



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Home Care Quality Authority

- Permanent Rule**
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: To clarify reasons for removing an individual provider or prospective provider from the Referral Registry. Current rules do not clearly specify reasons for removing an individual provider or prospective provider from the Referral Registry

Citation of existing rules affected by this order:

Repealed: none
 Amended: WAC 257-10-200
 Suspended: none

Statutory authority for adoption: RCW 74.39A.280 (3) Authority Duties; Title 74 RCW

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-02-027 on December 30, 2008 (date).
 Describe any changes other than editing from proposed to adopted version:

An individual provider may be denied placement on the referral registry for the following reasons:
 The background check reveals an offense or pattern of offenses that the executive director determines may put consumers at risk.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

- Under RCW 34.05.350 the agency for good cause finds:
- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 - That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: April 22nd, 2009

NAME (TYPE OR PRINT)
 Rick Hall

SIGNATURE

TITLE
 Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: April 22, 2009
TIME: 3:05 PM

WSR 09-10-005

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 257-10-130 What information may be considered cause for denying an individual provider or prospective individual provider placement on the referral registry? An individual provider may be denied placement on the referral registry for the following reasons:

- (1) A background check that results in disqualifying crimes based on criteria as specified in chapter 43.43 RCW.
- (2) Lack of disclosure on background authorization form.
- (3) Inclusion on any state abuse and neglect directory.
- (4) Information that a current and valid protective order exists and was issued in the state of Washington barring contact with children, vulnerable adults or persons with disabilities.
- (5) A reasonable, good faith belief that an individual provider or prospective individual provider is unable to meet the care needs of consumers.
- (6) The background check reveals an offense or pattern of offenses that the executive director determines may put consumers at risk.

AMENDATORY SECTION (Amending WSR 05-14-113, filed 7/1/05, effective 8/1/05)

WAC 257-10-200 Can an individual provider or prospective individual provider be removed from the registry? Yes. An individual provider or prospective individual provider will be removed from the referral registry for the following reasons:

- (1) Failure to meet the qualifications identified in WAC 257-10-120 to 257-10-180.
- (2) A determination by the HCQA that the person has committed misfeasance in the performance of his or her duties as an individual provider.
- (3) A determination of malfeasance.
- (4) A request is made by the person to be removed from the registry.
- (5) DSHS IP contract termination.
- (6) Information considered cause for denial as referenced in WAC 257-10-130.