



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 31, 2025
TIME: 2:18 PM

WSR 25-04-078

Agency: Department of Social and Health Services, Aging and Long-Term Support, RCS

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 23-13-042 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR _____; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) This proposal would update Chapter 388-101 WAC, Certified Community Residential Services and Supports (CCRSS), amending section WAC 388-101-3020, Compliance and adding NEW SECTION WAC 388-101-30201 Infection Control.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 11, 2025	10:00 a.m.	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website at https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings for the most current information.

Date of intended adoption: Not earlier than March 12, 2025 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name DSHS Rules Coordinator
Address PO Box 45850, Olympia WA 98504
Email DSHSRPAURulesCoordinator@dshs.wa.gov
Fax 360-664-6185
Other

Beginning (date and time) noon on February 5, 2025
By (date and time) 5:00 p.m. on March 11, 2025

Assistance for persons with disabilities:

Contact Shelley Tencza, Rules Consultant
Phone 360-664-6036
Fax 360-664-6185
TTY 711 Relay Service
Email shelley.tencza@dshs.wa.gov
Other
By (date) 5:00 p.m. on February 25, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rule making is necessary to help the regulated community comply with the rules by providing clear language about CCRSS compliance and infection control practices.

Reasons supporting proposal: These rules are necessary to instruct and inform CCRSS service providers about staying in compliance with infection control policy and practices.

Statutory authority for adoption: RCW 71A.12.030 and 71A.26.040

Statute being implemented:

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: none

Name of proponent: (person or organization) Department of Social and Health Services

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting	Debra Hoeman	PO Box 45600 Olympia, WA 98504	360-764-6632
Implementation	Debra Hoeman	PO Box 45600 Olympia, WA 98504	360-764-6632
Enforcement	Debra Hoeman	PO Box 45600 Olympia, WA 98504	360-764-6632

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name Debra Hoeman
Address PO Box 45600 Olympia, WA 98504
Phone 360-764-6632
Fax
TTY 711 Relay Service
Email debra.hoeman@dshs.wa.gov
Other

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement
 Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
 This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
 Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

<input type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations)	<input type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute)
<input checked="" type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference)	<input type="checkbox"/> RCW 34.05.310 (4)(f) (Set or adjust fees)
<input checked="" type="checkbox"/> RCW 34.05.310 (4)(d) (Correct or clarify language)	<input type="checkbox"/> RCW 34.05.310 (4)(g) (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. The cost associated with this proposal are for infection control supplies already being purchased by or available to providers. We determined that these supplies do not impose more than minor cost to the regulated businesses and that the benefits outweigh the costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

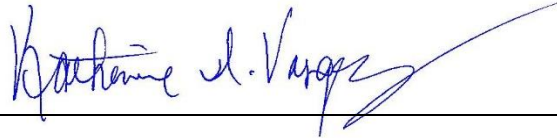
Name Debra Hoeman
Address PO Box 45600 Olympia, WA 98504
Phone 360-764-6632
Fax
TTY Relay Service 711
Email debra.hoeman@dshs.wa.gov
Other

Date: January 30, 2025

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-101-3020 Compliance. The service provider must (~~be in compliance~~) comply with:

(1) All the requirements of this chapter and chapter 388-101D WAC, except that the licensing requirements for adult family homes and assisted living facilities supersede these chapters if the requirements under respective chapters 388-76 and 388-78A WAC conflict with these chapters;

(2) The laws governing this chapter, including chapter 71A.12, 71A.22, and 71A.26 RCW;

(3) The requirements of chapter 74.34 RCW;

(4) The department's residential services contract (~~(. Except)~~) , except that, the requirements of this chapter supersede any conflicting requirements with the contract, or appendices to the contract; and

(5) Other relevant federal, state, county, tribal, territorial, (~~and~~) local (~~laws~~) , and municipal statutes, rules, codes, requirements, and ordinances.

NEW SECTION

WAC 388-101-30201 Infection control. (1) To manage infection control the service provider must:

(a) Comply with nationally recognized infection control standards when providing client care and supports;

(b) Develop and implement sufficient procedures to identify, prevent, and control infections caused by communicable disease; and

(c) Provide staff with the necessary training, supplies, equipment, and protective clothing for preventing and controlling the spread of infections.

(2) Whenever an outbreak of suspected food poisoning or communicable disease occurs, the provider must:

(a) Follow local health jurisdiction directions and recommendations pertaining to infection control and prevention including measures to control, mitigate, and manage communicable disease outbreaks; and

(b) Restrict a staff person's contact with clients when the staff person has a known communicable condition in the infectious stage that is likely to be spread by casual contact.