

**WSR 26-19-104 - Department of Social and Health Services:
adopting new sections under chapter 388-106 WAC, numbered
as follows: WAC 388-106-3000, 388-106-3010, 388-106-3020,
388-106-3030, 388-106-3040,...**

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WSR 26-19-104 (26-19) WSR 26-19-104
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Home and Community Living Administration))
((Developmental Disabilities Administration))

[Filed September 21, 2026, 1:53 p.m., effective September 21, 2026, 1:53 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department of social and health services (DSHS) is adopting new sections under chapter 388-106 WAC, numbered as follows: WAC 388-106-3000, 388-106-3010, 388-106-3020, 388-106-3030, 388-106-3040, 388-106-3050, 388-106-3060, 388-106-3070, 388-106-3080, 388-106-3090, 388-106-3100, 388-106-3110, 388-106-3120, 388-106-3130, and 388-106-3140, limited benefit community access program (LBCAP), which implements LBCAP services provided through Washington state general state funds and ESSB 5998, the 2025-2027 operating budget appropriates \$17.8M general fund-state (GF-S) in fiscal year (FY) 2027 to DSHS, in coordination with the health care authority (HCA) to implement a state-funded program beginning October 1, 2026.

This emergency rule making will add new sections to chapter 388-106 WAC for state-funded long-term services and supports to allow DSHS home and community services and developmental disabilities administration to begin administering these crucial services while permanent rules are adopted. DSHS is working collaboratively with HCA on LBCAP rule making.

Citation of Rules Affected by this Order: New WAC 388-106-3000, 388-106-3010, 388-106-3020, 388-106-3030, 388-106-3040, 388-106-3050, 388-106-3060, 388-106-3070, 388-106-3080, 388-106-3090, 388-106-3100, 388-106-3110, 388-106-3120, 388-106-3130, and 388-106-3140.

Statutory Authority for Adoption: RCW 34.05.350 , 74.08.090 , and 74.09.520 .

Other Authority: Section 204(40), chapter 268, Laws of 2026 (ESSB 5998).

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; and 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: Enacting these rules on an emergency basis is both necessary for preserving the health, safety, and general welfare of clients and required for state receipt of funds. Washington must establish emergency rules to administer LBCAP services in compliance with ESSB 5998, the 2025-2027 operating budget \$17.8M GF-S appropriation in FY 2027 to DSHS, to implement a program beginning October 1, 2026, to continue services for a limited group of individuals who have an immigration status making them ineligible for federal medicaid coverage for long-term care services due to provisions of 31 section 71119 of P.L. 119-21; and are prioritized by DSHS as clients in residential settings at risk of losing their housing or those with higher levels of acuity.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 15, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 15, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 15, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 15, Amended 0, Repealed 0.

Date Adopted: September 18, 2026.

Katherine I. Vasquez

Rules Coordinator

SHS-5150.3

NEW SECTION

WAC 388-106-3000 What is the limited benefit community access program?

The limited benefit comm

Matter furnished by the Washington Office of the Code Reviser (Washington State Register). Notice Nearby did not write this notice.

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