

Chapter 388-826 WAC OUT-OF-HOME SERVICES

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-826-0011	What do voluntary placement services include? [Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0011, filed 11/7/18, effective 12/8/18.] Repealed by WSR 21-15-059, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and Chapters 71A.28, 74.13 RCW.
388-826-0015	Who else may be eligible to participate in the voluntary placement program? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0015, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
388-826-0020	How does the family, whose child is a client of DDD request access to the VPP? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0020, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
388-826-0025	What is the process for a child or youth who transfers from children's administration to get into the VPP? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0025, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
388-826-0030	How is a decision made for out-of-home placement? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0030, filed 10/31/02, effective 12/1/02.] Repealed by WSR

18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0035 How is a decision made regarding participation in the voluntary placement program? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0035, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0045 What happens after a voluntary placement agreement is signed, what are the legal issues and who is responsible? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0045, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0050 What are the judicial requirements for a child receiving voluntary placement services? [Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0050, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0050, filed 10/31/02, effective 12/1/02.] Repealed by WSR 21-15-059, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and Chapters 71A.28, 74.13 RCW.

388-826-0055 What basic services may a child receive from the voluntary placement program? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0055, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0060 Are there other services a child may receive in this program? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0060, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0065 What can parents expect if they use in-home supports under this program? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0065, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0080 What are the expectations for parents when their child is in out-of-home care? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0080, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0085 What other DDD services are available for a child through the voluntary placement program? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0085, filed 7/6/07, effective 8/6/07. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0085, filed 1/31/06, effective 3/3/06. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0085, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0090 What does a parent do with the child's Social Security benefits when the parent's child lives outside the parent's home? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0090, filed 10/31/02, effective 12/1/02.] Repealed by WSR 20-02-101, filed 12/31/19, effective 2/1/20. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0100 What happens if the voluntary placement ends? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0100, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0200.

388-826-0105 When the child leaves the voluntary placement program for any reason, what DDD services are available to the child and family when voluntary placement ends? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0105, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0210.

388-826-0110 Will a child or youth continue to receive special education or early intervention services while in VPP? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0110, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0220.

388-826-0115 What happens after a youth turns eighteen? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0115, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0230.

388-826-0120 What happens if a parent disagrees with a decision made by DDD? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0120, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0240.

388-826-0125 Does DDD make exceptions to the requirements in this chapter? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0125, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0250.

388-826-0129 What are the residential settings that DDD uses to provide voluntary placement program services? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0129, filed 7/6/07, effective 8/6/07.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0135 When does DDD administer the foster care rate assessment tool? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0135, filed 7/6/07, effective 8/6/07.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0136 How often does DDD administer the foster care rate assessment tool? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0136, filed 7/6/07, effective 8/6/07.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0140 What areas are covered in the foster care assessment? [Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0140, filed 1/31/06, effective 3/2/06.] Repealed by WSR 07-15-003, filed 7/6/07, effective 8/6/07. Statutory Authority: RCW 74.13.750 [74.13.350].

- 388-826-0210 When the child leaves the voluntary placement program for any reason, what DDD services are available to the child and family when voluntary placement ends? [WSR 06-01-107, recodified as § 388-826-0210, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0105, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 388-826-0220 Will a child or youth continue to receive special education or early intervention services while in VPP? [WSR 06-01-107, recodified as § 388-826-0220, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0110, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 388-826-0250 Does DDD make exceptions to the requirements in this chapter? [WSR 06-01-107, recodified as § 388-826-0250, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0125, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

WAC 388-826-0001 What are out-of-home services? Out-of-home services are administered by the developmental disabilities administration (DDA) through a person-centered service plan to provide residential habilitation services for a child in a qualified setting outside of the child's home that is agreed to by the child's parent or legal guardian. Out-of-home services do not include educational services or care that is provided by other paid supports.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0001, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0001, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0001, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0005 What definitions apply to this chapter? "Child" means a person who is eligible under chapter 388-823 WAC for developmental disabilities administration (DDA) services, under age eighteen, and in the custody of a parent or legal guardian.

"Child and family engagement plan" means a written agreement between the client's parent or legal guardian and the licensed or certified provider.

"Child foster home" means a private home licensed under chapter 110-148 WAC by the department of children, youth, and families (DCYF) to provide twenty-four hour care to children.

"Client" means a person eligible for DDA services under chapter 388-823 WAC.

"Client responsibility" means the total amount of a client's participation and room and board.

"Community inclusion activities" means person-centered activities where clients engage with others in their local community.

"Custody" means:

- (1) Protective care or guardianship of someone; or
- (2) Parental responsibility, especially as allocated by a court to one of two parents under a parenting plan.

