

Chapter 388-825 WAC

DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES RULES

(Formerly chapter 275-27 WAC)

WAC			
388-825-020	Definitions.	388-825-071	What services am I eligible for if I am enrolled in a DDD home and community based services (HCBS) waiver?
388-825-056	What benefits do DDD paid services provide to me?		
388-825-057	Am I eligible to receive paid services from DDD?	388-825-072	Where do I find information on DDD's home and community based services (HCBS) waiver services, eligibility rules and definitions?
388-825-0571	What services am I eligible to receive from DDD if I am under the age of eighteen, have been determined to meet DDD eligibility requirements, and I am in a dependency guardianship or foster care with children's administration?	388-825-073	What is a "state-only funded" service?
		388-825-074	Am I eligible for state-only funded services?
388-825-058	What services does DDD authorize?	388-825-079	If I am not on a DDD HCBS waiver, can I receive services that are available through the DDD HCBS waivers with state-only funding?
388-825-059	How will I know which paid services I will receive?		
	DEVELOPMENTAL DISABILITIES ADMINISTRATION BACKGROUND CHECK REQUIREMENTS	388-825-081	Can I receive state-only funded services that are not available in a DDD HCBS waiver?
388-825-0600	What definitions apply to WAC 388-825-0600 through 388-825-0690 of this chapter?	388-825-082	What state-only funded services are authorized in DDD rules?
388-825-0605	Why are background checks done?	388-825-083	Is there a comprehensive list of waiver and state-only DDD services?
388-825-061	What service am I eligible for if I am under the age of three?	388-825-084	What are the limitations of state-only funded services or programs?
388-825-0610	Who must have a Washington state and/or federal background check?	388-825-0871	Does DDD provide out-of-home residential services that address the special needs of persons with developmental disabilities?
388-825-0615	What is the process for obtaining a background check?		
388-825-062	What is infant toddler early intervention program (ITEIP)?	388-825-088	Where can I find more information about DDD contracted residential services?
388-825-0620	Who must have background check renewals?	388-825-089	What is a residential habilitation center (RHC)?
388-825-0625	What happens if I do not comply with the background check requirement?	388-825-091	Am I eligible for residential habilitation center (RHC) services?
388-825-063	What services can infant toddler early intervention program (ITEIP) provide?	388-825-093	Can I receive a short term stay at a residential habilitation center (RHC)?
388-825-0630	What does the background check cover?	388-825-094	Can I request to receive services in an RHC?
388-825-0635	Who pays for the background check?	388-825-096	Will I have to pay for the services DDD authorizes for me?
388-825-0640	What criminal convictions, pending crimes or negative actions will prohibit me from being contracted or authorized to work in a capacity that may involve unsupervised access to individuals with a developmental disability?	388-825-097	Are any of my expenses deducted from the income available to pay for my care in a licensed facility?
388-825-0645	May an individual work in an unsupervised capacity with individuals with developmental disabilities when his or her background check reveals a conviction, pending charge or negative action that is not considered disqualifying per chapter 388-113 WAC or WAC 388-825-0640?	388-825-098	Does DDD provide guardianship services?
		388-825-100	How will I be notified of decisions made by DDD?
		388-825-101	Why does DDD need to send my notices and correspondence to someone else?
		388-825-102	What if I do not want my DDD notices and correspondence sent to anyone else?
388-825-0650	What does a character, competence and suitability review include?	388-825-103	When will I receive written notice of decisions made by DDD?
388-825-0655	How will I know if I have been disqualified by the background check?	388-825-104	What information will the notice include?
388-825-066	Where do I find the program eligibility rules and service definitions for infant toddler early intervention program (ITEIP)?	388-825-105	Am I given any advance notice of termination or reduction or eligibility or services?
388-825-0660	May I appeal the department's decision to deny me a contract or authorization based on the results of the background check?	388-825-120	When can I appeal department decisions through an administrative hearing process?
388-825-0665	Is the background check information released to my employer or prospective employer?	388-825-125	How do I request an administrative hearing?
388-825-067	What are medicaid state plan services?	388-825-130	How long do I have to file a request for an administrative hearing?
388-825-0670	May I receive a copy of my criminal background check results?	388-825-135	What if I need help to request an administrative hearing?
388-825-0675	What is the purpose of the one hundred twenty-day provisional hire?	388-825-140	Who else can help me appeal a department decision?
		388-825-145	Will my benefits continue if I request an administrative hearing?
388-825-068	What medicaid state plan services can DDD authorize?	388-825-150	When can the department proceed to take action during my appeal?
388-825-0680	Who is responsible for approving the one hundred twenty-day provisional hire?	388-825-155	What are my appeal rights if I am appealing a decision to transfer me from a state residential habilitation center to the community?
388-825-0685	When are individuals eligible for the one hundred twenty-day provisional hire?	388-825-165	Where can I find additional information about the appeal process?
388-825-069	What services are provided under a home and community based services (HCBS) waiver?	388-825-201	What is the purpose of enhanced respite services?
388-825-0690	When does the one hundred twenty-day provisional hire begin?	388-825-206	Who is eligible to receive enhanced respite services?
		388-825-211	How long am I eligible to receive enhanced respite services?

INDIVIDUAL PROVIDER AND AGENCY PROVIDER
QUALIFICATIONS

388-825-300	What is the purpose of WAC 388-825-300 through 388-825-400?		130, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.-070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.-050, and chapters 71A.10, 71A.12, and 71A.16 RCW.
388-825-305	What service providers are governed by the qualifications in these rules?	388-825-035	Determination of eligibility. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-035, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-035, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71.20.070. WSR 89-06-049 (Order 2767), § 275-27-030, filed 2/28/89; WSR 84-15-058 (Order 2124), § 275-27-030, filed 7/18/84; Order 1143, § 275-27-030, filed 8/11/76.] Repealed by WSR 05-12-130, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW.
388-825-310	What are the qualifications for providers?		
388-825-315	What is your responsibility when you hire an individual respite care, attendant care or personal care provider?		
388-825-320	How does a person become an individual provider?		
388-825-325	What are required skills and abilities for individuals and agencies contracted to provide respite care, personal care services through the medicaid personal care program or the DDD HCBS Basic, Basic Plus, CIIBS, or Core waivers, or attendant care services?		
388-825-330	What is required for agencies wanting to provide care in the home of a person with developmental disabilities?	388-825-040	Application for services. [WSR 99-19-104, recodified as § 388-825-040, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 74.12A.030 and 71A.16.030. WSR 98-20-044, § 275-27-040, filed 9/30/98, effective 10/7/98. Statutory Authority: RCW 71.20.070. WSR 84-15-058 (Order 2124), § 275-27-040, filed 7/18/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-040, filed 3/16/78; Order 1143, § 275-27-040, filed 8/11/76.] Repealed by WSR 05-12-130, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW.
388-825-335	Is a background check required of a long-term care worker employed by a home care agency licensed by the department of health?		
388-825-340	What is required for a provider to provide respite or residential service in their home?		
388-825-345	What "related" providers are exempt from licensing?		
388-825-355	Are there any educational requirements for individuals providing respite care, attendant care, or personal care services?		
388-825-360	How does an individual terminate employment as a provider?		
388-825-365	Are providers expected to report abuse, neglect, exploitation or financial exploitation?		
388-825-370	What are the responsibilities of an individual or home care agency when employed to provide respite care, attendant care, or personal care services to a client?	388-825-045	Determination for necessary services. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-045, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-045, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 74.12A.030 and 71A.16.030. WSR 98-20-044, § 275-27-050, filed 9/30/98, effective 10/7/98. Statutory Authority: RCW 71.20.070. WSR 86-18-049 (Order 2418), § 275-27-050, filed 8/29/86; WSR 84-15-058 (Order 2124), § 275-27-050, filed 7/18/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-050, filed 3/16/78; Order 1143, § 275-27-050, filed 8/11/76.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.-015, 71A.12.020, 71A.12.030, and Title 71A RCW.
388-825-375	When will the department deny payment for services of an individual or home care agency providing respite care, attendant care, or personal care services?		
388-825-380	When may the department reject the client's choice of an individual respite care, attendant care or personal care provider?		
388-825-385	When may the department terminate an individual respite care, attendant care, or personal care provider's contract?		
388-825-390	When can the department otherwise terminate an individual's contract to provide respite care, attendant care, or personal care?		
388-825-395	What are the client's rights if the department denies, terminates, or summarily suspends an individual's contract to provide respite care, attendant care, or personal care?	388-825-050	Individual service plan. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-050, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-050, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-060, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.070. WSR 86-18-049 (Order 2418), § 275-27-060, filed 8/29/86; WSR 84-15-058 (Order 2124), § 275-27-060, filed 7/18/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-060, filed 3/16/78; Order 1143, § 275-27-060, filed 8/11/76.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW.
388-825-396	Does the provider of respite care, attendant care, or personal care have a right to a fair hearing?		
388-825-400	Self-directed care—Who must direct self-directed care?		

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

388-825-025	Exemptions. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-025, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-025, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 74.12A.030 and 71A.16.030. WSR 98-20-044, § 275-27-023, filed 9/30/98, effective 10/7/98. Statutory Authority: RCW 71A.12.030, 71A.12.040 and Title 71A RCW. WSR 97-13-051, § 275-27-023, filed 6/13/97, effective 7/14/97. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-023, filed 8/9/91, effective 9/9/91.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.-015, 71A.12.020, 71A.12.030, and Title 71A RCW.	388-825-055	Authorization of services. [Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW. WSR 05-11-015, § 388-825-055, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.-030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-055, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-055, filed 7/25/02, effective 8/25/02; WSR 99-19-104, recodified as § 388-825-055, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 74.12A.030 and 71A.16.030. WSR 98-20-044, § 275-27-230, filed 9/30/98, effective 10/7/98. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-230, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.070. WSR 86-18-049 (Order 2418), § 275-27-230, filed 8/29/86; WSR 84-15-058 (Order 2124), § 275-27-230,
388-825-030	Eligibility for services. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-030, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-030, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.10.020. WSR 92-04-004 (Order 3319), § 275-27-026, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 71.20.070. WSR 89-06-049 (Order 2767), § 275-27-026, filed 2/28/89.] Repealed by WSR 05-12-		

