services Facilities” related to tuberculosis screening.	WSR: 18-17-098 Filed: 08/15/2018		
	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: 18-17-099 Filed: 08/15/2018		
	Chapter 388-78A WAC	The department is considering adding new sections and repealing and amending existing sections in “Assisted Living Facility Licensing Rules” to consolidate the rules related to background checks, negative actions, and Character, Competence, and Suitability (CC&S) determinations between Home and Community Services (HCS), Residential Services (RCS), and Developmental Disabilities Administration (DDA).	WSR: 18-17-159 Filed: 08/21/2018		
	Chapter 388-97 WAC	The department is considering adding new sections and repealing and amending existing sections in “Nursing Homes” including WAC 388-97-1790, WAC 388-97-1800,	WSR: 18-17-175 Filed: 08/22/2018		

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		WAC 388-97-1820, and other related rules as maybe required.			
	Chapter 388-76 WAC	The department is considering adding new sections and repealing and amending existing sections in “Adult family home minimum licensing requirements”.	WSR: 18-17-177 Filed: 08/22/2018		
	Chapter 388-107 WAC	The department is considering adding new sections and repealing and amending existing sections in “Licensing requirements for enhanced services facilities”.	WSR: 18-17-178 Filed: 08/22/2018		
	388-76-10000 388-76-10105	The department is planning to amend “Definitions”, “Application—Change of ownership”, and other related rules as may be required to clarify rules around entity representatives, ownership entities, and associated issues of adult family homes.	WSR: 19-03-013 Filed: 01/03/2019	WSR: 19-11-105 Filed: 05/21/2019	
	Chapter 388-76 WAC	The department is considering amending “Adult Family Home Minimum Licensing Requirements”.	WSR: 19-03-148 Filed: 01/22/2019		
	388-97-4425 388-97-4430 388-97-4440	The department is planning to amend “Notice—Service complete”, “Notice—Proof of service”, “Appeal rights”, and other related rules as may be required.	WSR: 19-03-149 Filed: 01/22/2019	WSR: 19-14-038 Filed: 06/26/2019	
	Chapter 388-76 WAC	The department is considering adding a new section to “Adult Family Home Minimum Licensing Requirements” to comply with federal Home and Community Based Services requirements. The department may also amend other related rules as may be required.	WSR: 19-03-150 Filed: 01/22/2019		
	Chapter 388-78A WAC	The department is planning to amend sections in the chapter to coordinate with national building code standards.	WSR: 19-08-001 Filed: 03/20/2019	WSR: 19-14-100 Filed: 07/02/2019	
	Chapter 388-97 WAC WAC 388-97-1090	The department is planning to add new sections and amend existing sections in “Nursing Homes”, including “Direct care hours” and other related rules as may be required.	WSR: 19-12-109 Filed: 06/05/2019		
	Chapter 388-101 WAC	The department is planning to add a new section and amend other related rules as may be required for the collection of an annual certification fee for Certified Community Residential Services and Supports (CCRSS).	WSR: 19-15-104 Filed: 07/22/2019		
Behavioral Health Administration	WAC Sections				
	388-855-0045	The department is planning to amend “Exempt income” and other related rules as may be required.	WSR: 19-15-073 Filed: 07/17/2019		
Developmental Disabilities Administration					

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	Chapter 388-845 WAC	The department is planning to amend existing sections including WAC 388-845-0600, 388-845-0605, 388-845-0610, 388-845-1410, and other related rules as may be required, and create other new sections in chapter 388-845 WAC.	WSR: 19-03-011 Filed: 01/03/2019		
	Chapter 388-826 WAC	The department is considering creating new rule sections in the chapter, amending or repealing WAC 388-826-0090 and WAC 388-826-0095, and amending any other related rules as may be required.	WSR: 19-06-046 Filed: 03/04/2019		
	388-823-0500	The department is planning to amend this section and other related rules as may be required.	WSR: 19-12-086 Filed: 06/04/2019	WSR: 19-16-132 Filed: 08/06/2019	
	388-101D-0355, 388-101D-0405, 388-101D-0410	The department is considering amending these and other related rules as may be required to add instances when a service provide must develop and implement a functional assessment or positive behavior support plan.	WSR: 19-14-059 Filed: 06/21/2019		
	388-827-0105	The department is considering amending this and other related rules as may be required to clarify eligibility criteria for state supplementary payments.	WSR: 19-15-100 Filed: 07/22/2019		
	Chapter 388-829 WAC	Overnight planned respite services and other related rules as may be required.	WSR: 19-16-101 Filed: 08/02/2019		
Economic Services Administration	WAC Sections				
Community Services Division					
	388-412-0040	The department is planning to amend “Can I get my benefits replaced?” and other related rules as may be required to describe the department’s adoption of federal optional regulations requiring the withholding of replacement Electronic Benefit Transfer cards when a recipient requests an excessive number of replacement cards..	WSR: 18-06-103 Filed: 03/07/2018		
	388-444-0030	The department is planning to amend “Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food?” and other related rules as may be required.	WSR: 19-06-047 Filed: 03/04/2019	WSR: 19-10-045 Filed: 04/29/2019	
	388-450-0190	The department is planning to amend “How does the department figure my shelter cost income deduction for basic food?” and other related rules as may be required.	WSR: 19-06-049 Filed: 03/04/2019	WSR: 19-12-051 Filed: 05/31/2019	
	388-410-0015	The department is planning to amend “Recovery of cash assistance overpayments by mandatory grant deduction” and other related rules as may be required.	WSR: 19-09-032 Filed: 04/10/2019		

