



# 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: April 02, 2026

TIME: 3:35 PM

WSR 26-09-016

**Agency:** Department of Social and Health Services, Home and Community Living Administration, WA Cares Fund

- Original Notice**
- Supplemental Notice to WSR** \_\_\_\_\_
- Continuance of WSR** \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 26-04-116 ; 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) WAC 388-116-4040 – Transportation mileage reimbursement, and 388-116-4050 – Financial management services vendor purchases on behalf of an eligible beneficiary

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
May 26, 2026	10:00 a.m.	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website at <a href="https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings">https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings</a> for the most current information.

**Date of intended adoption:** No earlier than May 27, 2026 (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](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
 Fax n/a  
 Other  
 Beginning (date and time) noon on April 22, 2026  
 By (date and time) 5:00 p.m. on May 26, 2026

**Assistance for persons with disabilities:**

Contact Shelley Tencza, Rules Consultant  
 Phone 360-664-6036  
 Fax n/a  
 TTY 711 Relay Service  
 Email [shelley.tencza@dshs.wa.gov](mailto:shelley.tencza@dshs.wa.gov)  
 Other  
 By (date) 5:00 p.m. on May 5, 2026

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The department proposes adding new rules to address two new services available through financial management services vendors: transportation mileage reimbursement and purchases of adaptive equipment and technology. The two rules set requirements, provide direction, and outline limitations for transportation mileage reimbursement and purchases by a financial management services vendor for adaptive equipment and technology.

**Reasons supporting proposal:** The two rules provide additional options for eligible beneficiaries of WA Cares to use their benefits, especially for those in rural communities where service delivery may be limited.

**Statutory authority for adoption:** RCW 50B.04.020(k)

**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:**

**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	Arielle Finney	PO Box 45600 Olympia, WA 98504-5600	360-764-0384
Implementation	Katie Kelnhofer	PO Box 45600 Olympia, WA 98504-5600	564-669-4440
Enforcement	Katie Kelnhofer	PO Box 45600 Olympia, WA 98504-5600	564-669-4440

**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 Arielle Finney
- Address PO Box 45600 Olympia, WA 98504-5600
- Phone 360-764-0384
- Fax
- TTY 711 Relay Service
- Email [Arielle.Finney2@dshs.wa.gov](mailto:Arielle.Finney2@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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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 proposed rules do not create cost for small businesses. The rules address the financial management services vendor contracted by the department, eligible beneficiaries, and friends and family members who wish to receive reimbursement for transportation. Any cost that may be associated with these rules is minor.
- 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:

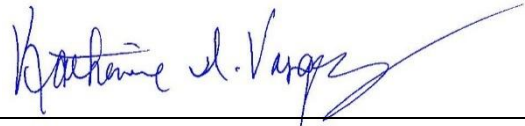
Name Arielle Finney  
Address PO Box 45600, Olympia, WA 98504-5600  
Phone 360-764-0384  
Fax  
TTY 711 Relay Service  
Email [Arielle.Finney2@dshs.wa.gov](mailto:Arielle.Finney2@dshs.wa.gov)  
Other

**Date:** March 26, 2026

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



NEW SECTION

**WAC 388-116-4040 Transportation mileage reimbursement.** (1) An eligible beneficiary may select a family member or friend to provide transportation for the beneficiary. The family member or friend may be reimbursed for miles traveled with the eligible beneficiary up to the maximum rate for transportation mileage outlined in WAC 388-116-4020.

(2) To request transportation mileage reimbursement, the eligible beneficiary must be enrolled with the financial management services vendor and follow their requirements for processing and issuing reimbursement.

(3) To be eligible to receive reimbursement for transportation mileage provided to an eligible beneficiary, the family member or friend must:

(a) Be over the age of 18; and

(b) Be enrolled with the financial management services vendor by providing:

(i) Proof of valid driver license;

(ii) Proof of current auto insurance; and

(iii) Proof of vehicle registration.

(4) To request transportation mileage reimbursement, the family member or friend must:

(a) Document the number of miles traveled with the eligible beneficiary and the date of service; and

(b) Submit the documentation to the financial management services vendor no more than 60 days after the date the transportation was provided.

(5) The family member or friend is not required to be a long-term services and supports provider under WAC 388-116-3010.

NEW SECTION

**WAC 388-116-4050 Financial management services vendor purchases on behalf of an eligible beneficiary.** (1) An eligible beneficiary may request the financial management services vendor purchase adaptive equipment and technology on their behalf.

(2) The financial management services vendor must:

(a) Only purchase allowable adaptive equipment and technology under WAC 388-116-1010; and

(b) Follow WAC 388-116-4020 for maximum rates for adaptive equipment and technology.

(3) The financial management services vendor must not purchase adaptive equipment and technology for a beneficiary using a consumer-to-consumer online platform.