	filed 7/18/84. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850. WSR 82-06-034 (Order 1771), § 275-27-230, filed 3/1/82. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-230, filed 3/16/78; Order 1143, § 275-27-230, filed 8/11/76.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW.	388-825-086	Who can be a representative payee for my DDD direct payment funds for employment/day program services? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-086, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.
388-825-060	What are the eligibility requirements for persons who receive funds directly for employment/day programs? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-060, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.	388-825-087	What are the responsibilities of a representative payee? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-087, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.
388-825-064	What are the restrictions on the use of the funds paid directly to persons for employment/day programs? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-064, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.	388-825-090	When will DDD recover direct payment funds sent to me for employment/day program services? [Statutory Authority: RCW 71A.12.030, 71A.10.020, and 2002 c 371. WSR 04-11-087, § 388-825-090, effective 5/18/04, § 388-825-090, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.
388-825-065	Financial services. [WSR 99-19-104, recodified as § 388-825-065, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71.20.070. WSR 84-15-058 (Order 2124), § 275-27-240, filed 7/18/84; Order 1143, § 275-27-240, filed 8/11/76.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW.	388-825-095	Who is liable for repayment of an overpayment? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-095, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.
388-825-070	What happens if I do not spend the funds paid directly to me for employment/day programs as specified in WAC 388-825-064? [Statutory Authority: RCW 71A.12.030, 71A.10.020, and 2002 c 371. WSR 04-11-087, § 388-825-070, filed 5/18/04, effective 6/18/04; WSR 04-02-014, § 388-825-070, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.	388-825-160	When will a decision on my appeal be made? [Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-160, filed 8/19/05, effective 9/19/05.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-075	How much money will I receive? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-075, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.	388-825-170	Community alternatives program (CAP). [WSR 99-19-104, recodified as § 388-825-170, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71.20.020. WSR 84-07-018 (Order 2086), § 275-27-800, filed 3/14/84.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
388-825-076	How often will I receive a direct payment check for my employment/day program services? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-076, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.	388-825-180	Eligible persons. [WSR 99-19-104, recodified as § 388-825-180, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71.20.020. WSR 84-07-018 (Order 2086), § 275-27-810, filed 3/14/84.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
388-825-077	Who will the warrant/check be sent to? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-077, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.	388-825-190	Community alternatives program (CAP)—Services. [WSR 99-19-104, recodified as § 388-825-190, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-820, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.020. WSR 84-07-018 (Order 2086), § 275-27-820, filed 3/14/84.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
388-825-078	How will the warrant/check be sent? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-078, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.	388-825-200	What is the purpose of the family support opportunity program? [WSR 99-19-104, recodified as § 388-825-200, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-180, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-080	Guardianship services. [WSR 99-19-104, recodified as § 388-825-080, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71.20.070. WSR 84-15-058 (Order 2124), § 275-27-250, filed 7/18/84; Order 1143, § 275-27-250, filed 8/11/76.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW.	388-825-205	Who is eligible to participate in the family support opportunity program? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-205, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-205, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-205, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-185, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-085	What is a representative payee? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-085, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.	388-825-210	What basic services can my family receive from the family support opportunity program? [Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-210, filed 10/29/04, effective 11/29/04. Statutory Authority:

	RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-210, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-210, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-190, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-234	How can my family qualify for serious need funds? [Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-234, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-234, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-234, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-198, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-220	What is the purpose of community guide services? [WSR 99-19-104, recodified as § 388-825-220, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-191, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-236	How does my family request serious need funds? [Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-236, filed 10/29/04, effective 11/29/04. WSR 99-19-104, recodified as § 388-825-236, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-199, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-222	Who can become a community guide? [WSR 99-19-104, recodified as § 388-825-222, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-192, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-238	What amount of serious need funding is available to my family? [Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-238, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.12.030, 71A.12.040, and 2001 2nd sp.s. c 7. WSR 02-01-074, § 388-825-238, filed 12/14/01, effective 1/14/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 00-23-106, § 388-825-238, filed 11/21/00, effective 12/22/00. WSR 99-19-104, recodified as § 388-825-238, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-200, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-224	Does my family have a choice in selecting its community guide? [WSR 99-19-104, recodified as § 388-825-224, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-193, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-240	Who determines what family support services my family can receive? [WSR 99-19-104, recodified as § 388-825-240, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-202, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-226	Can the family support opportunity program help my family obtain financial assistance for community guide services? [Statutory Authority: RCW 71A.12.030, 71A.12.040, and 2001 2nd sp.s. c 7. WSR 02-01-074, § 388-825-226, filed 12/14/01, effective 1/14/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 00-23-106, § 388-825-226, filed 11/21/00, effective 12/22/00; WSR 00-08-090, § 388-825-226, filed 4/5/00, effective 5/6/00. WSR 99-19-104, recodified as § 388-825-226, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-194, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-242	What department restrictions apply to family support payments? [Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-242, filed 10/29/04, effective 11/29/04. WSR 99-19-104, recodified as § 388-825-242, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-204, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-228	How can short-term intervention services through the family support opportunity program help my family? [Statutory Authority: RCW 71A.12.030, 2005 c 518 § 205 (1)(a). WSR 06-11-082, § 388-825-228, filed 5/16/06, effective 6/16/06. Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-228, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.12.030, 71A.12.040, and 2001 2nd sp.s. c 7. WSR 02-01-074, § 388-825-228, filed 12/14/01, effective 1/14/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 00-23-106, § 388-825-228, filed 11/21/00, effective 12/22/00; WSR 00-08-090, § 388-825-228, filed 4/5/00, effective 5/6/00. WSR 99-19-104, recodified as § 388-825-228, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-195, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-244	What are regional family support advisory councils? [WSR 99-19-104, recodified as § 388-825-244, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-211, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-230	Specifically how can short-term intervention funds be used? [Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-230, filed 10/29/04, effective 11/29/04. WSR 99-19-104, recodified as § 388-825-230, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-196, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-246	What are community service grants? [WSR 99-19-104, recodified as § 388-825-246, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-212, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-232	How can serious need funds help my family? [Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-232, filed 10/29/04, effective 11/29/04. WSR 99-19-104, recodified as § 388-825-232, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-197, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-248	Who is covered under these rules? [Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-248, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-248, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-248, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-213, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
		388-825-250	Continuity of family support services. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030,

- chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-250, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-250, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.040. WSR 92-13-024 (Order 3394), § 275-27-219, filed 6/9/92, effective 7/10/92.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-252 Family support services. [Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-252, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-252, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-252, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-252, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030, 71A.12.040 and Title 71A RCW. WSR 97-13-051, § 275-27-220, filed 6/13/97, effective 7/14/97. Statutory Authority: RCW 71A.12.040 and 43.43.745. WSR 94-04-092 (Order 3702), § 275-27-220, filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 71A.12.040. WSR 92-09-114 (Order 3372), § 275-27-220, filed 4/21/92, effective 5/22/92. Statutory Authority: RCW 71.20.070. WSR 88-05-004 (Order 2596), § 275-27-220, filed 2/5/88; WSR 86-18-049 (Order 2418), § 275-27-220, filed 8/29/86.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-253 Family support service restrictions. [Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-253, filed 10/29/04, effective 11/29/04.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-254 Service need level rates. [Statutory Authority: RCW 71A.12.030, 2005 c 518 § 205 (1)(a). WSR 06-11-082, § 388-825-254, filed 5/16/06, effective 6/16/06. Statutory Authority: RCW 71A.12.030, 71A.12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-254, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-254, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.12.030, 71A.12.040, and 2001 2nd sp.s. c 7. WSR 02-01-074, § 388-825-254, filed 12/14/01, effective 1/14/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 00-23-106, § 388-825-254, filed 11/21/00, effective 12/22/00; WSR 00-08-090, § 388-825-254, filed 4/5/00, effective 5/6/00. WSR 99-19-104, recodified as § 388-825-254, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 71A.12.030, 71A.12.040 and Title 71A RCW. WSR 97-13-051, § 275-27-222, filed 6/13/97, effective 7/14/97.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-256 Service need levels. [WSR 99-19-104, recodified as § 388-825-256, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030, 71A.12.040 and Title 71A RCW. WSR 97-13-051, § 275-27-223, filed 6/13/97, effective 7/14/97. Statutory Authority: RCW 71A.12.040 and 43.43.745. WSR 94-04-092 (Order 3702), § 275-27-223, filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 71A.12.040. WSR 92-09-114 (Order 3372), § 275-27-223, filed 4/21/92, effective 5/22/92. Statutory Authority: RCW 71.20.070. WSR 88-05-004 (Order 2596), § 275-27-223, filed 2/5/88.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-260 What are qualifications for individual service providers? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-260, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-262 What services do individuals provide for persons with developmental disabilities? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-262, filed 11/9/99, effective 12/10/99.] Repealed by
- WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-264 If I want to provide services to persons with developmental disabilities, what do I do? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-264, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-266 If I want to provide respite care in my home, what is required? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-266, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-268 What is required for agencies wanting to provide care in the home of a person with developmental disabilities? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-268, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-270 Are there exceptions to the licensing requirement? [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-270, filed 7/25/02, effective 8/25/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-270, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-272 What are the minimum requirements to become an individual provider? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-272, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-276 What are required skills and abilities for this job? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-276, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-278 Are there any educational requirements for individual providers? [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-278, filed 7/25/02, effective 8/25/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-278, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-280 What are the requirements for an individual supportive living service (also known as a companion home) contract? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-280, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-282 What is "abandonment of a vulnerable adult"? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-282, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-284 Are providers expected to report abuse? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-284, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.
- 388-825-316 How do I choose a companion home or alternative living provider? [Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-316, filed 8/19/05, effective 9/19/05.] Repealed by WSR 07-23-062, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW.
- 388-825-381 When can the department reject the client's choice of a companion home services or alternative living services provider? [Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-381, filed 8/19/05, effective 9/19/05.] Repealed by WSR 07-23-

	062, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW.		2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-500	What is the family support pilot? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-500, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-536	What is "gross annual household income"? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-536, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-505	What is the statutory authority for the family support pilot? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-505, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-538	What is the definition of household? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-538, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-510	Who is eligible to participate in the family support pilot? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-510, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-540	Who must declare their income? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-540, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-512	What is the definition of family? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-512, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-544	If I meet eligibility for FSP, will I receive paid services? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-544, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-513	What is the definition of an "award"? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-513, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-548	What is the amount of the FSP awards? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-548, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-514	If I participate in the FSP, will I be eligible for services through the DDD home and community based services (HCBS) waiver? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-514, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-552	What if there are two or more family members who qualify for FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-552, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-516	If I receive other DDD funded services do I qualify for the FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-516, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-554	How will DDD determine who will receive awards for FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-554, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-520	If I qualify for and receive an FSP award, will my name remain on the family support waitlist? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-520, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-558	What FSP services can my family and I receive? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-558, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-524	How do I apply for the FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-524, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-560	What department restrictions apply to FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, 2005 c 518 § 205 (1)(e), Title 71A RCW. WSR 06-19-036, § 388-825-560, filed 9/13/06, effective 10/14/06; WSR 06-06-040, § 388-825-560, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-528	What will DDD do with the FSP questionnaire that you return? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-528, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-562	What is an FSP plan? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-562, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-532	How does DDD determine the federal poverty level (FPL) for my household? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-532, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-564	Does my family have a choice of FSP services? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-564, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-825-534	What are the annual federal poverty levels? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-534, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.	388-825-572	What if I have needs that exceed my FSP award limit? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-572, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

- 388-825-575 What are one-time awards? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-575, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-576 How do I apply for a one-time award? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-576, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-578 What amount of one-time funding is available for my family? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-578, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-581 How long do I remain eligible for the FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-581, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-584 Can I be terminated from FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-584, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-586 When are changes in my circumstances considered effective? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-586, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-588 How will the department notify me of their decisions? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-588, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-591 What are my appeal rights under the FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-591, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-825-595 How do I appeal a department action? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-595, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

WAC 388-825-020 Definitions. "Authorization" means DDD approval of funding for a service as identified in the individual support plan or evidence of payment for a service.

