

Chapter 388-829R WAC OVERNIGHT PLANNED RESPITE SERVICES

Last Update: 6/12/23

WAC

- 388-829R-005 What definitions apply to this chapter?
388-829R-010 What is the purpose of this chapter?
388-829R-011 Who is eligible to receive overnight planned respite services?
388-829R-012 How are overnight planned respite services requested?
388-829R-013 What does the respite services committee consider when reviewing a respite request?
388-829R-018 What limits apply to overnight planned respite services?
388-829R-020 What are the responsibilities of an overnight planned respite services provider?
388-829R-025 What requirements must a provider meet to contract with DDA to provide overnight planned respite services?
388-829R-030 Who must have a background check?
388-829R-035 What will disqualify a direct support professional providing overnight planned respite services or a volunteer from working in a capacity that may involve access to individuals with a developmental disability?
388-829R-060 What are the minimum requirements for direct support professionals providing overnight planned respite services?
388-829R-065 What training requirements must overnight planned respite services employees meet?
388-829R-070 What policies and procedures must overnight planned respite services providers have?
388-829R-075 What are the requirements for an overnight planned respite services individualized agreement?
388-829R-080 What services and activities must be a part of overnight planned respite services?
388-829R-085 Are overnight planned respite providers responsible to transport a client?
388-829R-090 What requirements must be met before an overnight planned respite provider transports a client?
388-829R-115 How may a direct support professional providing overnight planned respite services assist a client with medication?
388-829R-140 Where must overnight planned respite services be provided?
388-829R-145 How must overnight planned respite services providers regulate the water temperature at their residence?
388-829R-150 What are the requirements for record entries?
388-829R-155 Are client records considered confidential?
388-829R-160 How long must an overnight planned respite services provider keep client records?
388-829R-165 What must overnight planned respite services providers do to plan for and respond to emergencies?
388-829R-170 What records must overnight planned respite services providers keep?
388-829R-175 Are direct support professionals providing overnight planned respite services mandatory reporters?
388-829R-180 How must overnight planned respite services providers report abuse and neglect?
388-829R-205 What happens if the overnight planned respite services provider is found to be out of compliance?
388-829R-210 When may DDA stop payment authorization for overnight planned respite services?
388-829R-215 May the overnight planned respite services provider request an administrative hearing to contest DDA's decision to stop payment?
388-829R-220 What is initial certification?
388-829R-225 What is standard certification?
388-829R-230 What is provisional certification?
388-829R-235 What must an overnight planned respite services provider comply with to maintain certification?
388-829R-240 When may DDA decertify an overnight planned respite services provider?
388-829R-245 How does DDA monitor overnight planned respite services?
388-829R-250 How must the overnight planned respite services provider participate in the certification evaluation process?
388-829R-255 What if the overnight planned respite services provider disagrees with a certification evaluation or certification decision?
388-829R-260 What if the overnight planned respite services provider disagrees with a certification action or the outcome of an informal dispute resolution?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 388-829R-015 What conditions must be met to be eligible to receive overnight planned respite services? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-015, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-829R-016 How do I access overnight planned respite services? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-016, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-829R-017 Who are the qualified providers of overnight planned respite services? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-017, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and RCW 71A.12.040.
388-829R-110 What health care assistance must an overnight planned respite provide a client? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-110, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
388-829R-120 What is required for an overnight planned respite services provider to administer medication and provide delegated nursing tasks? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-120, filed 8/4/16, effective 9/4/16.]

- tive 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-829R-125 What is required for an overnight planned respite services provider to perform nursing tasks under the registered nurse delegation program? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-125, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-829R-130 When is an overnight planned respite services provider not allowed to perform nursing tasks? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-130, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-829R-135 What records must the overnight planned respite services provider keep regarding registered nurse delegation? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-135, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-829R-185 Who oversees, monitors, and evaluates overnight planned respite services? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-185, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-829R-190 How often must DDA evaluate overnight planned respite services providers? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-190, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-829R-195 How must the overnight planned respite services provider participate in the evaluation process? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-195, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-829R-200 What occurs during the review and evaluation process? [Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-200, filed 8/4/16, effective 9/4/16.] Repealed by WSR 20-08-033, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

WAC 388-829R-005 What definitions apply to this chapter? The following definitions apply to this chapter:

"Administrator" means the person responsible for daily management and operation of the overnight planned respite services site. The administrator may also be the owner.

"Authorization" means DDA approval of funding for a service as identified in the person-centered service plan or evidence of payment for a service.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020 and who the DDA has determined eligible to receive services under chapter 71A.16 RCW. When used in this section, "you" is interchangeable with client.

