

WSR 18-18-059
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed August 30, 2018, 9:34 a.m.]

Title of Rule and Other Identifying Information: The department is amending WAC 388-78A-2460 Quality assurance committee.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The change is necessary to correct a typographical error by removing the word "not" in subsection (4) to be consistent with RCW 18.20.390.

Reasons Supporting Proposal: The change is necessary to assure compliance with requirements of RCW 18.20.390, which governs quality assurance committees in assisted living facilities.

Statutory Authority for Adoption: Chapter 18.20 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services (DSHS), governmental.

Name of Agency Personnel Responsible for Drafting: Libby Wagner, 20425 72nd Avenue South, Suite 400, Kent, WA 98032, 253-234-6061; Implementation and Enforcement: Jeanette K. Childress, P.O. Box 45600, Olympia, WA 98504, 360-725-2591.

This notice meets the following criteria to use the expedited adoption process for these rules:

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.

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 Libby Wagner, DSHS, Aging and Long-Term Support Administration, Residential Care Services, 20425 72nd Avenue South, Kent, WA 98032, phone 253-234-6061, email WagneE@dshs.wa.gov, AND RECEIVED BY 5:00 p.m., November 5, 2018.

August 27, 2018
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-05-035, filed 2/12/14, effective 3/15/14)

WAC 388-78A-2460 Quality assurance committee.

(1) To ensure the proper delivery of services and the maintenance and improvement in quality of care through self-

review, any assisted living facility licensed under this chapter may maintain a quality assurance committee that, at a minimum, includes:

(a) A licensed registered nurse under chapter 18.79 RCW;

(b) The administrator; and

(c) Three other members from the staff of the assisted living facility.

(2) When established, the quality assurance committee shall meet at least quarterly to identify issues that may adversely affect quality of care and services to residents and to develop and implement plans of action to correct identified quality concerns or deficiencies in the quality of care provided to residents.

(3) To promote quality of care through self-review without the fear of reprisal, and to enhance the objectivity of the review process, the department shall not require, and the long-term care ombuds program shall not request, disclosure of any quality assurance committee records or reports, unless the disclosure is related to the committee's compliance with this section, if:

(a) The records or reports are not maintained pursuant to statutory or regulatory mandate; and

(b) The records or reports are created for and collected and maintained by the committee.

(4) If the assisted living facility refuses to release records or reports that would otherwise be protected under this section, the department may then request only that information that is necessary to determine whether the assisted living facility has a quality assurance committee and to determine that it is operating in compliance with this section. However, if the assisted living facility offers the department documents generated by, or for, the quality assurance committee as evidence of compliance with assisted living facility requirements, the documents are ~~(not)~~ protected as quality assurance committee documents when in the possession of the department.

(5) Good faith attempts by the committee to identify and correct quality deficiencies shall not be used as a basis for sanctions.

(6) Any records that are created for and collected and maintained by the quality assurance committee shall not be discoverable or admitted into evidence in a civil action brought against an assisted living facility.

(7) Notwithstanding any records created for the quality assurance committee, the facility shall fully set forth in the resident's records, available to the resident, the department, and others as permitted by law, the facts concerning any incident of injury or loss to the resident, the steps taken by the facility to address the resident's needs, and the resident outcome.

WSR 18-18-076
EXPEDITED RULES
DEPARTMENT OF HEALTH
[Filed September 4, 2018, 9:05 a.m.]

Title of Rule and Other Identifying Information: WAC 246-454-010 Definitions and 246-454-030 Submission of

budget (hospital financial data and reports), the department of health (department) is proposing the repeal of WAC 246-454-030 to eliminate the department's requirement that each hospital submit a financial report related to hospitals' annual budgets, and is proposing the amendment of WAC 246-454-010 to remove the definition of "budget," which is related to the section being repealed. The department is also proposing the amendment of the statutory reference in WAC 246-454-010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose for the proposal is to update rules regarding hospital financial reports in order to remove outdated requirements and reduce the regulatory burden on hospitals. The proposal also amends the definitions section to align with the proposed repeal of WAC 246-454-030 and updates the statutory reference in WAC 246-454-010.