"Client or person" means a person who has a developmental disability as defined in RCW 71A.10.020(3) who also has been determined eligible to receive services by the division under chapter 71A.16 RCW.

"Department" means the department of social and health services of the state of Washington.

"Director" means the director of the division of developmental disabilities.

"Division or DDD" means the division of developmental disabilities within the aging and disability services administration of the department of social and health services.

"Enhanced respite services" means respite care for DDD enrolled children and youth, who meet specific criteria, in a DDD contracted and licensed staffed residential setting.

"Family" means relatives who live in the same home with the eligible client. Relatives include spouse or registered domestic partner; natural, adoptive or step parent; grandparent; child; stepchild; sibling; stepsibling; uncle; aunt; first cousin; niece; or nephew.

"ICF/ID" means a facility certified as an intermediate care facility for intellectually disabled by Title XIX to provide diagnosis, treatment and rehabilitation services to the individuals with intellectual disabilities or individuals with related conditions.

"ICF/ID eligible" for admission to an ICF/ID means a person is determined by DDD as needing active treatment as defined in C.F.R. 483.440. Active treatment requires:

- (1) Twenty-four hour supervision; and
- (2) Continuous training and physical assistance in order to function on a daily basis due to deficits in the following areas: Toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication.

"Individual support plan (ISP)" is a document that authorizes and identifies the DDD paid services to meet a client's assessed needs.

"Medicaid personal care" is the provision of medically necessary personal care tasks as defined in chapter 388-106 WAC.

"Residential habilitation center" or "RHC" means a state-operated facility certified to provide ICF/ID and/or nursing facility level of care for persons with developmental disabilities.

"Residential programs" means provision of support for persons in community living situations. Residential programs include DDD certified community residential services and support, both facility-based such as licensed group homes, and nonfacility based, such as supported living and state-operated living alternatives (SOLA). Other residential programs include alternative living (as described in chapter 388-829A WAC, companion homes (as described in chapter 388-829C WAC), adult family homes, adult residential care services, children's foster homes, group care and staffed residential homes.

"Respite care" means short-term intermittent care for DDD clients in order to provide relief for persons who normally provide that care.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"State supplementary payment (SSP)" is the state paid cash assistance program for certain DDD eligible SSI clients.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-020, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-020, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-020, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.12.030, 71A.10.-020 and 2002 c 371. WSR 04-02-014, § 388-825-020, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-020, filed 7/25/02, effective 8/25/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, amended and recodified as § 388-825-020, filed 11/9/99, effective 12/10/99. Statutory

Authority: RCW 71A.12.030, WSR 99-04-071, § 275-27-020, filed 2/1/99, effective 3/4/99. Statutory Authority: RCW 74.12A.030 and 71A.16.030, WSR 98-20-044, § 275-27-020, filed 9/30/98, effective 10/7/98. Statutory Authority: RCW 71A.14.030 and 71A.16.020, WSR 92-09-115 (Order 3373), § 275-27-020, filed 4/21/92, effective 5/22/92. Statutory Authority: RCW 71A.16.020, WSR 91-17-005 (Order 3230), § 275-27-020, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.070, WSR 89-06-049 (Order 2767), § 275-27-020, filed 2/28/89; WSR 84-15-058 (Order 2124), § 275-27-020, filed 7/18/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165, WSR 78-04-033 (Order 1280), § 275-27-020, filed 3/16/78; Order 1143, § 275-27-020, filed 8/11/76.]

WAC 388-825-056 What benefits do DDD paid services provide to me? DDD paid services provide one or more of the following benefits:

- (1) An opportunity to learn, improve or retain social and adaptive skills necessary for living in the community;
- (2) Health and safety;
- (3) Personal power and choice;
- (4) Competence and self reliance;
- (5) Positive recognition by self and others;
- (6) Positive relationships; and
- (7) Integration into the physical and social life of the community.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-056, filed 5/19/08, effective 6/19/08.]

WAC 388-825-057 Am I eligible to receive paid services from DDD? You may be eligible to receive paid services from DDD if you are currently an eligible client of DDD per chapter 388-823 WAC and:

- (1) You are under the age of three and meet the eligibility requirements contained in WAC 388-823-0800 through 388-823-0850; or
- (2) You are a recipient of Washington state medicaid under the categorically needy program (CNP) and meet the eligibility requirements contained in chapters 388-474, 388-475 and 388-513 WAC; or
- (3) You are enrolled in a DDD home and community based services waiver and meet the eligibility requirements contained in chapter 388-845 WAC; or
- (4) You have been enrolled in the individual and family services program and meet the eligibility requirements contained in chapter 388-832 WAC; or
- (5) You have been approved to receive a state-only funded service.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-057, filed 5/19/08, effective 6/19/08.]

WAC 388-825-0571 What services am I eligible to receive from DDD if I am under the age of eighteen, have been determined to meet DDD eligibility requirements, and I am in a dependency guardianship or foster care with children's administration? Your services from DDD are limited to medicaid personal care services and related case management if you meet the programmatic eligibility for medicaid personal care in chapter 388-106 and 388-71 WAC governing medicaid personal care (MPC) using the current department approved assessment form, comprehensive assessment reporting evaluation (CARE), and:

- (1) You are under the age of eighteen;

(2) You have been determined to meet DDD eligibility requirements; and

(3) You are in a dependency guardianship or foster care with children's administration.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-0571, filed 5/19/08, effective 6/19/08.]

WAC 388-825-058 What services does DDD authorize? DDD authorizes:

- (1) Medicaid state plan services;
- (2) Infant toddler early intervention program (ITEIP) services;
- (3) Home and community based services (HCBS) waiver services; and
- (4) State-only funded services.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-058, filed 5/19/08, effective 6/19/08.]

WAC 388-825-059 How will I know which paid services I will receive? Your individual support plan (ISP) identifies the services and the amount of service you can receive.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-059, filed 5/19/08, effective 6/19/08.]

DEVELOPMENTAL DISABILITIES ADMINISTRATION BACKGROUND CHECK REQUIREMENTS

WAC 388-825-0600 What definitions apply to WAC 388-825-0600 through 388-825-0690 of this chapter? The following definitions apply to WAC 388-825-0600 through 388-825-0690 of this chapter:

"Agency" means any agency of the state or any private agency providing services to individuals with developmental disabilities.

"Authorized" or **"authorization"** means not disqualified by the department to have unsupervised access to children and individuals with a developmental disability. This term applies to persons who are certified or contracted by the department, allowed to receive payments from department funded programs, or who volunteer with department funded programs.

"Background check central unit (BCCU)" means the DSHS program responsible for conducting background checks for DSHS administrations.

"Certification" means department approval of an entity that does not legally need to be licensed indicating that the entity nevertheless meets minimum licensing requirements.

"Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44 or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative

findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

"Community residential service businesses" include all developmental disabilities administration supported living providers with the exception of supported living providers who are also licensed as an assisted living facility or adult family home. Community residential service providers also include DDA companion homes, DDA alternative living and licensed residential homes for children.

"DDA" means the developmental disabilities administration within the department of social and health services (DSHS).

"Department" means the department of social and health services (DSHS).

"Disqualified" means that the results of an individual's background check disqualifies him or her from a position which will or may involve unsupervised access to individuals with developmental disabilities.

"Entity" means, but is not limited to, a licensed facility, a corporation, a partnership, a sole proprietorship, or a contracted or certified service provider.

"Hire" means engagement by an agency, entity or a hiring individual to perform specific agreed duties as a paid employee, a contract employee, a volunteer, or a student intern.

"Individual provider" has the same meaning as defined in RCW 74.39A.240.

"Individuals with a developmental disability" means individuals who meet eligibility requirements in Title 71A RCW as further defined in chapter 388-823 WAC.

"Long-term care worker" has the same meaning as defined in RCW 74.39A.009.

"Permanent restraining order" means a restraining order/order of protection issued either following a hearing, or by stipulation of the parties. A "permanent" order may be in force for a specific time period (e.g. 1 year), after which it expires.

"Qualified" means an individual can be hired into a position that includes unsupervised access to individuals with developmental disabilities because the results of his or her background check are not disqualifying.

"Temporary restraining order" means restraining order/order of protection that expired without a hearing, was dismissed following an initial hearing, or was dismissed by stipulation of the parties in lieu of an initial hearing."

"Unsupervised" means not in the presence of:

(1) The licensee, another employee or volunteer from the same business or organization as the applicant who has not been disqualified by the background check.

(2) Any relative or guardian of the individual with a developmental disability to whom the applicant has access during the course of his or her employment or involvement with the business or organization (RCW 43.43.080(9)).

"WSP" refers to the Washington state patrol.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0600, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0605 Why are background checks done? The department requires background checks to be run

(6/24/14)

to help safeguard the health, safety and well-being of individuals with a developmental disability and to comply with the law.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0605, filed 6/24/14, effective 7/25/14.]

WAC 388-825-061 What service am I eligible for if I am under the age of three? (1) Children under age three are eligible for the infant toddler early intervention program (ITEIP) under the Individuals with Disabilities Education Act, (IDEA), Part C, and Washington's federally approved plan.

(2) Infants and toddlers eligible for DDD may receive DDD state-only funded child development services if funding is available.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-061, filed 5/19/08, effective 6/19/08.]

