

**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, 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.]