Reasons Supporting Proposal: The submission of the hospital annual budget as required in WAC 246-454-030 is an outdated rule that imposes an undue regulatory burden on Washington state hospitals. The department proposes its repeal because: (1) The rule is not statutorily mandated; (2) the reporting period results in reporting difficulties for hospitals; and (3) the budget information provided yearly is no longer needed by data users. Based on these reasons, the department proposes amending the rule to eliminate the budget reporting and amending WAC 246-454-010 to remove reference to the term "budget," which is related to the section proposed for repeal. The proposed revision also amends the statutory reference in WAC 246-454-010.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: RCW 43.70.052.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Randall Huyck, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4210.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule-making process is appropriate for the proposed rules; the repeal is necessary because of changed circumstances as the budget information provided yearly in the required reports is no longer needed by data users; the amendments are necessary to provide clarification as a result of the proposed repeal.

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 Randall Huyck, Department of Health, P.O. Box 47853, Olympia, WA 98504-7853, phone 360-236-4210, fax 360-236-2830, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY November 5, 2018.

September 4, 2018
John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 94-12-089, filed 6/1/94, effective 7/2/94)

WAC 246-454-010 Definitions. As used in this chapter, unless the context requires otherwise.

(1) "Department" means the Washington state department of health created by chapter 43.70 RCW.

(2) "Hospital" means any health care institution which is required to qualify for a license under chapter 70.41 RCW ((70.41.020(2))); or as a psychiatric hospital under chapter 71.12 RCW.

(3) "Manual" means the *Washington State Department of Health Accounting and Reporting Manual for Hospitals*, third edition adopted under WAC 246-454-020.

(4) "System of accounts" means the list of accounts, code numbers, definitions, units of measure, and principles and concepts included in the manual.

~~((5) "Budget" means the forecast of each hospital's total financial needs and the resources available to meet such needs for its next fiscal year and includes such information as shall be specified in the manual concerning volume and utilization projections, operating expenses, capital requirements, and deductions from revenue.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-454-030 Submission of budget.

WSR 18-18-079
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division of Vocational Rehabilitation)
[Filed September 4, 2018, 10:31 a.m.]

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-891A-1174 When does DVR purchase and loan a vehicle to you?, this WAC provides the criteria that must be met for the division

of vocational rehabilitation (DVR) to consider the purchase of a vehicle in support of a customer's transportation needs. Subsection (2) of this rule lists some of the documentation that must be provided by an individual with a disability to DVR staff in the course of that determination.

This rule making corrects a typo in subsection (2) of WAC 388-891A-1174.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes a typographical correction in subsection (2)(c) of WAC 388-891A-1174. This change is to ensure that a reference contained in the rule is accurate. Currently, the reference is to nonexistent WAC 388-891A-1178, but the reference should be to WAC 388-891A-1175.

Reasons Supporting Proposal: Accurate internal references in the WAC ensure the rule's usability and clarify the division's requirements. This typographical correction provides clarification, as described under RCW 34.05.353.

Statutory Authority for Adoption: RCW 74.29.020(8).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services (DSHS), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Robert St. Lawrence, Lacey, Washington, 360-725-3620.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This is a typographical correction that clarifies the rule in WAC 388-891A-1174. This meets the criteria described under RCW 34.05.353.

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 Rules Coordinator, DSHS, P.O. Box 45850, Olympia, WA 98504, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m., November 5, 2018.

August 30, 2018
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-12-035, filed 5/29/18, effective 6/30/18)

WAC 388-891A-1174 When does DVR purchase and loan a vehicle to you? (1) DVR only purchases and loans a vehicle to you under exceptional circumstances and when providing a vehicle would be the least cost service to meet your transportation needs. In such exceptional circumstances, no other transportation options are available and it is not feasible for you to relocate or use other transportation options.

(2) You or the driver of your vehicle must participate in an assessment to determine that you, or if you are riding as the passenger in the vehicle, that the driver, can safely operate the vehicle. As part of that assessment, you, or if you are the passenger, the driver, must provide:

(a) A copy of a current, valid driver's license;

(b) A current copy of a driving record disclosing any moving violations and indicating no criminal convictions related to driving a vehicle;

(c) Documentation of your insurability and the anticipated expense of insuring the vehicle to meet DVR's minimum requirements, as outlined in WAC ((388-891A-1178)) 388-891A-1175; and

(d) Documentation of your ability to maintain insurance coverage.