WAC 388-825-0610 Who must have a Washington state and/or federal background check? (1) DDA requires background checks on all contracted providers, individual providers, employees of contracted providers, and any other individual who needs to be qualified by DDA to have unsupervised access to individuals with developmental disabilities.

(2) Long-term care workers as defined in chapter 74.39A RCW hired after January 7, 2012 are subject to national fingerprint-based background checks.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0610, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0615 What is the process for obtaining a background check? (1) Long-term care workers, including individual providers, undergoing a background check for initial hire or initial contract, after January 7, 2012, will be screened through a state name and date of birth check and a national fingerprint-based background check; except that long-term care workers in community residential service businesses are subject to background checks as described in WAC 388-825-0615 (1)(a) and (b). Parents are not exempt from the long-term care background check requirements.

(a) Prior to January 1, 2016, community residential service businesses as defined above will be screened as follows:

(i) Individuals who have continuously resided in Washington state for the past three consecutive years will be screened through a state name and date of birth background check.

(ii) Individuals who have resided outside of Washington state within the past three years will be screened through a state name and date of birth and a national fingerprint-based background check.

(b) Beginning January 1, 2016, community residential service businesses as defined above will be screened as described in WAC 388-825-0615(1).

(2) For adult family homes refer to chapter 388-76 WAC, Adult family home minimum licensing requirements. For assisted living facilities refer to chapter 388-78A WAC, Assisted living licensing rules.

[Ch. 388-825 WAC p. 9]

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0615, filed 6/24/14, effective 7/25/14.]

WAC 388-825-062 What is infant toddler early intervention program (ITEIP)? Infant toddler early intervention program (ITEIP) is a statewide, multi-agency program, administered by and located with DDD, to coordinate a system of early intervention services for children, birth to three, and their families under the Individuals with Disabilities Education Act (IDEA), Part C/ITEIP state rules and regulations.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-062, filed 5/19/08, effective 6/19/08.]

WAC 388-825-0620 Who must have background check renewals? DDA requires rechecks for all DDA contracted providers and their employees at least every three years or more frequently if required by program rule. Rechecks will be conducted as follows:

(1) Individuals who have continuously resided in Washington State for the past three consecutive years will be screened through a state name and date of birth background check.

(2) Individuals who have lived outside of Washington state within the past three years will be screened through a state name and date of birth check and a national fingerprint-based background check.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0620, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0625 What happens if I do not comply with the background check requirement? The department will deny, suspend or revoke your license, contract, certification, or authorization to care for individuals with a developmental disability, if you or someone working within your program who has unsupervised access does not comply with the department's requirement for a background check.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0625, filed 6/24/14, effective 7/25/14.]

WAC 388-825-063 What services can infant toddler early intervention program (ITEIP) provide? Infant toddler early intervention program (ITEIP) provides family resources coordination (FRC) services. The FRC assists the family and child through the team evaluation/assessment process, eligibility determination. If eligible, the FRC coordinates the development of the individualized family service plan (IFSP) that documents outcomes, early intervention services, funding sources, supports and other information required for service delivery.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-063, filed 5/19/08, effective 6/19/08.]

WAC 388-825-0630 What does the background check cover? (1) The department must review criminal convictions and pending charges based on identifying informa-

tion provided by you. The background check may include but is not limited to the following information sources:

- (a) Washington state patrol.
- (b) Washington courts.
- (c) Department of corrections.
- (d) Department of health.
- (e) Civil adjudication proceedings.
- (f) Applicant's self-disclosure.
- (g) Out-of-state law enforcement and court records.

(2) DDA requires fingerprint-based background checks as described in WAC 388-825-0615. These background checks include a review of conviction records through the Washington state patrol, the Federal Bureau of Investigation, and the national sex offender registry.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0630, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0635 Who pays for the background check? DDA pays for background checks, including fingerprint-based background checks, for individuals seeking authorization to provide services to clients of DDA.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0635, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0640 What criminal convictions, pending crimes or negative actions will prohibit me from being contracted or authorized to work in a capacity that may involve unsupervised access to individuals with a developmental disability? (1) Criminal convictions and pending charges that are disqualifying are listed in chapter 388-113 WAC.

(2) The following negative actions will automatically disqualify an individual from having unsupervised access to individuals with a developmental disability:

(a) A final finding of abuse, neglect, financial exploitation or abandonment of a vulnerable adult, unless the finding was made by Adult Protective Services prior to October 2003.

(b) A final finding of abuse or neglect by child protective services, unless the finding was made prior to October 1, 1998.

(c) A court ordered permanent restraining order/order of protection, either active or expired, against the individual that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult.

(d) Registered sex offender status.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0640, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0645 May an individual work in an unsupervised capacity with individuals with developmental disabilities when his or her background check reveals a conviction, pending charge or negative action that is not considered disqualifying per chapter 388-113 WAC or WAC 388-825-0640? An individual with convictions, pending charges or negative actions that are not disqualifying per chapter 388-113 WAC or WAC 388-825-0640 may work in an unsupervised capacity with individuals with developmen-

tal disabilities only after a character, competence and suitability review has been conducted as required by WAC 388-825-065.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0645, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0650 What does a character, competence and suitability review include? The contractor, entity, or hiring authority must review an individual's background to determine character, competence and suitability to have unsupervised access to individuals with a developmental disability. In this review, the contractor, entity or hiring authority must consider the following factors:

- (1) The amount of time that has passed since you were convicted or were subject to a negative action;
- (2) The seriousness of the crime or action that led to the conviction or finding;
- (3) The number and types of other convictions in your background;
- (4) Your age at the time of conviction;
- (5) Documentation indicating you have successfully completed all court-ordered programs and restitution;
- (6) Your behavior since the conviction; and
- (7) The vulnerability of those that would be under your care.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0650, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0655 How will I know if I have been disqualified by the background check? (1) The department will notify you, and the care provider, the employer, or the licensor if you have been disqualified by the background check. The notice will be in writing and will include any laws and rules that require disqualification.

(2) If the department sends you a notice of disqualification, you will not receive a license, contract, certification, or be authorized to have unsupervised access to individuals with a developmental disability.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0655, filed 6/24/14, effective 7/25/14.]

WAC 388-825-066 Where do I find the program eligibility rules and service definitions for infant toddler early intervention program (ITEIP)? Eligibility for infant toddler early intervention program (ITEIP) is defined by the Individuals with Disabilities Education Act (IDEA), Part C, and Washington's federally approved plan. Additional ITEIP program and service information is on the ITEIP web site: <http://www1.dshs.wa.gov/iteip>. You can locate the name of the family resources coordinator (FRC) online at <http://www1.dshs.wa.gov/iteip/CountyOrgLinks.html> or call the family health hotline at 1-800-322-2588. Parents may self-refer and do not need a doctor's referral for entry into early intervention.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-066, filed 5/19/08, effective 6/19/08.]

(6/24/14)

WAC 388-825-0660 May I appeal the department's decision to deny me a contract or authorization based on the results of the background check? (1) No, prospective volunteers, interns, contractors, or those seeking certification do not have the right to appeal the department's decision to deny authorization for unsupervised access to individuals with a developmental disability.

(2) The employer or prospective employer cannot contest the department's decision on your behalf.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0660, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0665 Is the background check information released to my employer or prospective employer? (1) The department will release the source of the disqualifying crime or negative action and WSP rap sheet to authorized requesters as allowed by state law. The department will follow laws related to the release of criminal history records (chapters 10.97 and 43.43 RCW) and public disclosure (chapter 42.56 RCW) when releasing any information.

(2) National fingerprint-based rap sheets may not be released to third parties outside of DSHS and must be requested directly from BCCU by the applicant/employee.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0665, filed 6/24/14, effective 7/25/14.]

WAC 388-825-067 What are medicaid state plan services? (1) Medicaid state plan services are those services available to all persons eligible for medicaid under the categorically needy program. See WAC 388-475-0100 for the categorically needy program requirements.

(2) To receive the service, you must be assessed by DSHS to have an unmet need for the service and meet the eligibility criteria for the program. See WAC 388-825-068 for services authorized by DDD.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-067, filed 5/19/08, effective 6/19/08.]

WAC 388-825-0670 May I receive a copy of my criminal background check results? (1) The department will provide you a copy of your criminal background check results if you:

- (a) Make the request in writing to the department; and
- (b) Offer proof of identity, such as picture identification.

(2) A copy of your WSP criminal background check results may also be obtained from the Washington state patrol (chapter 10.97 RCW).

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0670, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0675 What is the purpose of the one hundred twenty-day provisional hire? The one hundred twenty-day provisional hire allows an employee or contractor to have unsupervised access to individuals with a developmental disability on a provisional basis pending the results of his or her national fingerprint based background check.

[Ch. 388-825 WAC p. 11]

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0675, filed 6/24/14, effective 7/25/14.]

WAC 388-825-068 What medicaid state plan services can DDD authorize? DDD may authorize the following medicaid state plan services:

- (1) Medicaid personal care, per chapter 388-106 WAC;
- (2) Private duty nursing for adults age eighteen and older; per chapter 388-106 WAC;
- (3) Private duty nursing for children under the age of eighteen, per WAC 182-551-3000;
- (4) Adult day health for adults, per chapter 388-106 WAC; and
- (5) ICF/ID services, per chapters 388-835 and 388-837 WAC.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-068, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.14.030, 2009 c 564, section 205 (1)(j), and section 1915(i) of the Social Security Act. WSR 10-04-002, § 388-825-068, filed 1/21/10, effective 2/21/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-068, filed 5/19/08, effective 6/19/08.]

WAC 388-825-0680 Who is responsible for approving the one hundred twenty-day provisional hire? The agency, entity or hiring individual is responsible for approving individuals for the one hundred twenty-day provisional hire.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0680, filed 6/24/14, effective 7/25/14.]

WAC 388-825-0685 When are individuals eligible for the one hundred twenty-day provisional hire? All DDA service providers working in an unsupervised capacity, including long-term care workers as defined in chapter 74.39A RCW, are eligible for the one hundred twenty-day provisional hire, pending the outcome of the fingerprint-based background check, as long as the worker is not disqualified as a result of the initial name and date of birth background check.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0685, filed 6/24/14, effective 7/25/14.]

WAC 388-825-069 What services are provided under a home and community based services (HCBS) waiver?

(1) Home and community based services (HCBS) waivers provide specific services approved by the federal Centers for Medicare and Medicaid Services (CMS) under section 1915(c) of the Social Security Act as an alternative to placement in an intermediate care facility for individuals with intellectual disabilities (ICF/ID).