"DDA" means the developmental disabilities administration, an administration of the department of social and health services and its employees and authorized agents.

"Direct support professional" means a person who interacts directly with a client during an overnight planned respite stay to provide services outlined in the client's overnight planned respite services individualized agreement.

"DSHS" or "the department" means the state of Washington department of social and health services and its employees and authorized agents.

"Family" means one or more of the following relatives: Spouse or registered domestic partner; natural; adoptive; or stepparent; grandparent; child; stepchild; sibling; stepsibling; uncle; aunt; first cousin; niece; or nephew.

"Legal representative" means a parent of a client if the client is under age 18, a court-appointed guardian if a decision is within the scope of the guardianship order, or any other person authorized by law to act for the client.

"Mandatory reporter" means any person working with vulnerable adults required to report suspected incidents of abandonment, abuse, neglect, financial exploitation under chapter 74.34 RCW.

"Nurse delegation" means the process by which a registered nurse transfers the performance of select nursing tasks to a nursing assistant-registered or nursing assistant-certified in select situations as set forth in chapter 18.79 RCW and WAC 246-840-910 through 246-840-970.

"Overnight planned respite services" means services that are intended to provide short-term intermittent relief for a person who lives with and acts as a DDA client's primary caregiver.

"Overnight planned respite services provider" and "provider" means an agency that is contracted to provide overnight planned respite services.

"Owner" means the person who accepts or delegates responsibility for the management and operation of the overnight planned respite services site. The owner may also be the administrator.

"Primary caregiver" means the person who provides the client's care and supervision and lives with the client.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 23-13-030, § 388-829R-005, filed 6/12/23, effective 7/13/23; WSR 20-08-033, § 388-829R-005, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-005, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-010 What is the purpose of this chapter? This chapter establishes rules for overnight planned respite services administered by DDA.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-010, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-010, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-011 Who is eligible to receive overnight planned respite services? To be eligible to receive overnight planned respite services, a client must:

- (1) Be eligible for DDA services under chapter 388-823 WAC;
- (2) Be 18 or older;
- (3) Live at home with a primary caregiver and not currently receive:
 - (a) Residential habilitation services, unless receiving services from a companion provider; or
 - (b) Community first choice residential services; and
- (4) Identify a backup caregiver to respond in an emergency if the primary caregiver is unavailable.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 23-13-030, § 388-829R-011, filed 6/12/23, effective 7/13/23; WSR 20-08-033, § 388-829R-011, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-012 How are overnight planned respite services requested? The case resource manager assists the client or the client's

primary caregiver to complete a respite application and submit it to the respite services committee.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-012, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-013 What does the respite services committee consider when reviewing a respite request? The adult respite services committee will consider the following factors when reviewing a respite request:

- (1) Whether the client is eligible to receive overnight planned respite services under WAC 388-829R-011;
- (2) Whether the client's needs can be safely met in the respite setting;
- (3) Whether a respite site is available to accommodate the client's accessibility needs; and
- (4) Whether there are vacancies within six months of the requested service dates.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-013, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-018 What limits apply to overnight planned respite services? (1) A client must not receive overnight planned respite services more than fourteen days in a calendar year.

- (2) A provider must not provide overnight planned respite services to more than one unrelated client per respite home at a time.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-018, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-018, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-020 What are the responsibilities of an overnight planned respite services provider? An overnight planned respite services provider must:

- (1) Meet the requirements of this chapter;
- (2) Deliver the service on the dates approved by DDA;
- (3) Complete the overnight planned respite services individualized agreement with the client or the client's primary caregiver before the respite stay;
- (4) Provide supports and services outlined in the overnight planned respite services individualized agreement;
- (5) Provide adequate staff to administer the program and meet the needs of clients;
- (6) Ensure that clients have access to employees or the means to contact employees at all times; and
- (7) Retain all records and other material related to the services contract for six years after expiration of the contract.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-020, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-020, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-025 What requirements must a provider meet to contract with DDA to provide overnight planned respite services? To be eligible to contract with DDA to provide overnight planned respite services, a provider must:

- (1) Be approved as a contractor by the department; and
- (2) Receive initial certification no more than ninety days after the first date of service delivery.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-025, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-025, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-030 Who must have a background check? (1) An overnight planned respite services provider employee, administrator, owner, direct support professional, volunteer, and any other employee who may have unsupervised access to a DDA client must have a background check.

- (2) Any person required to have a background check under this section must have a nondisqualifying background check result every two years, or more frequently if required by DSHS.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-030, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-030, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-035 What will disqualify a direct support professional providing overnight planned respite services or a volunteer from working in a capacity that may involve access to individuals with a developmental disability? (1) Criminal convictions and pending charges that disqualify a direct support professional providing overnight planned respite services or a volunteer from working with individuals with a developmental disability are listed in chapter 388-113 WAC.

