

WSR 21-07-099
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed March 22, 2021, 9:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-01-118.

Title of Rule and Other Identifying Information: The developmental disabilities administration (DDA) is proposing to amend WAC 388-829-0005 Who do the training requirements in this chapter apply to?

Hearing Location(s): On April 27, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington Street S.E., Olympia, WA 98501. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or by Skype. Due to the COVID-19 pandemic, hearing may be held via Skype, see DSHS website for most up-to-date information.

Date of Intended Adoption: Not earlier than April 28, 2021.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., March 23, 2021.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by April 13, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments add more providers to the scope of chapter 388-829 WAC, thus requiring the providers to complete training under that chapter.

Reasons Supporting Proposal: These changes ensure various providers (both state-operated and privately contracted) receive the same DDA-required trainings.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.030, 74.39A.074, 74.39A.341, and 18.88B.041.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1589; Implementation and Enforcement: AnnMarie DeGroot, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1584.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4) because the proposed amendments impose no new or disproportionate costs on small businesses so a small business economic impact statement is not required.

March 19, 2021

Katherine I. Vasquez
Rules Coordinator

SHS-4854.2

AMENDATORY SECTION (Amending WSR 18-18-020, filed 8/24/18, effective 9/24/18)

WAC 388-829-0005 Who do the training requirements in this chapter apply to? (1) The training requirements in this chapter apply to:

- (a) Community residential service businesses under RCW 74.39A.009;
- (b) Alternative living providers under chapter 388-829A WAC;
- (c) ~~((Community crisis stabilization services providers under chapter 388-833 WAC; and~~
- ~~(d-))~~ Companion home providers under chapter 388-829C WAC;
- (d) Intensive habilitation services for children providers under chapter 388-833 WAC;
- (e) Overnight planned respite service providers;
- (f) Stabilization, assessment, and intervention facility providers;
- (g) State-operated living alternatives for adults; and
- (h) State-operated living alternatives for children.
- (2) Under this chapter, the term "service provider" includes:
 - ~~(a) ((Supported living service providers;~~
 - ~~(b) State-operated living alternatives;~~
 - ~~(c) DDA group homes;~~
 - ~~(d) Licensed staffed residential homes;~~
 - ~~(e-))~~ Alternative living providers;
 - ~~((f) Community crisis stabilization services for children; and~~
 - ~~(g-))~~ (b) Companion home providers;
 - (c) DDA group homes;
 - (d) Group training homes;
 - (e) Intensive habilitation services for children;
 - (f) Licensed staffed residential homes;
 - (g) Overnight planned respite service providers;
 - (h) Stabilization, assessment, and intervention facility providers;
 - (i) State-operated living alternatives for adults;
 - (j) State-operated living alternatives for children; and
 - (k) Supported living service providers.

(3) A DDA group home licensed as an adult family home or assisted living facility must meet the training requirements in this chapter and the home care aide certification requirements under chapter 388-112A WAC.

(4) All other service providers listed in subsection (2) of this section ~~((must meet the training requirements in this chapter but))~~ are exempt from home care aide certification through the department of health.

[Statutory Authority: RCW 71A.12.030 and RCW 74.39A.009. WSR 18-18-020, § 388-829-0005, filed 8/24/18, effective 9/24/18. Statutory Authority: RCW 71A.12.030, 74.39A.074, 74.39A.341, 74.39A.351, and

18.88B.041. WSR 17-14-090, § 388-829-0005, filed 6/30/17, effective 8/1/17. Statutory Authority: RCW 71A.12.030, 71A.12.120, and chapter 74.39A RCW. WSR 15-20-045, § 388-829-0005, filed 9/29/15, effective 1/1/16.]