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

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

"Family" means one or more of the following relatives: Spouse or registered domestic partner; natural, adoptive, or step parent; grand-

parent; child; stepchild; sibling; stepsibling; uncle; aunt; first cousin; niece; or nephew.

"Group care facility" means a facility licensed under chapter 110-145 WAC by DCYF that is maintained and operated on a twenty-four hour basis to provide a safe and healthy living environment that meets the developmental needs of the children in care.

"Habilitation" means services delivered by a DCYF-licensed or DDA-certified provider that are intended to help a client acquire, retain, or improve upon the self-help, socialization, and adaptive skills necessary to reside successfully in a community-based setting.

"Individual instruction and support plan" means a written document that describes how staff will provide habilitation and supports to meet the needs identified in the client's person-centered service plan, which are assigned to and agreed upon by the out-of-home service provider.

"Legal guardian" means a person's legal guardian appointed through formal proceedings in accordance with state law.

"Out-of-home services acknowledgment" means a document signed by the client's parent or legal guardian acknowledging their custodial responsibility and decision making authority while the client is receiving services in a licensed or certified facility.

"Parent or legal guardian" means a biological or adoptive parent, guardian, or legal custodian with legal authority to make decisions on behalf of the child regarding healthcare and public benefits.

"Participation" has the same meaning as is under WAC 182-513-1100.

"Personal needs allowance (PNA)" means an amount set aside from a client's income under WAC 182-513-1105.

"Person-centered service plan (PCSP)" has the same meaning as is under WAC 388-845-0001.

"Registered nurse delegator" means a licensed registered nurse who delegates specific nursing care tasks to a qualified nursing assistant or home care aide, and supports clients in a community-based care setting or in-home care setting under RCW 18.79.260.

"Residential habilitation services" means instruction and support services under WAC 388-845-1500.

"Respite care" means short-term, intermittent care to relieve a primary caregiver under WAC 388-845-1600.

"Room and board" has the same meaning as is under WAC 182-513-1100.

"Significant change," as defined in WAC 388-832-0001, means a change in a client's medical condition, caregiver status, behavior, living situation, or employment status.

"SOLA" means a certified state-operated living alternative program.

"Staffed residential home," as defined in WAC 388-110-145-1305 [110-145-1305], means a licensed group care facility that provides twenty-four hour care to six or fewer children who require more supervision than can be provided in a foster home.

"Supplemental security income (SSI)" means a needs-based assistance program administered by the federal Social Security Administration for blind, disabled, and aged individuals.

"Treating professional" means a professional who specializes in the discipline within the professional's scope of practice.

"Wraparound planning" means a strengths-based process that includes regular meetings to review the client's individual instruction and support plan and ensure coordination with the client's team. The

wraparound process is driven by the perspectives of the family and the child or youth.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0005, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0005, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0005, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0010 Who is eligible for out-of-home services? A client is eligible for out-of-home services if:

- (1) The client:
 - (a) Is eligible for DDA services under chapter 388-823 WAC;
 - (b) Is eligible for the core waiver under chapter 388-845 WAC, or roads to community living under WAC 182-513-1235;
 - (c) Has received medically necessary inpatient treatment—when recommended by the client's treating professional—for conditions related to behavioral health or autism;
 - (d) Will begin receiving out-of-home services before turning eighteen;
 - (e) Does not have a treatment recommendation for a locked or secure facility; and
 - (f) Is not:
 - (i) In the custody of the department of children, youth, and families under RCW 13.34.050 or 26.44.050;
 - (ii) In shelter care under RCW 13.34.060; or
 - (iii) A dependent in foster care under RCW 13.34.130;
- (2) The client's parent or legal guardian:
 - (a) Has accessed available services the client is eligible for, including those available through private insurance, medicare, the medicaid state plan, and DDA;
 - (b) Requests out-of-home services solely because of the child's developmental disability; and
 - (c) Acknowledges and understands that enrollment in out-of-home services does not affect the legal rights and responsibilities of a client's parent or legal guardian.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0010, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0010, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0010, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0016 Where may a client receive out-of-home services? (1) A client may receive out-of-home services from the following provider types:

- (a) A children's state-operated living alternative certified under this chapter; or
- (b) A home contracted with the developmental disabilities administration and licensed under chapter 74.15 RCW as a:
 - (i) Child foster home;
 - (ii) Staffed residential home; or

(iii) Group care facility for medically fragile children.

(2) To determine which type of provider will provide a client's out-of-home services, DDA:

(a) Assesses the amount of direct support necessary to meet the client's medical, social, developmental, and personal care needs; and

(b) Determines which provider type is the most cost-effective option that meets the unmet need identified in the client's person-centered service plan as required under WAC 388-845-0110.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0016, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0016, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0018 Does approval of out-of-home services affect a client's parental or custodial rights and responsibilities? (1) Enrollment in out-of-home services does not affect the legal rights and responsibilities of a client's parent or legal guardian.