(2) Certain federal regulations governing ICF/IDs are "waived" enabling the provision of services in the home and community to persons who would otherwise require the services provided in an ICF/ID as defined in chapters 388-835 and 388-837 WAC.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-069, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW

[Ch. 388-825 WAC p. 12]

71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-069, filed 5/19/08, effective 6/19/08.]

WAC 388-825-0690 When does the one hundred twenty-day provisional hire begin? The one hundred twenty-day provisional hire may begin from either:

- (1) The date of hire of an individual; or
- (2) After completion of a state background check on an individual.

The agency, entity, or hiring individual makes this decision.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-0690, filed 6/24/14, effective 7/25/14.]

WAC 388-825-071 What services am I eligible for if I am enrolled in a DDD home and community based services (HCBS) waiver? If you are enrolled in a DDD home and community based services waiver, you are eligible for the services identified in your assessment and authorized in your individual support plan.

(1) Your waiver services are limited to the services available in your specific waiver based on an assessment of your health and welfare needs.

(2) The services available through each of DDD's HCBS waivers are described in chapter 388-845 WAC.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-071, filed 5/19/08, effective 6/19/08.]

WAC 388-825-072 Where do I find information on DDD's home and community based services (HCBS) waiver services, eligibility rules and definitions? Home and community based services (HCBS) waiver eligibility, the scope of services provided by each waiver, the definitions of the services, the limitations of the service, and qualified providers for the service are contained in chapter 388-845 WAC.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-072, filed 5/19/08, effective 6/19/08.]

WAC 388-825-073 What is a "state-only funded" service? State-only funded services are those services paid entirely with state funds. These services are limited by available funding.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-073, filed 5/19/08, effective 6/19/08.]

WAC 388-825-074 Am I eligible for state-only funded services? You are eligible to receive available state-only funded services if you have been approved for funding for that service, and all of the following conditions apply:

- (1) You have a current DDD assessment that identifies the need for the service;
- (2) You meet the programmatic and financial eligibility requirements for the specific service or program;
- (3) Your need cannot be met through medicaid state plan services;
- (4) You are not enrolled in a DDD home and community based services (HCBS) waiver;

(6/24/14)

(5) You do not receive SSP as a replacement for the requested service;

(6) The program or service is funded by the legislature.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-074, filed 5/19/08, effective 6/19/08.]

WAC 388-825-079 If I am not on a DDD HCBS waiver, can I receive services that are available through the DDD HCBS waivers with state-only funding? (1) With the exception of personal care, you may be authorized to receive any of the services that are available through the DDD HCBS waivers with state-only funding.

(2) Services that are available through the DDD HCBS waivers and authorized with state-only funding:

(a) Are subject to the definitions, limitations and provider qualifications contained in chapter 388-845 WAC; and

(b) Require prior approval by the director of DDD or designee.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-079, filed 5/19/08, effective 6/19/08.]

WAC 388-825-081 Can I receive state-only funded services that are not available in a DDD HCBS waiver? You may be authorized to receive state-only funded services that are available in other DSHS rules as defined below:

(1) Adult day care (WAC 388-106-0800);

(2) Attendant care (WAC 388-825-082);

(3) Childcare for foster children (chapter 388-826 WAC);

(4) Chore services (chapter 388-106 WAC);

(5) Individual and family assistance by the county (WAC 388-825-082);

(6) Information and education by the county (WAC 388-825-082);

(7) Medical and dental services (WAC 388-825-082);

(8) Psychological counseling (WAC 388-825-082);

(9) Reimbursement through the individual and family support program to families for the purchase of approved items or service (chapter 388-832 WAC);

(10) State supplementary payments (chapter 388-827 WAC); and

(11) Transportation reimbursement for an escort (WAC 388-825-082).

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-081, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-081, filed 5/19/08, effective 6/19/08.]

WAC 388-825-082 What state-only funded services are authorized in DDD rules? The following state-only funded services defined below are authorized only by DDD and are not contained in other rules governing DDD.

(1) "Adult day care" not covered by medicaid is a DDD county service providing a structured social program for adults and is limited to persons receiving the service prior to June 2005.

(2) "Attendant care" provides respite care or personal care and is limited to persons who:

(a) Are not eligible for other DDD services to meet their need; and

(b) Were receiving attendant care in March 2004.

(3) "Individual and family assistance" is a time limited county service available to individuals and families.

(a) Supports are provided to additional families and persons with developmental disabilities in need of services within existing resources;

(b) Individuals and families receiving services have more control and flexibility with the use of the resources; and

(c) The individual and family are assisted in connecting to and using natural and informal community supports.

(4) "Information and education" is a county service that provides a variety of activities and strategies to assure that individuals with developmental disabilities and families have full access to current information about services and support that will assist them in becoming full participants in their communities.

(5) "Medical and dental services" means those services which are necessary for the health of the client and are not covered by medicaid or private insurance.

(6) "Psychological counseling" may provide specialized cognitive counseling, strategies for effectively relating to people or coping with situations and problems.

(7) "Transportation reimbursement for an escort" is the payment for someone other than the driver to provide one-on-one attention to the client being transported.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-082, filed 5/19/08, effective 6/19/08.]

WAC 388-825-083 Is there a comprehensive list of waiver and state-only DDD services? For medicaid state plan services authorized by DDD, see WAC 388-825-068. The following is a list of waiver and state-only services that DDD can authorize and those services that can be either a waiver or a state-only service:

(1) **Waiver personal care services that are not available with state-only funds include:**

(a) In-home services;

(b) Adult family home; and

(c) Adult residential care.

(2) **Waiver services that can be funded as state-only services:**

(a) Behavior management and consultation;

(b) Community transition;

(c) Environmental accessibility adaptations;

(d) Medical equipment and supplies;

(e) Occupational therapy;

(f) Physical therapy;

(g) Respite care;

(h) Sexual deviancy evaluation;

(i) Skilled nursing;

(j) Specialized medical equipment or supplies;

(k) Specialized psychiatric services;

(l) Speech, hearing and language therapy;

(m) Staff/family consultation and training;

(n) Transportation/mileage;

(o) Residential habilitation services (RHS), including:

(i) Alternative living;

(ii) Companion homes;

- (iii) Supported living;
 - (iv) Group home;
 - (v) Child foster care;
 - (vi) Child group care;
 - (vii) Staffed residential; and
 - (viii) State operated living alternative (SOLA);
 - (p) Employment/day programs, including:
 - (i) Community access;
 - (ii) Community guide;
 - (iii) Person-to-person;
 - (iv) Prevocational services; and
 - (v) Supported employment;
 - (q) ITEIP/County programs, including child development services;
 - (r) Mental health stabilization services, including:
 - (i) Behavior management and consultation;
 - (ii) Mental health crisis; and
 - (iii) Skilled nursing; and
 - (s) Specialized psychiatric services.
 - (3) State-only services that are not available as a waiver service:**
 - (a) Adult day care;
 - (b) Architectural and vehicle modification;
 - (c) Attendant care;
 - (d) Child care for foster children;
 - (e) Chore services;
 - (f) Community services grant;
 - (g) Individual and family assistance;
 - (h) Information/education;
 - (i) Medical and dental services;
 - (j) Medical insurance copays and costs exceeding other coverage;
 - (k) Parent and sibling education;
 - (l) Parent training and counseling;
 - (m) Psychological counseling;
 - (n) Recreational opportunities;
 - (o) State supplementary payments;
 - (p) Specialized clothing;
 - (q) Specialized nutrition;
 - (r) Training of the client;
 - (s) Transportation - cost of escort service or travel time;
- and
- (t) Reimbursement to families for the purchase of approved items or services.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-083, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-083, filed 5/19/08, effective 6/19/08.]

WAC 388-825-084 What are the limitations of state-only funded services or programs? In addition to any limitations for state-only funded services or programs that are contained in the program specific rules, the following limitations apply to state-only funded services and programs.

- (1) All state-only funded services are limited by available funding.
- (2) The following programs are closed to new admissions:
 - (a) Adult day care; and
 - (b) Attendant care.

(3) Chore services are limited to persons who were receiving the service in 1998 and who have continued to receive this service monthly.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-084, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-084, filed 5/19/08, effective 6/19/08.]

WAC 388-825-0871 Does DDD provide out-of-home residential services that address the special needs of persons with developmental disabilities? DDD provides the following out-of-home residential services that address the special needs of adults and children with developmental disabilities:

- (1) Contracted and DDD-certified community based residential services for adults;
- (2) Contracted community based services for children; and
- (3) Residential habilitation centers (RHC) for a person who requires ICF/ID or nursing facility care.
 - (a) On a short-term basis for those ages sixteen through twenty; or
 - (b) On a short or long-term basis if age twenty-one or older.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-0871, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-0871, filed 5/19/08, effective 6/19/08.]

WAC 388-825-088 Where can I find more information about DDD contracted residential services? The information about DDD contracted residential services is in the following rules:

- (1) Certified community residential services and supports are contained in chapter 388-101 WAC and include information regarding:
 - (a) Group homes (GH);
 - (b) Group training home;
 - (c) Supported living (SL); and
 - (d) State operated living alternative (SOLA).
- (2) Alternative living services are contained in chapter 388-829A WAC;
- (3) Companion home services are contained in chapter 388-829C WAC;
- (4) Voluntary placement program services for children are contained in chapter 388-826 WAC and include information regarding:
 - (a) Foster homes;
 - (b) Group homes;
 - (c) Child placing agencies; and
 - (d) Staffed residential homes.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-088, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-088, filed 5/19/08, effective 6/19/08.]

WAC 388-825-089 What is a residential habilitation center (RHC)? A residential habilitation center or RHC is a state-operated facility certified to provide ICF/ID services (see chapter 388-837 WAC) and/or nursing facility services

(chapter 388-97 WAC) for persons who are eligible clients of DDD. RHCs include:

- (1) Rainier School in Buckley, Washington;
- (2) Fircrest School in Shoreline, Washington;
- (3) Yakima Valley School in Selah, Washington; and
- (4) Lakeland Village in Medical Lake, Washington.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-089, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-089, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-089, filed 5/19/08, effective 6/19/08.]

WAC 388-825-091 Am I eligible for residential habilitation center (RHC) services? You are eligible to receive residential habilitation center (RHC) services if:

- (1) You are currently DDD eligible;
- (2) You choose to receive services in the RHC;
- (3) You need the level of care provided at the RHC;
- (4) DDD has determined that you can be supported safely in an RHC environment and will not pose a danger to other residents of the RHC; and
- (5) You are sixteen years old or older.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-091, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-091, filed 5/19/08, effective 6/19/08.]