- (2) A volunteer or person employed by an overnight planned respite services provider who receives a DSHS background check with a disqualifying result is prohibited from any unsupervised access to DDA clients.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-035, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-035, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-060 What are the minimum requirements for direct support professionals providing overnight planned respite services? To provide overnight planned respite services, a direct support professional must:

- (1) Have a high school diploma or GED equivalent, unless hired before September 1, 1991;
- (2) Be eighteen or older;

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-060, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-060, filed 8/4/16, effective 9/4/16.]

(3) Have a clear understanding of job responsibilities, person-centered service plans, and overnight planned respite services individualized agreements; and

(4) Have a current background check as required by WAC 388-829R-030.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-060, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-060, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-065 What training requirements must overnight planned respite services employees meet? (1) Overnight planned respite services provider employees must meet all training and certification requirements that apply to community residential service businesses in accordance with chapter 388-829 WAC.

(2) A direct support professional must be trained on a client's overnight planned respite services individualized agreement before working alone with the client as verified by a signature on the overnight planned respite services individualized agreement.

(3) The provider must document that employees have met these requirements and make this documentation available for DDA.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-065, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-065, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-070 What policies and procedures must overnight planned respite services providers have? (1) Overnight planned respite services providers must develop and implement policies and procedures that address:

(a) Client rights, including a client's right to file a complaint or suggestion without interference;

(b) Reporting requirements for suspected abuse, neglect, financial exploitation, and abandonment;

(c) Client protections when there have been allegations of abuse, neglect, financial exploitation, or abandonment;

(d) Emergent situations that may pose a danger or risk to the client or others;

(e) Response to a missing person and other client emergencies;

(f) Emergency response plans for natural and other disasters;

(g) Client access to medical, mental health, and law enforcement resources for clients;

(h) Notification to client's primary caregiver, legal representative, or relatives in case of emergency;

(i) Client grievances;

(j) Appropriate response and supports for clients who engage in aggressive or assaultive behavior as informed by the client's overnight planned respite services individualized agreement; and

(k) All aspects of medication management including:

(i) Supervision of medication;

(ii) Client refusal;

(iii) Nurse delegation under chapter 246-840 WAC;

(iv) The monitoring of a client who self-administers medication;

(v) Medication assistance under chapter 246-888 WAC; and
(vi) What the service provider will do in the event it becomes aware that a client is no longer safe to take his or her own medications.

(2) The service provider must train employees on its policies and procedures, maintain current written policies and procedures, and make them available upon request to all employees, clients, primary caregivers, client legal representatives, and DDA.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-070, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-070, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-075 What are the requirements for an overnight planned respite services individualized agreement?

(1) An overnight planned respite services provider must develop an overnight planned respite services individualized agreement with the client's primary caregiver, and legal representative if the client has one, at least three business days before the client's start date for respite services.

(2) The overnight planned respite services individualized agreement must:

(a) Outline supports and services that may be provided during the respite stay; and

(b) Be signed by the client, or the legal representative if the client has one, and the client's primary caregiver before the client's start date for respite services. An email approval is acceptable if the provider is unable to obtain a signature.

(3) The provider must send a copy of the approved overnight planned respite services individualized agreement to DDA before the start date for respite services.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-075, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-075, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-080 What services and activities must be a part of overnight planned respite services?

The overnight planned respite services provider must provide the following services and activities at no cost to the client:

(1) A furnished home environment including a private, furnished bedroom for the respite client;

(2) Three nutritious meals and two snacks per day;

(3) Bedding and towels;

(4) Access to laundry facilities;

(5) Access to a telephone for local calls; and

(6) The following as identified in a client's overnight planned respite services individualized agreement:

(a) Up to twenty-four hour support from a direct support professional for each day of the respite stay;

(b) Medication assistance under chapter 246-888 WAC and medication administration under WAC 246-840-910 through 246-840-970 as needed, including assistance with medical treatment prescribed by a

health professional that does not require registered nurse delegation or professionally licensed services;

- (c) Instruction and support services;
- (d) Transportation;
- (e) Supports for performing personal hygiene routines and activities of daily living; and
- (f) Activities within the home and community.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-080, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-080, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-085 Are overnight planned respite providers responsible to transport a client? (1) The client and client's primary caregiver are responsible for transportation to and from the respite services.