(2) When a client enrolls in out-of-home services neither DSHS nor DDA takes custodial responsibility of the client.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0018, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0019 When must out-of-home services be terminated?

(1) Out-of-home services may be terminated if the client is receiving services in a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, or other institution for thirty consecutive days or longer.

(2) Out-of-home services must be terminated if:

(a) The client's parent or legal guardian terminates services; or

(b) The client is over eighteen and terminates services.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0019, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0040 What is the out-of-home services acknowledgment? (1) The out-of-home services acknowledgment is a document signed by the client's parent or legal guardian acknowledging their custodial responsibility and decision making authority while the client is receiving services from a qualified provider.

(2) An out-of-home services acknowledgment must state:

(a) DSHS and DDA are offering services through medicaid or roads to community living;

(b) The client is not a dependent of the state by enrolling in out-of-home services;

(c) Enrollment in out-of-home services does not affect the legal rights and responsibilities of the parent or legal guardian;

(d) The client's parent or legal guardian retains the authority to authorize medical care for the client;

(e) The client's parent or legal guardian retains the authority to make all legal decisions for the client;

(f) The client's parent or legal guardian continues to be legally responsible for caring for the client;

(g) The client's parent or legal guardian continues to be legally responsible for the client if out-of-home services are disrupted; and

(h) The client's parent or legal guardian continues to be legally responsible for the cost of the client's care, including room and board and basic expenses that are not covered by private insurance, medicare, the medicaid state plan, or other funding sources.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0040, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0040, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0040, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0041 What is a child and family engagement plan?

(1) A child and family engagement plan is a written agreement between the client's parent or legal guardian and the provider.

(2) A child and family engagement plan must:

(a) Outline the parent or legal guardian's role while their child is receiving out-of-home services, including:

(i) A visitation schedule for both the licensed or certified setting and family home;

(ii) Assistance in maintaining significant relationships to the child, such as transportation assistance and coordination; and

(iii) Participation in attending medical and dental appointments, school meetings, and community inclusion activities;

(b) Outline the provider's role, including:

(i) Supporting the client, parent, or legal guardian's cultural or religious practices;

(ii) Developing and implementing an individual financial plan under WAC 388-826-0042; and

(iii) Celebrating holidays and special occasions;

(c) Be developed before the start date of the client's out-of-home services;

(d) Be reviewed during the annual assessment or more frequently upon request; and

(e) Be updated when the client turns age eighteen to reflect the client's individualized transition goals, and legal guardianship if applicable.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0041, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0041, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0042 What is an individual financial plan?

(1) An individual financial plan is a written agreement that delineates support needed in managing any portion of a client's funds by the provider.

(2) An individual financial plan is required when the child and family engagement plan indicates support is needed for the client to acquire money management skills.

(3) The provider must obtain signatures from the client's parent or legal guardian on the individual financial plan.

(4) The provider must include the following in the client's individual financial plan:

- (a) Client funds and income managed by the provider;
- (b) Client funds and income managed by the client;
- (c) Client funds and income managed by the representative payee;
- (d) The type of accounts containing client funds; and
- (e) Money management instruction or support provided to the client.

(5) The provider must review the individual financial plan with the client's parent or legal guardian at least every twelve months.

(6) If the client is seventeen or younger, the provider must send a copy of the client's individual financial plan to:

- (a) The client's parent or legal guardian; and
- (b) The client's DDA case/resource manager or social service specialist.

(7) If the client is eighteen or older, the provider must send a copy of the client's individual financial plan to:

- (a) The client;
- (b) The client's parent or legal guardian if they have one; and
- (c) The client's DDA case/resource manager or social service specialist.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0042, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0043 When must an individual instruction and support plan be developed or revised? (1) If a client is receiving out-of-home services in a staffed residential home or children's SOLA, the provider must develop and implement an individual instruction and support plan for each client they support.

(2) The provider must develop and implement a client's instruction and support plan no more than 30 days after the client begins receiving out-of-home services.