WAC 388-825-093 Can I receive a short term stay at a residential habilitation center (RHC)? If there is capacity at a residential habilitation center (RHC), the vacancies may be available for short term stays.

- (1) Short term stays are limited by available vacancies;
- (2) Short term stays must be included in your individual support plan;
- (3) Short term stays in excess of thirty days in a calendar year require approval by the director of the division of developmental disabilities; and
- (4) You are sixteen years old or older.
 - (a) If you are sixteen through twenty years of age your stay will only be for short-term respite or crisis stabilization purposes.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-093, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-093, filed 5/19/08, effective 6/19/08.]

WAC 388-825-094 Can I request to receive services in an RHC? You may request to receive services in an RHC at any time. RHC admissions are not considered permanent.

- (1) Your case/resource manager will update your DDD assessment and gather other information.
- (2) Admission to an RHC requires approval by the director of the division of developmental disabilities or designee.
- (3) You must be twenty-one years old or older to be admitted as a long-term resident.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-094, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW

(6/24/14)

71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-094, filed 5/19/08, effective 6/19/08.]

WAC 388-825-096 Will I have to pay for the services DDD authorizes for me? (1) If you live in your own home, you do not pay toward the cost of your services except chore services. You must pay toward the cost of chore services as described in WAC 388-106-0625.

(2) If DDD authorizes you to live in a licensed community residential facility you must pay your room and board costs from your earned and unearned income. You may also be responsible for a portion of the cost of your care.

(a) If you are eligible for and receiving SSI or have SSI related eligibility per WAC 388-475-0100 (2)(a) or (b), you are not required to pay toward the cost of your care if you are living at home or in a community setting.

(b) If you are enrolled in a DDD HCBS waiver you must pay toward the cost of your services as described in WAC 388-515-1510.

(c) If you are not enrolled in a DDD HCBS waiver you must pay toward the cost of your services as described in WAC 388-106-0225.

(3) If you live in a medical institution you must pay toward the cost of your care as described in WAC 388-513-1380. See WAC 182-500-0005 for the definition of a medical institution.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-096, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-096, filed 5/19/08, effective 6/19/08.]

WAC 388-825-097 Are any of my expenses deducted from the income available to pay for my care in a licensed facility? After you pay for your room and board costs, some expenses may be deducted from the income available to pay for the cost of your care.

(1) If you have SSI related eligibility the cost of your payee or guardianship service may be deducted as described in chapter 388-79 WAC and WAC 388-475-0800(5).

(2) If you are enrolled in a DDD HCBS waiver refer to WAC 388-515-1510 for rules used to determine allowable deductions.

(3) If you are not enrolled in a DDD HCBS waiver refer to WAC 388-106-0225 for rules used to determine allowable deductions.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-097, filed 5/19/08, effective 6/19/08.]

WAC 388-825-098 Does DDD provide guardianship services? If it appears that you require a guardian to make legal, medical, and/or services decisions and to exercise your appeal rights to department decisions, the division's field services may request that an assistant attorney general initiate and/or assist in guardianship proceedings. The state does not pay the cost of guardianship fees.

[Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-098, filed 5/19/08, effective 6/19/08.]

WAC 388-825-100 How will I be notified of decisions made by DDD? (1) Whenever possible, DDD will notify all parties affected by the decision by phone or in person.

(2) If you are under the age of eighteen, written notifications will be mailed to:

- (a) Your parent; or
- (b) Your guardian or other legal representative.

(3) If you are age eighteen or older, written notifications will be mailed to you and:

- (a) Your guardian or other legal representative; or
- (b) A person identified by you to receive these notices in addition to yourself if you do not have a guardian or legal representative. Unless the person identified by you is a relative of yours, he or she cannot be an employee of DDD, a contractor with DDD or an employee of a contractor with DDD.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-100, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71.10.060, 71A.12.030, and Title 71A RCW. WSR 08-16-122, § 388-825-100, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-100, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-100, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-100, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-100, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030, 71A.12.040 and Title 71A RCW. WSR 97-13-051, § 275-27-400, filed 6/13/97, effective 7/14/97. Statutory Authority: RCW 71.20.070. WSR 88-05-004 (Order 2596), § 275-27-400, filed 2/5/88; WSR 86-18-049 (Order 2418), § 275-27-400, filed 8/29/86; WSR 84-15-058 (Order 2124), § 275-27-400, filed 7/18/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-400, filed 3/16/78; Order 1143, § 275-27-400, filed 8/11/76.]

WAC 388-825-101 Why does DDD need to send my notices and correspondence to someone else? DDD sends your notices and correspondence to someone else to assist you to understand the information and your appeal rights to department decisions.

[Statutory Authority: RCW 71.10.060, 71A.12.030, and Title 71A RCW. WSR 08-16-122, § 388-825-101, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-101, filed 7/16/04, effective 8/16/04.]

WAC 388-825-102 What if I do not want my DDD notices and correspondence sent to anyone else? (1) If you are age eighteen or older and do not have a legal guardian, you may request in writing that your DDD notices and correspondence be given only to you.

(2) DDD will review your request and comply with your request unless it determines there to be a risk of your losing rights.

- (3) You have the right to appeal a denial of this request.

[Statutory Authority: RCW 71.10.060, 71A.12.030, and Title 71A RCW. WSR 08-16-122, § 388-825-102, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-102, filed 7/16/04, effective 8/16/04.]

WAC 388-825-103 When will I receive written notice of decisions made by DDD? You will receive written notice from DDD of the following decisions:

- (1) The denial or termination of eligibility for services under WAC 388-825-057;

- (2) Denial or termination of the provider of your choice for any reason listed in WAC 388-825-375 through 388-825-390;

- (3) The authorization, denial, reduction, or termination of services or the payment of SSP set forth in chapter 388-827 WAC that are authorized by DDD;

- (4) The admission or readmission to, or discharge from a residential habilitation center set forth in WAC 388-825-155; or

- (5) Disenrollment from a DDD home and community based services waiver under WAC 388-845-0060, including a disenrollment from a waiver and enrollment in a different waiver.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-103, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 08-04-072, § 388-825-103, filed 2/4/08, effective 3/6/08. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW. WSR 05-11-015, § 388-825-103, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-103, filed 7/16/04, effective 8/16/04.]

WAC 388-825-104 What information will the notice include? The notice from DDD will include:

- (1) The decision;
- (2) The reason for the decision;
- (3) The effective date of the action;
- (4) Appeal rights to the decision; and
- (5) The name and phone number of a department person you can contact for further information.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-104, filed 7/16/04, effective 8/16/04.]

WAC 388-825-105 Am I given any advance notice of termination or reduction or eligibility or services? (1) DDD will provide you at least ten-days advance notice, as described in WAC 388-458-0040 (1), (2) and (3), of any action to terminate your eligibility, or terminate or reduce your services.

(2) DDD will provide you at least thirty-days advance notice prior to transferring you from a residential habilitation center to the community under RCW 71A.20.080.

[Statutory Authority: RCW 71A.12.030, 71A.20.080, and Title 71A RCW. WSR 06-10-055, § 388-825-105, filed 5/1/06, effective 6/1/06. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-105, filed 7/16/04, effective 8/16/04.]

WAC 388-825-120 When can I appeal department decisions through an administrative hearing process? (1) Administrative hearings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter and by chapter 388-02 WAC. If any provision in this chapter conflicts with chapter 388-02 WAC or WAC 388-440-0001(3), the provision in this chapter shall prevail.

(2) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to an administrative hearing.

(3) You have the right to an administrative hearing to dispute the following department actions:

- (a) Authorization, denial, reduction, or termination of services;

- (b) Reduction or termination of a service that was initially approved through an exception to rule;
 - (c) Authorization, denial, or termination of eligibility;
 - (d) Authorization, denial, reduction, or termination of payment of SSP authorized by DDD set forth in chapter 388-827 WAC;
 - (e) Admission or readmission to, or discharge from, a residential habilitation center set forth in WAC 388-825-155;
 - (f) Refusal to abide by your request not to send notices to any other person;
 - (g) Refusal to comply with your request to consult only with you;
 - (h) A decision to move you to a different type of residential service;
 - (i) Denial or termination of the provider of your choice or the denial of payment for any reason listed in WAC 388-825-375 through 388-825-390;
 - (j) An unreasonable delay to act on an application for eligibility or service;
 - (k) A claim the client, former client, or applicant owes an overpayment debt.
- (4) If you are not enrolled in a waiver and your request to be enrolled in a waiver is denied, your appeal rights are limited to the decision that you are not eligible to have your request documented in a statewide data base because you do not need ICF/ID level of care per WAC 388-845-0070, 388-828-8040 or 388-828-8060.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-120, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-120, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030. WSR 06-19-037, § 388-825-120, filed 9/13/06, effective 10/14/06. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-120, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-120, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-120, filed 7/25/02, effective 8/25/02; WSR 99-19-104, recodified as § 388-825-120, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-500, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030]. WSR 90-04-074 (Order 2997), § 275-27-500, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 71.20.070. WSR 86-18-049 (Order 2418), § 275-27-500, filed 8/29/86. Statutory Authority: RCW 72.33.161. WSR 84-15-038 (Order 2122), § 275-27-500, filed 7/13/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-500, filed 3/16/78; Order 1143, § 275-27-500, filed 8/11/76.]

WAC 388-825-125 How do I request an administrative hearing? (1) Your notice of the department decision will include instructions on how to file an administrative hearing, where to send it, and the length of time you have to file for a hearing.

(2) Your request may be made orally or in writing.

(3) You may request assistance in requesting an administrative hearing by calling DDD staff as stated in WAC 388-825-135.

[Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-125, filed 8/19/05, effective 9/19/05.]

WAC 388-825-130 How long do I have to file a request for an administrative hearing? (1) The following rules apply to all situations except a decision to transfer you

(6/24/14)

from a state residential habilitation center (RHC) to the community under RCW 71A.20.080. The rules for administrative hearings regarding the department's decision to transfer you from an RHC to the community are contained in WAC 388-825-155.

(2) You have to request an administrative hearing within ninety days of receipt of the notification of the decision you are disputing.

(3) You must request an administrative hearing within the ten-day notice period, as described in WAC 388-458-0040 (1), (2) and (3), if you wish to maintain current services during the appeal process.

(4) The notification sent to you will include the date that the ten-day notice period ends.

[Statutory Authority: RCW 71A.12.030, 71A.20.080, and Title 71A RCW. WSR 06-10-055, § 388-825-130, filed 5/1/06, effective 6/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-130, filed 8/19/05, effective 9/19/05.]