(3) If the assessment described in subsection (2) of this section reveals any fact that raises a question regarding driving safety, the DVR counselor must require a driving evaluation conducted by a state-certified driver training instructor, or another relevant evaluation, as appropriate.

(4) When the vehicle has been or will be modified for your use, the driving evaluation described in subsection (3) of this section must be conducted by a certified driver rehabilitation specialist.

(5) The DVR director must approve the purchase of the vehicle and the loan to you.

WSR 18-18-082

EXPEDITED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Services and Enterprise Support Administration)

[Filed September 4, 2018, 10:51 a.m.]

Title of Rule and Other Identifying Information: The department is amending WAC 388-01-020 How is DSHS organized?, 388-01-030 What public records are available?, and 388-01-060 How may an individual request a public record?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes update an outdated hyperlink and correct two typographical errors.

Reasons Supporting Proposal: These changes are needed to clarify rule language.

Statutory Authority for Adoption: Chapter 42.56 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services (DSHS), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Natasha House, DSHS Public Records Officer, P.O. Box 45135, Olympia, WA 98504, 360-902-7649.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

NOTICE

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August 29, 2018
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-05-021, filed 2/9/18, effective 3/12/18)

WAC 388-01-020 How is DSHS organized? (1) DSHS's current organizational structure can be located at the following link: (~~(<https://www.dshs.wa.gov/strategic-planning/organizational-chart>)~~) <https://www.dshs.wa.gov/office-of-the-secretary/organizational-chart>.

(2) You may also request organizational charts by writing to:

DSHS, office of the secretary
P.O. Box 45010
Olympia, WA 98504-5010.

AMENDATORY SECTION (Amending WSR 18-05-021, filed 2/9/18, effective 3/12/18)

WAC 388-01-030 What public records are available?

(1) DSHS prepares and keeps public records that relate to the programs it administers. All records DSHS uses to conduct business are public records.

DSHS public records may include documents, audio and video recordings, pictures, email, computer disks, and electronic data.

(2) DSHS public records are available to the public unless a law exempts them from disclosure. Some DSHS records are confidential and not available to everyone. Records exempt from public disclosure are listed under chap-

ter 42.56 RCW, (~~([WAC 388-01-020](#))~~) [WAC 388-01-120](#), and other federal and state laws applicable to DSHS.

(3) Clients, or someone authorized to act for a client, may access confidential records about the client that are exempt from disclosure to the public unless specifically prohibited by law.

(4) Upon request, DSHS may provide access to records such as rules, policies, indexes, interpretive statements, pamphlets, forms, and other publications at cost under WAC 388-01-180 without using the public records request process.

AMENDATORY SECTION (Amending WSR 18-05-021, filed 2/9/18, effective 3/12/18)

WAC 388-01-060 How may an individual request a public record? (1) An individual may request a public record orally or in writing. DSHS prefers that all public record requests be in writing on the "request for DSHS records" form, DSHS 17-041(X). Individuals may locate this form on the DSHS website at <https://www.dshs.wa.gov/fsa/> forms or request it from:

DSHS public records officer
Services and enterprise support administration
Information governance unit
P.O. Box 45135
Olympia, WA 98504-5135
Telephone: (360) 902-8484
Fax: (360) 902-7855
Email: DSHSPublicDisclosure@dshs.wa.gov.

(2) If an individual does not use the DSHS form, the written public record request should include the following information:

- (a) The requester's name, organization, mailing address, telephone number, fax number, and email address;
- (b) The date of the request;
- (c) A detailed description of the identifiable public record being requested;
- (d) The email or mailing address where DSHS should send copies of the records, or if the requester wants to inspect the record at DSHS; and
- (e) The requester's signature.

(3) An individual may fill out a record request at a DSHS office or send it by regular mail, email, or fax to the public records officer listed in WAC 388-01-050.

(4) Requests by third parties for confidential client records must be accompanied by a valid authorization as set forth in WAC 388-01-150.

(5) DSHS may ask an individual requesting a public record for personal identification when the law makes a record disclosable to a specific person.

(6) DSHS may deny a "bot" request, which is one of multiple requests from a requester within a twenty-four (~~(hour))~~ hour period, if responding to multiple requests would cause excessive interference with other essential DSHS functions.