(3) The provider must revise a client's individual instruction and support plan:

- (a) As goals are achieved or as the client's assessed needs change;
- (b) At least semiannually; and
- (c) If requested by the client or the client's parent or legal guardian.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0043, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0044 What requirements must the individual instruction and support plan meet? The individual instruction and support plan must:

(1) Describe habilitation goals that the provider and client will work on together while the provider supports the client;

(2) List the instruction and support activities the provider will provide to the client and explain how those activities meet the assessed needs identified in the client's person-centered service plan; and

(3) Describe other relevant support and service information.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0044, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0070 What are the department's responsibilities for a client receiving out-of-home services? When a client receives out-of-home services, the department must:

- (1) Facilitate the development of the child and family engagement plan under WAC 388-826-0041 before the start of service and at each annual assessment;
- (2) Visit the client in their licensed or certified setting at least every ninety days;
- (3) Develop the client's person-centered service plan as required under WAC 388-845-3055;
- (4) Assist families to access a client's medically necessary physical or behavioral health benefits, which may include attending care conferences and sharing information with medicare, medicaid, or private health insurance representatives for purposes of care coordination;
- (5) Monitor the client's out-of-home services by:
 - (a) Facilitating team meetings using a wraparound planning model;
 - (b) Reviewing the individual instruction and support plan;
 - (c) Reviewing the quarterly report;
 - (d) Reviewing incident reports and follow-up measures involving the client;
 - (e) Authorizing payment for services;
 - (f) Completing annual quality assurance assessments of staffed residential providers and children's state-operated living alternative providers; and
 - (g) Contracting with evaluators to complete certification evaluations of children's state-operated living alternative providers.
- (6) Determine eligibility for medicaid coverage under chapters 182-513 and 182-515 WAC;
- (7) Determine the client's participation and room and board amount, if any;
- (8) Monitor the provider to ensure the provider complies with contract requirements, which includes compliance with DDA policies; and
- (9) Refer a client for a nurse delegation assessment by a registered nurse delegator, if requested by the provider.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0070, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0070, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0070, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0071 What are the responsibilities of the licensed or certified provider supporting a client receiving out-of-home services? (1) When a client is receiving out-of-home services, the licensed or certified provider must:

- (a) Ensure the health and safety of the client;
- (b) Provide adequate staff to meet the needs of clients as identified in the rate assessment;

- (c) Meet the requirements of each contract entered into with the department;
- (d) Develop and implement an individual instruction and support plan, unless the client is receiving out-of-home services from a child foster home provider or a group care facility for medically fragile children;
- (e) Complete quarterly reports under subsection (2) or subsection (3) of this section;
- (f) Participate in the development of the child and family engagement plan with the client, the client's parent or legal guardian, and social service specialist;
- (g) Implement the child and family engagement plan;
- (h) Support the client in regular school attendance, including following the school's reporting requirements when the client is absent or has an appointment during the school day;
- (i) Participate in the client's individualized education program;
- (j) Attend all school-related meetings;
- (k) With the parent or legal guardian's consent, maintain regular communication with school representatives;
- (l) Maintain regular communication with the client's parent or legal guardian;
- (m) Develop evacuation plans in case of fire, natural disaster, or other emergencies in accordance with:
 - (i) WAC 110-145-1670 for staffed residential and group care facilities for medically fragile children; or
 - (ii) WAC 110-148-1460 for child foster homes;
- (n) Maintain a client rights policy in accordance with chapter 71A.26 RCW;
- (o) If the client is in a staffed residential home or children's SOLA:
 - (i) Discuss and schedule community inclusion activity options with the client; and
 - (ii) Track, and make available to the department upon request, the client's participation in community inclusion activities, including:
 - (A) Date of each activity;
 - (B) Cost of each activity; and
 - (C) A running balance of the client's community inclusion activities funds;
 - (p) Request an assessment for nurse delegation if the client needs medication administration.
- (2) Quarterly reports from a staffed residential provider, a children's SOLA, or group care facility for medically fragile children must:
 - (a) Be submitted to DDA and sent to the client's parent or legal guardian no more than ten business days after the end of each quarter; and
 - (b) Include:
 - (i) A summary of the client's progress toward habilitation goals identified in the individual instruction and support plan;
 - (ii) An update regarding the child and family engagement plan, including a summary of family visits;
 - (iii) A summary of incident reports, if any;
 - (iv) School progress, including individualized education program updates;
 - (v) Any significant changes in the client's condition or prescribed medications; and

(vi) A summary of the client's participation in community inclusion activities.

