



# PROPOSED RULE MAKING

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 22, 2026

TIME: 4:19 PM

WSR 26-19-128

**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 26-14-110 ; 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) The department is proposing to amend WAC 388-116-3020 Minimum qualifications and 388-116-4020 Maximum rates

**Hearing location(s):**

| Date:            | Time:      | Location: (be specific)        | Comment:                                                                                                                                                                                                                                       |
|------------------|------------|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| October 27, 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:** Not earlier than October 28, 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 September 23, 2026

By (date and time) 5:00 p.m. on October 27, 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 October 6, 2026

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposal amends minimum qualifications for home safety evaluation providers to introduce an additional qualification pathway. A qualification pathway is removed for education and consultation providers as the requirements cannot be met as the requirements are no longer offered. In addition, maximum rates are adjusted for inflation for calendar year 2027 for approved services. The proposal also includes technical edits for clarity.

**Reasons supporting proposal:** This proposal adds an additional qualification pathway for home safety evaluation providers to allow additional providers to meet minimum qualifications. Maximum rates are increased for most approved services to account for inflation for calendar year 2027.

**Statutory authority for adoption:** RCW 50B.04.020(3)(k)

**Statute being implemented:** Chapter 50b.04 RCW

**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       | 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 rules are the least burdensome route to achieving the goals and objectives of the program. The rules do not require an action that violates federal or state law. The rules do not impose more stringent requirements on private entities than on public entities. There are no applicable federal regulations related to the subject of these rules.

☐ 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:** September 18, 2026

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**