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	388-460-0010	The department is planning to amend “Do I have an authorized representative for basic food if I live in a treatment center or group home?” and other related rules as may be required.	WSR: 19-09-034 Filed: 04/10/2019		
	388-408-0040, 388-420-010	The department is proposing to amend “How does living in an institution affect my eligibility for Basic Food?” and “Alcohol and drug treatment centers”.		WSR: 19-10-046 Filed: 04/29/2019	
	388-412-0025	The department is planning to amend “How do I receive my benefits?” and other related rules as may be required.	WSR: 19-10-050 Filed: 04/29/2019		
	388-450-0025	The department is planning to amend “What is unearned income?” and other related rules as may be required.	WSR: 19-12-107 Filed: 06/05/2019		
	388-414-0001 388-418-0005 388-418-0020 388-470-0005	The department is planning to amend “Do I have to meet all eligibility requirements for Basic Food?”, “How will I know what changes to report?”, “How does the department determine the date a change affects my cash and basic food benefits?”, “How do resources affect my eligibility for cash assistance and basic food?”, and other related rules as may be required.	WSR: 19-12-108 Filed: 06/05/2019		
	388-478-0027	The department is planning to amend “What are the payment standards for pregnant women assistance?” and other related rules as may be required.	WSR: 19-13-098 Filed: 06/19/2019		WSR: 19-14-055 Filed: 06/28/2019
	388-482-0005	The department is planning to amend “How does being a student of higher education impact my eligibility for Washington basic food program?” and other related rules as may be required.	WSR: 19-13-099 Filed: 06/19/2019		WSR: 19-16-011 Filed: 07/25/2019
	388-478-0015	The department is planning to amend “Need standards for cash assistance” and other related rules as may be required.	WSR: 19-13-102 Filed: 06/19/2019		
	388-310-1600 388-400-0005 388-484-0006	The department is planning to amend “WorkFirst – Sanctions.”, “Who is eligible for temporary assistance for needy families?”, and “TANF/SFA time limit extensions.” and other related rules as may be required to implement 2SHB 1603 (Chapter 343, Laws of 2019).	WSR: 19-15-103 Filed: 07/22/2019		WSR: 19-16-009 Filed: 07/25/2019
Division of Child Support	WAC Sections				
	chapter 388-14A WAC	The department is planning to amend sections dealing with the establishment of administrative child support orders including WAC 388-14A-3115 “The notice and finding of financial responsibility is used to set child support when paternity is not at issue”, WAC 388-14A-3140 “What can happen at a hearing on a support establishment notice?”, and other related rules as may be required.	WSR: 18-07-077 Filed: 03/19/2018		

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	388-14A-3304, 388-14A-3310, 388-14A-3315	The department is planning to amend sections in chapter 388-14A WAC in order to streamline procedures regarding the use of a form called the Notice to Payee.	WSR: 18-18-103 Filed: 09/05/2018	WSR: 19-15-036 Filed: 07/11/2019	
	388-14A-5400	The department is planning to amend WAC 388-14A-5400 and other related rules as may be required.	WSR: 19-10-033 Filed: 04/24/2019	WSR: 19-15-102 Filed: 07/22/2019	
	388-14A-3323	The department is amending WAC 388-14A-3323 “What happens in a hearing on a notice of support owed served under WAC 388-14A-3311?”.		WSR: 19-15-082 Filed: 07/18/19	
	388-14A-3903	The Division of Child Support (DCS) intends to amend WAC 388-14A-3903 “How does DCS decide whether to petition for modification of a support order?” and other related rules as may be required in order to implement §§ 2 and 3 of Engrossed Substitute House Bill 1916 (ESHB 1916, Chapter 275, Laws of 2019), which takes effect on July 28, 2019.	WSR: 19-15-101 Filed: 07/22/2019		WSR: 19-16-013 Filed: 07/25/2019
Executive					
Division of Vocational Rehabilitation					
No rule-making at this time					
Facilities, Finance, and Analytics Administration					
No rule-making at this time					
Services & Enterprise Support Administration					
	388-03-160	The department is planning to amend chapter 388-03 WAC “Certification of DSHS spoken language interpreters, translators, employees, and licensed agency personnel (LAPL).” and other related rules as may be required.	WSR: 19-06-050 Filed: 03/04/2019		WSR: 19-08-072 Filed: 04/02/2019