(3) Quarterly reports from a child foster home provider must:

(a) Be submitted to DDA and sent to the client's parent or legal guardian no more than ten business days after the end of each quarter; and

(b) Include:

(i) The client's progress toward their habilitation goal;

(ii) A list of community and other activities the client has participated in;

(iii) An update regarding the child and family engagement plan, including a summary of family visits;

(iv) School progress, including individualized education program updates; and

(v) Any significant changes in the client's condition or prescribed medications.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0071, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0071, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0072 What training must direct care staff of a staffed residential home complete? To provide direct support to a client receiving out-of-home services, direct care staff of a staffed residential home must complete:

(1) Training required under chapter 110-145 WAC;

(2) Training and continuing education required under chapter 388-829 WAC;

(3) Client-specific training based on the individual instruction and support plan; and

(4) Nurse delegation training under chapter 246-888 WAC, if applicable.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0072, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0072, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0073 What training must a child foster home provider complete? To support a client receiving out-of-home services, a child foster home provider must complete:

(1) Training required to maintain licensing under chapter 110-148 WAC; and

(2) Nurse delegation training under chapter 246-888 WAC, if applicable.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0073, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0074 What training must a children's state-operated living alternative provider complete? (1) To provide direct support to a client receiving out-of-home services, a children's state-operated living alternative provider must complete:

(a) Training and continuing education required under chapter 388-829 WAC;

(b) Training required under WAC 388-101D-0090 through WAC 388-101D-0110; and

(c) Nurse delegation training under chapter 246-888 WAC, if applicable.

(2) The provider must ensure that each employee providing direct support keeps their first-aid training, CPR certification, food worker card, and bloodborne pathogens training current.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0074, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0075 What are a parent or legal guardian's responsibilities while the client receives out-of-home services? While a client receives out-of-home services, the client's parent or legal guardian must:

(1) Maintain weekly contact with the child and actively participate in care planning;

(2) Participate in the development and ongoing assessment of the client's individual educational plan and maintain regular communication with the provider and school representatives;

(3) Coordinate all medically necessary physical or behavioral health benefits available through private insurance, medicare, or the medicaid state plan;

(4) Apply for income and benefits available to the child;

(5) Participate in:

(a) The development and implementation of the child and family engagement plan;

(b) Team meetings; and

(c) The DDA annual assessment, including the person-centered service plan; and

(6) Establish a representative payee to manage the client's social security or supplemental security income and comply with the client responsibility and basic expenses required in this chapter.

(7) Ensure payment of the client responsibility or basic expenses. Nonpayment may jeopardize the client's services with a provider.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0075, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0075, filed 12/31/19, effective 2/1/20; WSR 18-23-004, § 388-826-0075, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0075, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0077 May a client who is receiving out-of-home services also receive respite services? (1) A client receiving out-of-home services in a child foster home may be eligible for respite services under chapter 388-828 WAC.

(2) A client receiving out-of-home services in a staffed residential, children's SOLA, or group home for medically fragile children is not eligible for respite services.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0077, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0077, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.010, 71A.12.030, and Title 71A RCW. WSR 09-24-063, § 388-826-0077, filed 11/25/09, effective 12/26/09.]

WAC 388-826-0078 Who may provide respite services to a client receiving out-of-home services in a child foster home? To provide respite services to a client receiving out-of-home services in a child foster home, a provider must:

- (1) Be a qualified provider under WAC 388-845-1615; and
- (2) Have a respite contract with the developmental disabilities administration.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0078, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0078, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0079 What limits apply to respite services? The respite limits under WAC 388-845-1620 apply to a client receiving out-of-home services in a child foster home.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0079, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0079, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0095 What must a client pay toward the cost of out-of-home services in a staffed residential home, a children's SOLA, or a group care facility? (1) To receive out-of-home services in a staffed residential home, a children's SOLA, or a group care facility for medically fragile children, a client may be required to pay client responsibility as required under this section.

(2) The department determines the amount of client responsibility and room and board a client must pay under:

(a) WAC 182-515-1510 if the client is enrolled on a DDA home and community-based services (HCBS) waiver under chapter 388-845 WAC; or

(b) WAC 182-513-1235 if the client is enrolled in roads to community living under chapter 388-106 WAC.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0095, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0095, filed 12/31/19, effective 2/1/20. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0095, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0096 What must a client pay toward the cost of out-of-home services in a child foster home? (1) To receive out-of-home services in a child foster home, a client must pay the provider a

fixed monthly amount referred to as basic expenses, which must be outlined in a basic expense agreement.

(2) The written basic-expense agreement must include:

(a) Monthly amounts for rent, utilities, and food costs; and

(b) The day of the month the payment is due to the provider.

(3) The total monthly obligation in the basic-expense agreement must not exceed the client's available income minus the personal needs allowance under WAC 182-513-1105(5).

(4) Before the client moves into the child foster home, the basic-expense agreement must be:

(a) Signed by the client's parent or legal guardian;

(b) Signed by the provider; and

(c) Sent to DDA.

(5) Changes to the basic-expense agreement must be reviewed by DDA before implementation.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0096, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0096, filed 12/31/19, effective 2/1/20.]

WAC 388-826-0097 What expenses must a parent or legal guardian pay for while their child receives out-of-home services? A parent or legal guardian remains financially responsible for all expenses for their minor child that are not included in out-of-home services.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0097, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0097, filed 12/31/19, effective 2/1/20.]