WAC 388-825-135 What if I need help to request an administrative hearing? (1) You may call the department staff person listed in your notification letter and tell them you want to appeal the decision. The department staff person will notify the office of administrative hearings on your behalf.

(2) An oral request for an administrative hearing is complete if it contains enough information to identify the person making the request, the DDD action, and the case involved in the hearing request.

(3) The effective date of an oral request for an administrative hearing is the date that someone makes a complete oral request for hearing to any DDD representative in person or by leaving a message on the automated voice mail system of any DDD field office.

[Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-135, filed 8/19/05, effective 9/19/05.]

WAC 388-825-140 Who else can help me appeal a department decision? Department staff may assist you in requesting an administrative hearing. You may authorize anyone except an employee of the department to represent you at an administrative hearing.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-140, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-140, filed 8/19/05, effective 9/19/05.]

WAC 388-825-145 Will my benefits continue if I request an administrative hearing? (1) If you request an administrative hearing regarding the department's decision to transfer you from a residential habilitation center to the community under RCW 71A.20.080, the rules in WAC 388-825-155 apply.

(2) If you request an administrative hearing within the ten-day notice period, as described in chapter 388-458 WAC, unless one or more of the conditions in WAC 388-825-150 applies, the department will take no action until there is a final decision on your appeal of the department's decision to:

(a) Terminate your eligibility for services;

(b) Reduce or terminate your services;

(c) Reduce or terminate the payment of SSP set forth in chapter 388-827 WAC; or

(d) Disenroll you from a DDD home and community based services waiver under WAC 388-845-0060, including a disenrollment from a waiver and enrollment in a different waiver.

(3) The department will take no action until there is a final decision on your appeal of the department's decision to remove or transfer you to another residential service unless one or more of the conditions in WAC 388-825-150 applies.

(4) The department will take no action to terminate your provider of choice unless one or more of the circumstances described in WAC 388-825-150 applies.

(5) After the administrative hearing, you may have to pay back continued benefits you get, as described in chapter 388-410 WAC, if the administrative hearing decision is in favor of the department.

[Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 08-04-072, § 388-825-145, filed 2/4/08, effective 3/6/08. Statutory Authority: RCW 71A.12.030, 71A.20.080, and Title 71A RCW. WSR 06-10-055, § 388-825-145, filed 5/1/06, effective 6/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-145, filed 8/19/05, effective 9/19/05.]

WAC 388-825-150 When can the department proceed to take action during my appeal? The department will proceed to take action during your appeal if:

(1) It is an eligibility denial and you are not currently an eligible client.

(2) Your DDD eligibility has expired, per WAC 388-823-0010 and 388-823-1040.

(3) There is no longer funding for state-only funded service.

(4) Your current services are terminated or transferred in order to meet the legislative intent of and comply with sections 205 and 207, chapter 371, Laws of 2002.

(5) The state-only funded service no longer exists, the medicaid state plan has been amended, or the HCBS waiver agreement with the federal Centers for Medicare and Medicaid has been amended.

(6) The administrative law judge or review judge rules that you have caused unreasonable delay in the proceedings.

(7) You are in imminent jeopardy.

(8) Your provider is no longer qualified to provide services due to:

(a) A lack of a contract;

(b) Decertification;

(c) Revocation or suspension of a license; or

(d) Lack of required registration, certification, or licensure.

(9) The parent of a person under the age of eighteen or the legal guardian approves the department's decision.

(10) You did not file your request for an administrative hearing within the ten-day notice period, as described in chapter 388-458 WAC.

(11) You:

(a) Tell us in writing that you do not want continued benefits;

(b) Withdraw your administrative hearing request in writing; or

(c) Do not follow through with the administrative hearing process.

[Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 07-06-055, § 388-825-150, filed 3/5/07, effective 4/5/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-150, filed 8/19/05, effective 9/19/05.]

WAC 388-825-155 What are my appeal rights if I am appealing a decision to transfer me from a state residential habilitation center to the community? (1) The procedures in RCW 71A.10.050(2) and 71A.20.080 govern the proceeding.

(2) You have thirty days from date that you receive notice to request an administrative hearing appealing the department's decision to transfer you from a residential habilitation center to the community under RCW 71A.20.080.

(3) The department will take no action to transfer you from a state residential habilitation center to the community under RCW 71A.20.080 during the period that an appeal can be requested or while an appeal is pending and undecided unless you or your legal representative consent, or a court order authorizes the transfer, or an administrative law judge or review judge rules that you are not diligently pursuing your appeal.

(4) The burden of proof is on the department.

(5) The burden of proof is whether the proposed placement is in your best interest.

[Statutory Authority: RCW 71A.12.030, 71A.20.080, and Title 71A RCW. WSR 06-10-055, § 388-825-155, filed 5/1/06, effective 6/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-155, filed 8/19/05, effective 9/19/05.]

WAC 388-825-165 Where can I find additional information about the appeal process? You may find additional information governing the appeal process in chapter 388-02 WAC.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-165, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-165, filed 8/19/05, effective 9/19/05.]

WAC 388-825-201 What is the purpose of enhanced respite services? Enhanced respite services are designed to enable DDD enrolled children and youth, who meet specific criteria, access to short term respite in a DDD contracted and licensed staffed residential setting.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-201, filed 11/1/12, effective 12/2/12.]

WAC 388-825-206 Who is eligible to receive enhanced respite services? (1) To be eligible for enhanced respite services, the following conditions must be met at a minimum:

(a) The child has been determined eligible for DDD services per RCW 71A.10.020(3);

(b) The child is at least eight years of age and under age eighteen;

(c) The child is at high risk of institutionalization and/or out-of-home placement; and

(d) The parents/caregivers have demonstrated they have accessed alternative appropriate and available services to meet the unmet need.

(2) The enhanced respite services committee will also consider the following factors when reviewing requests for services:

(a) The child is experiencing school placement disruption and/or a shortened school day due to his/her behavior;

(b) There is a current family emergency;

(c) The child has had behavioral incident(s), which resulted in injury to self or others that required more than first aid;

(d) The child is awake at night, resulting in the child and/or the caregivers receiving less than five hours of uninterrupted sleep per night;

(e) The child is exhibiting behaviors such as aggression with significant injury, elopement, and challenging repetitive behaviors;

(f) The child's behavior acuity level is high per WAC 388-828-5640, the ICF/ID score is eligible per WAC 388-828-4400, and the caregiver's risk score is medium, high, or immediate per WAC 388-828-5300; and/or

(g) The child has assessed needs that exceed the scope of current services and/or is currently not eligible to receive any paid services.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-206, filed 11/1/12, effective 12/2/12.]

WAC 388-825-211 How long am I eligible to receive enhanced respite services? The maximum length of stay the child/youth may access services is for up to thirty days total in a calendar year.

[Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-211, filed 11/1/12, effective 12/2/12.]

INDIVIDUAL PROVIDER AND AGENCY PROVIDER QUALIFICATIONS

WAC 388-825-300 What is the purpose of WAC 388-825-300 through 388-825-400? A client/legal representative may choose a qualified individual, agency, or licensed provider. The intent of WAC 388-825-300 through 388-825-400 is to describe:

(1) Qualification for individuals and agencies providing DDD services in the client's residence or the provider's residence or other setting; and

(2) Conditions under which the department will pay for the services of an individual provider or a home care agency provider or other provider.

[Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-300, filed 8/19/05, effective 9/19/05.]

WAC 388-825-305 What service providers are governed by the qualifications in these rules? These rules govern individuals and agencies contracted with to provide:

(1) Respite care services;

(2) Personal care services through the medicaid personal care program or DDD HCBS Basic, Basic Plus, or CORE waivers; or

(3) Attendant care services.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-305, filed 11/16/07, effective 12/17/07. Statu-

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tory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-305, filed 8/19/05, effective 9/19/05.]

WAC 388-825-310 What are the qualifications for providers? (1) Individuals and agencies providing medicaid personal care (chapters 388-71 and 388-106 WAC) and DDD HCBS waiver personal care (chapter 388-845 WAC) must meet the qualifications and training requirements in WAC 388-71-0500 through 388-71-05909.

(2) Individuals and agencies providing nonwaiver DDD home and community based services (HCBS) in the client's residence or the provider's residence or other setting must meet the requirements in WAC 388-825-300 through 388-825-400.

(3) Individuals and agencies providing HCBS waiver services must meet the provider qualifications in chapter 388-845 WAC for the specific service.

[Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-310, filed 8/19/05, effective 9/19/05.]

WAC 388-825-315 What is your responsibility when you hire an individual respite care, attendant care or personal care provider? You or your legal representative:

(1) Have the primary responsibility for locating, screening, hiring, supervising, and terminating an individual respite care, attendant care or personal care provider;

(2) Establish an employer/employee relationship with the individual provider; and

(3) May receive assistance from the social worker/case manager or other resources in this process.

[Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-315, filed 8/19/05, effective 9/19/05.]

WAC 388-825-320 How does a person become an individual provider? In order to become an individual provider, a person must:

(1) Be eighteen years of age or older.

(2) Provide the social worker/case manager/designee with:

(a) Picture identification; and

(b) A Social Security card.

(3) Complete and submit to the social worker/case manager/designee the department's criminal conviction background inquiry application, unless the provider is also the parent of the adult DDD client and exempted, per chapter 74.15 RCW.

(a) Preliminary results may require a thumbprint for identification purposes.

(b) An FBI fingerprint-based background check is required if the person has lived in the state of Washington less than three years.

(4) Provide references as requested.

(5) Complete orientation, if contracting as an individual provider.

(6) Sign a service provider contract to provide services to a DDD client.

(7) Meet additional requirements in WAC 388-825-355.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-320, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-320, filed 8/19/05, effective 9/19/05.]

WAC 388-825-325 What are required skills and abilities for individuals and agencies contracted to provide respite care, personal care services through the medicaid personal care program or the DDD HCBS Basic, Basic Plus, CIIBS, or Core waivers, or attendant care services?

(1) As a provider of respite care, personal care services through the medicaid personal care program or the DDD HCBS Basic, Basic Plus, CIIBS, or Core waivers, or attendant care services, you must be able to:

- (a) Adequately maintain records of services performed and payments received;
- (b) Read and understand the person's service plan. Translation services may be used if needed;
- (c) Be kind and caring to the DSHS client for whom services are authorized;
- (d) Identify problem situations and take the necessary action;
- (e) Respond to emergencies without direct supervision;
- (f) Understand the way your employer wants you to do things and carry out instructions;
- (g) Work independently;
- (h) Be dependable and responsible;
- (i) Know when and how to contact the client's representative and the client's case resource manager;
- (j) Participate in any quality assurance reviews required by DSHS;

(2) If you are working with an adult client of DSHS as a provider of attendant care, you must also:

- (a) Be knowledgeable about the person's preferences regarding the care provided;
- (b) Know the resources in the community the person prefers to use and enable the person to use them;
- (c) Know who the person's friends are and enable the person to see those friends; and
- (d) Enable the person to keep in touch with his/her family as preferred by the person.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-325, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-325, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-325, filed 8/19/05, effective 9/19/05.]