(2) The overnight planned respite services provider must ensure that the client's transportation needs are met during the respite stay as identified in the client's overnight planned respite services individualized agreement.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-085, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-085, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-090 What requirements must be met before an overnight planned respite provider transports a client? Before transporting a client, an overnight planned respite services providers or direct support professional must have:

- (1) Automobile insurance coverage under chapter 46.30 RCW; and
- (2) A valid driver's license under chapter 46.20 RCW.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-090, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-090, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-115 How may a direct support professional providing overnight planned respite services assist a client with medication?

(1) A direct support professional providing overnight planned respite services may provide medication assistance under chapter 246-888 WAC.

(2) An overnight planned respite services provider may provide delegated nursing tasks if the direct support professional is:

- (a) A registered nurse;
- (b) A licensed practical nurse; or
- (c) Delegated by a registered nurse to perform nursing care tasks.

(3) To provide delegated nursing tasks, the direct support professional must:

- (a) Provide the delegated nursing tasks under WAC 246-840-910 through 246-840-970;

- (b) Receive client-specific training from the delegating registered nurse under WAC 246-840-930;
- (c) Complete training requirements under WAC 246-840-930; and
- (d) Be credentialed by the department of health under WAC 246-840-930.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-115, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-115, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-140 Where must overnight planned respite services be provided? Overnight planned respite services providers must provide overnight planned respite services in a residence maintained and furnished by the provider.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-140, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-140, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-145 How must overnight planned respite services providers regulate the water temperature at their residence? (1) Overnight planned respite services providers must regulate the water temperature at their residence as follows:

- (a) Maintain the water temperature in the household between one hundred five degrees and one hundred twenty degrees Fahrenheit; and
 - (b) Check the water temperature at least every six months. The water temperature is best measured two hours after substantial hot water usage.
- (2) The overnight planned respite services provider must document compliance with these requirements.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-145, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-150 What are the requirements for record entries? (1) The overnight planned respite services provider must make entries at the time of or immediately following the event and maintain both the original and corrected entries when an error in the record is made.

- (2) Written entries must be legible, in ink, and signed and dated.
- (3) Electronic record entries must identify the date of the entry and the person who made the entry by his or her unique user ID.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-150, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-155 Are client records considered confidential? The overnight planned respite services provider must consider all client information privileged and confidential.

(1) Any transfer or inspection of records to parties other than DSHS must be authorized by DDA or through a release of information form that:

(a) Includes a specific description of the records the client consents to be released; and

(b) Is signed by the client or the client's legal representative.

(2) A signed release of information is valid for up to one year and must be renewed annually from the signature date.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-155, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-160 How long must an overnight planned respite services provider keep client records? An overnight planned respite services provider must keep a client's records for a period of six years from the end of the client's respite stay.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-160, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-165 What must overnight planned respite services providers do to plan for and respond to emergencies? (1) The overnight planned respite services provider must develop an emergency response plan to address natural and other disasters.

(2) In an emergency, the overnight planned respite services provider must:

(a) Immediately call 911 if it is a life-threatening emergency;

(b) Provide emergency services;

(c) Notify DDA;

(d) Notify the primary caregiver, client's legal representative, or backup caregiver; and

(e) Submit a written report to DDA.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 23-13-030, § 388-829R-165, filed 6/12/23, effective 7/13/23; WSR 20-08-033, § 388-829R-165, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-165, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-170 What records must overnight planned respite services providers keep? (1) For each client, the overnight planned respite services providers must keep the following information:

(a) The client's name and address;

(b) The name, address, and telephone number of the client's primary caregiver, and the legal representative if the client has one;

(c) A copy of the client's most recent person-centered service plan;

(d) A copy of the client's overnight planned respite services individualized agreement;

(e) Nurse delegation records, if applicable;

(f) Progress notes;

(g) Incident reports, if applicable;

(h) Medication documentation, including a medication intake form and medication administration records, if applicable;

- (i) A list of the client's personal property upon arrival and departure; and
 - (j) A record of money or gift cards managed by the respite provider on behalf of the client during the respite stay, if applicable.
- (2) An overnight planned respite services provider must also keep the following:
- (a) Water temperature monitoring records;
 - (b) Direct support professional training records;
 - (c) Direct support professional time sheets specific to locations worked;
 - (d) Payment records;
 - (e) A signed copy of DSHS form 10-403 for each direct support professional and administrator.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 23-13-030, § 388-829R-170, filed 6/12/23, effective 7/13/23; WSR 20-08-033, § 388-829R-170, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-170, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-175 Are direct support professionals providing overnight planned respite services mandatory reporters? A direct support professional providing overnight planned respite services is a mandatory reporter under chapter 74.34 RCW.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-175, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-175, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-180 How must overnight planned respite services providers report abuse and neglect? In compliance with the DDA residential reporting requirements, an overnight planned respite services provider must immediately report suspected abandonment, abuse, financial exploitation, or neglect of vulnerable adults to:

- (1) Adult protective services using the DSHS online reporting tool or by calling 1-877-734-6277 (TTY: 1-800-977-5456);
- (2) The DDA overnight planned respite services program manager or designee; and
- (3) Law enforcement agencies as required under chapter 74.34 RCW, including when there is reason to suspect sexual or physical abuse.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-180, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-180, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-205 What happens if the overnight planned respite services provider is found to be out of compliance? (1) If DDA finds in its evaluation that the overnight planned respite services provider is out of compliance with any part of this chapter, the provider and DDA must develop a corrective action plan.

- (2) The corrective action plan must:

(a) Outline methods for the provider to comply with the required corrections; and

(b) Provide a time frame for the provider to complete the corrective actions.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-205, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-205, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-210 When may DDA stop payment authorization for overnight planned respite services? DDA may stop payment authorization for overnight planned respite services if:

(1) The provider demonstrates inadequate performance or inability to deliver quality care that jeopardizes the client's health, safety, or well-being;

(2) The provider does not complete the corrective actions within the agreed upon time frame;

(3) The provider fails to comply with the requirements of this chapter; or

(4) DDA has a reasonable, good faith belief that the client's health, safety, or well-being is at risk.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-210, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-210, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-215 May the overnight planned respite services provider request an administrative hearing to contest DDA's decision to stop payment? No. The overnight planned respite services provider may not contest the decision to stop payment by administrative hearing.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-215, filed 3/24/20, effective 5/1/20. Statutory Authority: RCW 71A.12.030, 71A.12.120, and 2015 3rd sp.s. c 4. WSR 16-17-003, § 388-829R-215, filed 8/4/16, effective 9/4/16.]

WAC 388-829R-220 What is initial certification? (1) Initial certification is a document issued by DDA that indicates a provider meets the requirements under this chapter to deliver overnight planned respite services.

(2) A 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 71A.12.040. WSR 20-08-033, § 388-829R-220, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-225 What is standard certification? (1) Standard certification is a document issued by DDA that indicates a provider meets the requirements under this chapter to deliver overnight planned respite services.

(2) A 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 71A.12.040. WSR 20-08-033, § 388-829R-225, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-230 What is provisional certification? (1) DDA may impose a provisional certification for a maximum of ninety days if the provider:

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

(b) Fails to comply with chapter 388-829R WAC;

(c) Fails to comply with chapter 74.34 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 overnight planned respite services provider.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-230, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-235 What must an overnight planned respite services provider comply with to maintain certification? To maintain certification an overnight planned respite services 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 71A.12.040. WSR 20-08-033, § 388-829R-235, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-240 When may DDA decertify an overnight planned respite services provider? DDA may decertify an overnight planned respite services provider who:

(1) Has had a license, certification, medicaid or medicare provider agreement, or a contract for the care of children or vulnerable adults denied, suspended, revoked, not renewed, or terminated, for noncompliance with state or federal regulations;

(2) Obtained or attempted to obtain a license, 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 71A.12.040. WSR 20-08-033, § 388-829R-240, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-245 How does DDA monitor overnight planned respite services? (1) To monitor overnight planned respite services, DDA reviews all feedback received from overnight planned respite services post-services surveys and follows up as needed with any concerns.

(2) DDA monitors an overnight planned respite services provider through certification evaluation to ensure that the client's needs are being met and the provider is in compliance with this chapter.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-245, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-250 How must the overnight planned respite services provider participate in the certification evaluation process? The overnight planned respite services 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 71A.12.040. WSR 20-08-033, § 388-829R-250, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-255 What if the overnight planned respite services provider disagrees with a certification evaluation or certification decision? If an overnight planned respite services 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 contract standards cited.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-255, filed 3/24/20, effective 5/1/20.]

WAC 388-829R-260 What if the overnight planned respite services provider disagrees with a certification action or the outcome of an informal dispute resolution?

(1) If an overnight planned respite services provider disagrees with a certification action or the outcome of an informal dispute resolution, the provider may request an administrative hearing under chapter 388-02 WAC.

(2) To request an administrative hearing the provider must submit a written request to the office of administrative hearings no more than twenty-eight days after receiving the written notice of the outcome of the informal dispute resolution.

(3) The administrative hearing request must include:

(a) A copy of the contested certification action; and

(b) The reason the provider is contesting the certification action.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 20-08-033, § 388-829R-260, filed 3/24/20, effective 5/1/20.]