WAC 388-826-0098 What does the department pay toward out-of-home services? (1) For a client residing in a staffed residential home, a children's SOLA, or a group care facility for medically fragile children, the department pays the cost of the out-of-home services minus the amount of client responsibility under WAC 388-826-0095.

(2) For a client residing in a child foster home, the department pays the cost of the out-of-home services minus basic expenses under WAC 388-826-0096.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0098, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0098, filed 12/31/19, effective 2/1/20.]

WAC 388-826-0130 How does the department determine the rate to support a client in a child foster home? (1) The department determines the rate that is paid to support a client in a child foster home by conducting a child foster home rate assessment.

(2) DDA conducts the child foster home rate assessment with the child foster home provider before out-of-home services begin.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0130, filed 7/15/21, effective 8/15/21. Stat-

utory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0130, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0130, filed 7/6/07, effective 8/6/07. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0130, filed 1/31/06, effective 3/3/06.]

WAC 388-826-0133 What is the representative payee's role? The representative payee:

- (1) Manages the client's social security or supplemental security income;
- (2) Uses the client's income to contribute toward the cost of the client's participation and room and board;
- (3) Places the client's personal needs allowance and any conserved funds in a payee account; and
- (4) Monitors the child's payee account to maintain eligibility for supplemental security income and medicaid.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0133, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0133, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0138 What questions are in the child foster home rate assessment and how are responses scored? (1) The child foster home rate assessment consists of thirteen questions.

- (2) Scores are based on the parent or legal guardian's report, natural supports available, documented support plans (e.g., nursing, physical therapy, occupational therapy), and report of care provided by the child foster home provider.
- (3) The assessment excludes any additional paid supports provided, such as nursing and therapies.
- (4) The hours are assessed against the number of hours expected to support a typically developing child the same age as the client.
- (5) Daily living: What is the average number of hours per day spent supporting the client with daily living tasks like dressing, grooming, toileting, feeding and providing specialized body care? Do not include private duty nursing hours in this average.

Hours per day	Score
0 to 1	30
2 to 5	91
6 to 9	213
10 to 20	396
Over 20	609

(6) Physical needs: What is the average number of hours per day spent providing assistance to the client that is not included in the "daily living" category above? Examples include assistance with: Mobility; prosthetics; communication; other assistive devices; airway management (monitors, ventilators); pressure sores; and enteral nutrition. Do not include private duty nursing hours in this average.

Hours per day	Score
0 to 1	30

Hours per day	Score
2 to 5	91
6 to 20	274
Over 20	609

(7) Behavioral needs: What is the average number of hours per day spent providing behavioral, emotional, and mental health supports to the client? Do not include hours under subsection (8)(b) of this section in this average.

Hours per day	Score
0 to 1	30
2 to 5	91
6 to 13	335
14 to 24	578
Over 24	731

(8) Therapeutic plan: What is the average number of hours per week spent implementing a plan prescribed by a professional related to the child's physical, behavioral, emotional, or mental health therapy? The foster parent must provide a copy of each plan to the assessor.

(a) What is the average number of hours per week spent providing or attending physical, occupational, and speech therapy?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 9	30
10 to 46	65
Over 46	390

(b) What is the average number of hours per week spent participating in or implementing services identified in the client's behavioral support plan, such as applied behavior analysis (ABA) or counseling?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 19	48
20 to 60	104
Over 60	390

(9) Appointments: What is the average number of hours per week spent scheduling, traveling to and from, and participating in appointments? The foster parent must provide documentation of appointments to the assessor.

(a) What is the average number of hours per week spent scheduling, traveling to and from, and participating in doctor visits, dental visits, rehabilitation, and therapy visits?

Hours per week	Score
0 to 1	4
2 to 5	13
6 to 14	39
Over 14	82

(b) What is the average number of hours per week spent scheduling, traveling to and from, and participating in community activities, such as recreation, leisure, sports, and extra-curricular activities?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 7	30
8 to 20	48
Over 20	130

(10) House care: What is the average number of times per week spent repairing, cleaning, and replacing household items and medical equipment, over and above normal wear and tear, due to:

(a) A chronic medical condition?

Times per week	Score
0 to 1	6
2 to 7	24
8 to 19	58
20 to 38	91
Over 38	238

(b) Destructive behavior?

Times per week	Score
0 to 1	6
2 to 3	15
4 to 9	28
10 to 22	58
Over 22	162

(11) Development and socialization skills: What is the average number of hours per week spent providing guidance and assistance?