WAC 388-825-330 What is required for agencies wanting to provide care in the home of a person with developmental disabilities? (1) Agencies providing personal care or respite services must be licensed as a home care agency or a home health agency through the department of health per chapter 246-335 WAC.

(2) If a residential agency certified per chapter 388-101 WAC wishes to provide medicaid personal care or respite care in the client's home, the agency must have home care agency certification or a home health license.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-330, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-330, filed 8/19/05, effective 9/19/05.]

WAC 388-825-335 Is a background check required of a long-term care worker employed by a home care agency licensed by the department of health? (1) In order

[Ch. 388-825 WAC p. 20]

to be a long-term care worker employed by a home care agency, a person must:

(a) Complete the required DSHS form authorizing a background check.

(b) Disclose any disqualifying criminal convictions and pending charges as listed in chapter 388-113 WAC, and also disclose civil adjudication proceedings and negative actions as those terms are defined in WAC 388-71-0512.

(c) Effective January 8, 2012, be screened through Washington state's name and date of birth background check, (Preliminary results may require a thumb print for identification purposes); and

(d) Effective January 8, 2012, be screened through the Washington state and national fingerprint-based background check, as required by RCW 74.39A.056.

(2) Results of background checks are provided to the department and the employer or potential employer for the purpose of determining whether the person:

(a) Is disqualified based on a disqualifying criminal conviction or a pending charge for a disqualifying crime as listed in WAC 388-113-0020, civil adjudication proceeding, or negative action as defined in WAC 388-71-0512 and listed in WAC 388-71-0540; or

(b) Should or should not be employed based on his or her character, competence, and/or suitability.

(3) For those providers listed in RCW 43.43.837(1), a second national fingerprint-based background check is required if they have lived out of the state of Washington since the first national fingerprint-based background check was completed.

(4) The department may require a long-term care worker to have a Washington state name and date of birth background check or a Washington state and national fingerprint-based background check, or both, at any time.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-335, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-335, filed 8/19/05, effective 9/19/05.]

WAC 388-825-340 What is required for a provider to provide respite or residential service in their home?

Unless you are related to the client, respite or residential services must take place in a home licensed by DSHS. Services are limited to those age-specific services contained in your license.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-340, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-340, filed 8/19/05, effective 9/19/05.]

WAC 388-825-345 What "related" providers are exempt from licensing? (1) Relatives of a specified degree are exempt from the licensing requirement and may provide out-of-home respite in their home.

(2) Relatives of specified degree include parents, grandparents, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, first cousin, niece or nephew.

[Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-345, filed 8/19/05, effective 9/19/05.]

WAC 388-825-355 Are there any educational requirements for individuals providing respite care, attendant care, or personal care services? (1) If you are an individual providing personal care services for adults, you must meet the training requirements in WAC 388-71-05665 through 388-71-05909.

(2) If you provide personal care for children, or provide respite care, there is no required training but DDD retains the authority to require training of any provider.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-355, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-355, filed 8/19/05, effective 9/19/05.]

WAC 388-825-360 How does an individual terminate employment as a provider? State law makes it a crime to abandon a vulnerable adult. "Abandon" means leaving a person without the means or ability to obtain any of the basic necessities of life.

(1) If an individual wishes to "quit" or terminate employment as a provider, the individual must give at least two weeks written notice to his/her employer, their representative (if applicable) and the DDD case manager.

(2) The individual will be expected to continue working until the termination date unless otherwise determined by DSHS.

[Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-360, filed 8/19/05, effective 9/19/05.]

WAC 388-825-365 Are providers expected to report abuse, neglect, exploitation or financial exploitation? Providers must report any abuse or suspected abuse immediately to child protective services, adult protective services or local law enforcement and make a follow-up call to the person's case manager.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-365, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-365, filed 8/19/05, effective 9/19/05.]

WAC 388-825-370 What are the responsibilities of an individual or home care agency when employed to provide respite care, attendant care, or personal care services to a client? An individual or home care agency employed to provide respite care, attendant care, or personal care services must:

(1) Understand the client's individual service plan or plan of care that is signed by the client or legal representative and social worker/case manager, and translated or interpreted, as necessary, for the client and the provider;

(2) Provide the services as outlined on the client's service plan, within the scope of practice in WAC 388-71-0215 and 388-71-0230;

(3) Accommodate client's individual preferences and differences in providing care, within the scope of the service plan;

(4) Contact the client's representative and case manager when there are changes which affect the personal care and other tasks listed on the service plan;

(5) Observe the client for change(s) in health, take appropriate action, and respond to emergencies;

(6/24/14)

(6) Notify the case manager immediately when the client enters a hospital, or moves to another setting;

(7) Notify the case manager immediately if the client dies;

(8) Notify the department immediately when unable to staff/serve the client; and

(9) Notify the department when the individual or home care agency will no longer provide services. Notification to the client/legal guardian must:

(a) Give at least two weeks' notice, and

(b) Be in writing.

(10) Complete and keep accurate time sheets that are accessible to the social worker/case manager; and

(11) Comply with all applicable laws, regulations and contract requirements.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-370, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-370, filed 8/19/05, effective 9/19/05.]

WAC 388-825-375 When will the department deny payment for services of an individual or home care agency providing respite care, attendant care, or personal care services? (1) The department will deny payment for the services of an individual or home care agency providing respite care, attendant care, or personal care who:

(a) Is the client's spouse, per 42 C.F.R. 441.360(g), except in the case of an individual provider for a chore services client. Note: For chore spousal providers, the department pays a rate not to exceed the amount of a one-person standard for a continuing general assistance grant;

(b) Is providing services under this chapter to his or her natural/step/adoptive minor client aged seventeen or younger;

(c) Has been convicted of, or has a pending charge that is a disqualifying crime, under chapter 388-113 WAC;

(d) Has been subject to a negative action described in WAC 388-825-0640;

(e) Does not successfully complete the training requirements within the time limits required in chapter 388-71 WAC; or

(f) Is terminated by the client (in the case of an individual provider) or by the home care agency (in the case of an agency provider).

(2) In addition, the department may deny payment to or terminate the contract of an individual provider as provided under WAC 388-825-380 and 388-825-385.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-375, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-375, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-375, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-375, filed 8/19/05, effective 9/19/05.]

WAC 388-825-380 When may the department reject the client's choice of an individual respite care, attendant care or personal care provider? The department may reject a client's request to have a family member or other person serve as his or her individual respite care, attendant care or personal care provider if the case manager has a reasonable,

[Ch. 388-825 WAC p. 21]

good faith belief that the person will be unable to appropriately meet the client's needs. Examples of circumstances indicating an inability to meet the client's needs could include, without limitation:

- (1) Evidence of alcohol or drug abuse;
- (2) Evidence of a conviction, pending charge, or negative action described in WAC 388-825-0640.
- (3) A reported history of domestic violence, no-contact orders, or criminal conduct (whether or not the conduct is automatically disqualifying under RCW 43.43.830, 43.43.-842 or chapter 388-113 WAC);
- (4) A report from the client's health care provider or other knowledgeable person that the requested provider lacks the ability or willingness to provide adequate care;
- (5) Other employment or responsibilities that prevent or interfere with the provision of required services;
- (6) Excessive commuting distance that would make it impractical to provide services as they are needed and outlined in the client's service plan.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-380, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-380, filed 8/19/05, effective 9/19/05.]

WAC 388-825-385 When may the department terminate an individual respite care, attendant care, or personal care provider's contract? The department may take action to terminate an individual respite care, attendant care, or personal care provider's contract if the provider's inadequate performance or inability to deliver quality care is jeopardizing the client's health, safety, or well-being. Examples of circumstances indicating jeopardy to the client could include, without limitation:

- (1) Evidence of a conviction, pending charges, or negative actions described in WAC 388-825-0640;
- (2) Using or being under the influence of alcohol or illegal drugs during working hours;
- (3) Other behavior directed toward the client or other persons involved in the client's life that places the client at risk of harm;
- (4) A report from the client's health care provider that the client's health is negatively affected by inadequate care;
- (5) A complaint from the client or client's representative that the client is not receiving adequate care;
- (6) The absence of essential interventions identified in the service plan, such as medications or medical supplies; and/or
- (7) Failure to respond appropriately to emergencies.
- (8) The department, AAA or department designee may also terminate an individual provider's contract for reasons described under WAC 388-71-0551.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.-056, 43.20A.710. WSR 14-14-029, § 388-825-385, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.030 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-385, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-385, filed 8/19/05, effective 9/19/05.]

WAC 388-825-390 When can the department otherwise terminate an individual's contract to provide respite care, attendant care, or personal care? The department may otherwise terminate the individual's contract to provide

respite care, attendant care, or personal care for default or convenience in accordance with the terms of the contract and to the extent that those terms are not inconsistent with these rules.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-390, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-390, filed 8/19/05, effective 9/19/05.]

WAC 388-825-395 What are the client's rights if the department denies, terminates, or summarily suspends an individual's contract to provide respite care, attendant care, or personal care? If the department denies, terminates, or summarily (immediately) suspends the individual's contract to provide respite care, attendant care, or personal care, the client has the right to:

- (1) A fair hearing to appeal the decision, per chapter 388-02 WAC and WAC 388-825-120; and
- (2) Receive services from another currently contracted individual or home care agency, or other options the client is eligible for, if a contract is summarily suspended.
- (3) The hearing rights afforded under this section are those of the client, not the individual provider.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-395, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-395, filed 8/19/05, effective 9/19/05.]

WAC 388-825-396 Does the provider of respite care, attendant care, or personal care have a right to a fair hearing? (1) The hearing rights afforded under WAC 388-825-395(1) are those of the client.

(2) The provider of respite care, attendant care, or personal care services does not have a right to a fair hearing.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-396, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-396, filed 8/19/05, effective 9/19/05.]

WAC 388-825-400 Self-directed care—Who must direct self-directed care? Self-directed care under chapter 74.39 RCW must be directed by an adult client for whom the health-related tasks are provided. The adult client is responsible to train the individual provider in the health-related tasks which the client self-directs.

[Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-400, filed 8/19/05, effective 9/19/05.]