(a) What is the average number of hours per week spent helping with homework and learning new activities?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 11	30
12 to 30	87
Over 30	249

(b) What is the average number of hours per week spent interacting with other professionals, such as meeting with teachers, visiting the client's school, speaking on the phone with school personnel, participating in individual education plan development and review?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 5	22
6 to 12	30
Over 12	82

(c) What is the average number of hours per week spent developing socialization and functional life skills, like making positive choices, being accountable, managing money, exploring the community, and relating to peers, adults, and family members?

Hours per week	Score
0 to 1	4
2 to 7	22
8 to 19	56
20 to 60	173
Over 60	403

(12) Child and family engagement plan: What is the average number of hours per week spent coordinating the child and family engagement plan? The plan must be available for review by the assessor.

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 12	30
Over 12	82

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0138, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0138, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0138, filed 7/6/07, effective 8/6/07.]

WAC 388-826-0145 How does DDA determine the assessed level from the raw score in the child foster home rate assessment? (1) The following are the assessed levels based on the range of aggregate scores:

Level	Low Score	High Score
1	0	320
2	321	616
3	617	1501
4	1502	2085
5	2086	2751
6	2752	999999

(2) A standardized rate for out-of-home services is assigned to levels one through six.

(3) The standardized rate is published by DDA and is paid monthly to the child foster home provider.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0145, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0145, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0145, filed 7/6/07, effective 8/6/07.]

WAC 388-826-0150 What happens if a client who is receiving out-of-home services in a child foster home experiences a significant change? (1) If a client who is receiving out-of-home services in a child foster home experiences a significant change, DDA conducts:

- (a) A reassessment under WAC 388-828-1500; and
- (b) A child foster home rate assessment.

(2) If the child foster home rate assessment results in a rate change, the foster parent receives a thirty-day written notice that includes the effective date of the change.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0150, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0150, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0150, filed 1/31/06, effective 3/3/06.]

WAC 388-826-0160 Are child foster home rates appealable? A child foster home rate is not appealable through the administrative hearing process.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0160, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0160, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0160, filed 1/31/06, effective 3/3/06.]

WAC 388-826-0170 How does the department determine the rate to support a client in a staffed residential home? (1) The department determines the rate to support a client in a staffed residential home by assessing the client's identified needs.

(2) The department completes a rate assessment, which consists of four cost centers:

(a) Administrative and nonstaff costs, including transportation and damage reimbursement, if applicable;

(b) Funds for community inclusion activities as outlined in WAC 388-826-0005;

(c) Consultant and training costs; and

(d) Instruction and support services, which are determined by assessing a client's identified needs and supervision in the following areas:

(i) Activities of daily living as defined in WAC 388-106-0010;

(ii) Instrumental activities of daily living as defined in WAC 388-106-0010; and

(iii) Behavioral support and supervision.

(3) Instruction and support services provided by the school district are not included in the rate assessment to support a client in a staffed residential home.

(4) A rate assessment must be completed before start of services, if a significant change occurs, or when the household composition changes.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0170, filed 7/15/21, effective 8/15/21. Stat-

utory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0170, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0170, filed 1/31/06, effective 3/3/06.]

WAC 388-826-0175 What does the department pay a group care facility for medically fragile children that is providing out-of-home services to a client? (1) To support a client receiving out-of-home services in a group care facility for medically fragile children, the department pays the provider a DDA-established, per-person, monthly rate.

(2) Out-of-home services must not replace or duplicate services or benefits available through private insurance, medicare, or the medicaid state plan.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0175, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0175, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0175, filed 7/6/07, effective 8/6/07.]

WAC 388-826-0200 What happens if a licensed provider terminates a client's out-of-home services? (1) If a licensed provider terminates a client's out-of-home services, the provider must:

(a) Notify the client's parent or legal guardian, the department, and the client's school in writing at least thirty days before the termination;

(b) Provide one of the following termination reasons:

(i) The provider cannot meet the needs of the client;

(ii) The client's safety or the safety of other people in the home or facility is endangered;

(iii) The client's health or the health of other people in the home or facility would otherwise be endangered; or

(iv) The provider ceases to operate; and

(c) Participate in the development of a transition plan.

(2) If a licensed provider terminates a client's out-of-home services, the department assesses the client's health and welfare needs and authorizes services within the scope of the home and community-based services waiver identified in the client's person-centered service plan.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0200, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0200, filed 11/7/18, effective 12/8/18. WSR 06-01-107, recodified as § 388-826-0200, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0100, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0205 What happens when a client, parent, or legal guardian requests a different provider? (1) A client, parent, or legal guardian requesting a change in provider must notify the DDA social service specialist and provider.

(2) DDA will work with the parent or legal guardian to determine whether the parent or legal guardian's concerns can be addressed with the current provider.

(3) If the parties do not come to a resolution:

(a) The client may return to the family home until a qualified residential service provider is identified; or

(b) The client may remain with the current provider until another qualified provider is selected by the parent or legal guardian.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0205, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0205, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0230 When may a client age eighteen or older continue to receive out-of-home services? A client age eighteen or older may continue receiving out-of-home services if the client is:

(1) Under the age of twenty-one;

(2) Receiving out-of-home services the day before their eighteenth birthday; and

(3) Pursuing a high school or equivalency course of study (GED/HSEC) or vocational program.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0230, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0230, filed 11/7/18, effective 12/8/18. WSR 06-01-107, recodified as § 388-826-0230, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0115, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0231 What is initial certification? (1) Initial certification is a document issued by DDA that indicates a children's state-operated living alternative provider meets the requirements under this chapter to deliver out-of-home services.

(2) The provider must obtain initial certification no more than ninety days after the first date of service delivery.

(3) The provider must allow a DDA-contracted evaluator to complete an on-site certification evaluation.

(4) Based on the findings of the certification evaluation, DDA may issue:

(a) Initial certification; or

(b) Provisional certification.

(5) An initial certification is valid for no more than twelve months.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0231, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0232 What is standard certification? (1) Standard certification is a document issued by DDA that indicates a children's state-operated living alternative provider meets the requirements under this chapter to deliver out-of-home services.

(2) The provider must obtain standard certification before their initial certification expires.

(3) The provider must allow a DDA-contracted evaluator to complete an on-site certification evaluation.

(4) Based on the findings of the evaluation, DDA may:

- (a) Issue standard certification;
- (b) Issue provisional certification; or
- (c) Decertify the provider.

(5) A standard certification is valid for no more than twenty-four months.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0232, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0233 What is provisional certification? (1) DDA may impose a provisional certification for a maximum of ninety days if the children's state-operated living alternative provider:

(a) Prevents or interferes with a certification evaluation or complaint investigation by DSHS;

(b) Fails to comply with chapter 388-826 WAC;

(c) Fails to comply with chapter 74.34 RCW or chapter 26.44 RCW;

(d) Knowingly makes a false statement of material fact to DSHS;

or

(e) Fails to implement a plan of correction.

(2) At the end of the provisional certification, if the provider has complied with certification requirements, DDA may approve the provider for standard certification.

(3) At the end of the provisional certification, if the provider has not complied with certification requirements, DDA must decertify the provider.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0233, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0234 What must a children's state-operated living alternative provider comply with to maintain certification? To maintain certification, a children's state-operated living alternative provider must comply with:

(1) Requirements under this chapter;

(2) Laws governing this chapter, including chapter 71A.12 RCW;

(3) Requirements under chapter 74.34 RCW;

(4) Other relevant federal, state and local laws, requirements, and ordinances.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0234, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0235 What if a children's state-operated living alternative provider disagrees with a certification evaluation or certification decision? If a children's state-operated living alternative provider disagrees with a certification evaluation or certification decision under this chapter, the provider may request an informal dispute resolution meeting with DDA by:

- (1) Submitting a written request to DDA no more than ten days after receiving the final certification letter and report; and
- (2) Including a written statement that identifies the challenged action, describes the provider's concerns, and lists regulations and standards cited.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0235, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0236 When may DDA decertify a children's state-operated living alternative provider? DDA may decertify a children's state-operated living alternative provider who:

- (1) Has had a certification, medicaid or medicare provider agreement denied, suspended, revoked, not renewed, or terminated for non-compliance with state or federal regulations;
- (2) Obtained or attempted to obtain a certification or contract by fraudulent means or misrepresentation; or
- (3) Willfully prevented or interfered with or failed to cooperate with any investigation or certification evaluation made by the department or DDA-contracted evaluator, including refusal to permit authorized department representatives to interview clients or have access to their records.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0236, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0237 How must the children's state-operated living alternative provider participate in the certification evaluation process? The children's state-operated living alternative provider must participate in the certification evaluation process with DDA employees and DDA-contracted evaluators by:

- (1) Allowing scheduled and unscheduled visits;
- (2) Providing information and documentation as requested;
- (3) Cooperating in setting up appointments;
- (4) Responding to questions or issues identified;
- (5) Participating in an exit conference; and
- (6) Submitting a corrective action plan within an agreed time frame, if applicable.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0237, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0240 Who may appeal a department action? A client, the client's parent, or the client's legal guardian may appeal an action under chapter 182-526 WAC or WAC 388-825-120.

[Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0240, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0240, filed 11/7/18, effective 12/8/18. WSR 06-01-107, recodified as § 388-826-0240, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0120, filed 10/31/02, effective 12/1/02.]