Chapter 388-825 WAC
DEVELOPMENTAL DISABILITIES ADMINISTRATION SERVICE RULES

(Formerly chapter 275-27 WAC)

Last Update: 5/22/26

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-825-025 Exemptions. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-025, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-025, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 74.12A.030 and 71A.16.030. WSR 98-20-044, § 275-27-023, filed 9/30/98, effective 10/7/98. Statutory Authority: RCW 71A.12.030, 71A.12.040 and Title 71A RCW. WSR 97-13-051, § 275-27-023, filed 6/13/97, effective 7/14/97. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-023, filed 8/9/91, effective 9/9/91.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW.

388-825-030 Eligibility for services. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-030, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-030, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.10.020. WSR 92-04-004 (Order 3319), § 275-27-026, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 71.20.070. WSR 89-06-049 (Order 2767), § 275-27-026, filed 2/28/89.] Repealed by WSR 05-12-130, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW.

388-825-035 Determination of eligibility. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-035, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-035, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71.20.070. WSR 89-06-049 (Order 2767), § 275-27-030, filed 2/28/89; WSR 84-15-058 (Order 2124), § 275-27-030, filed 7/18/84; Order 1143, § 275-27-030, filed 8/11/76.] Repealed by WSR 05-12-130, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW.

388-825-040 Application for services. [WSR 99-19-104, recodified as § 388-825-040, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 74.12A.030 and 71A.16.030. WSR 98-20-044, § 275-27-040, filed 9/30/98, effective 10/7/98. Statutory Authority: RCW 71.20.070. WSR 84-15-058 (Order 2124), § 275-27-040, filed 7/18/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-040, filed 3/16/78; Order 1143, § 275-27-040, filed 8/11/76.] Repealed by WSR 05-12-130, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW.

388-825-045 Determination for necessary services. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-045, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-045, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 74.12A.030 and 71A.16.030. WSR 98-20-044, § 275-27-050, filed 9/30/98, effective 10/7/98. Statutory Authority: RCW 71.20.070. WSR 86-18-049 (Order 2418), § 275-27-050, filed 8/29/86; WSR 84-15-058 (Order 2124), § 275-27-050, filed 7/18/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-050, filed 3/16/78; Order 1143, § 275-27-050, filed 8/11/76.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW.

388-825-050 Individual service plan. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-050, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-050, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), §

275-27-060, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.070. WSR 86-18-049 (Order 2418), § 275-27-060, filed 8/29/86; WSR 84-15-058 (Order 2124), § 275-27-060, filed 7/18/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-060, filed 3/16/78; Order 1143, § 275-27-060, filed 8/11/76.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW.

388-825-055 Authorization of services. [Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW. WSR 05-11-015, § 388-825-055, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-055, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-055, filed 7/25/02, effective 8/25/02; WSR 99-19-104, recodified as § 388-825-055, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 74.12A.030 and 71A.16.030. WSR 98-20-044, § 275-27-230, filed 9/30/98, effective 10/7/98. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-230, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.070. WSR 86-18-049 (Order 2418), § 275-27-230, filed 8/29/86; WSR 84-15-058 (Order 2124), § 275-27-230, filed 7/18/84. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850. WSR 82-06-034 (Order 1771), § 275-27-230, filed 3/1/82. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-230, filed 3/16/78; Order 1143, § 275-27-230, filed 8/11/76.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW.

388-825-0571 What services am I eligible to receive from DDA if I am under the age of eighteen, have been determined to meet DDA eligibility requirements, and I am in a dependency guardianship or foster care with children's administration? [Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-0571, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-0571, filed 5/19/08, effective 6/19/08.] Repealed by WSR 25-15-103, filed 7/17/25, effective 8/17/25. Statutory Authority: RCW 71A.12.030, 71A.12.380, 71A.12.380(1), and 42 C.F.R. 441.301.

388-825-060 What are the eligibility requirements for persons who receive funds directly for employment/day programs? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-060, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-0600 What definitions apply to WAC 388-825-0600 through 388-825-0690 of this chapter? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0600, filed 6/24/14, effective 7/25/14.] Amended and decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-600.

388-825-0605 Why are background checks done? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0605, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-605.

388-825-061 What service am I eligible for if I am under the age of three? [Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-061, filed 5/19/08, effective 6/19/08.] Repealed by WSR 15-17-094, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW.

388-825-0610 Who must have a Washington state and/or federal background check? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0610, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-610.

388-825-0615 What is the process for obtaining a background check? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0615, filed 6/24/14, effective 7/25/14.] Amended and decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-615.

388-825-062 What is infant toddler early intervention program (ITEIP)? [Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-062, filed 5/19/08, effective 6/19/08.] Repealed by WSR 15-17-094, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW.

388-825-0620 Who must have background check renewals? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0620, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-620.

388-825-0625 What happens if I do not comply with the background check requirement? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0625, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-625.

388-825-063 What services can infant toddler early intervention program (ITEIP) provide? [Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-063, filed 5/19/08, effective 6/19/08.] Repealed by WSR 15-17-094, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW.

388-825-0630 What does the background check cover? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0630, filed 6/24/14, effective 7/25/14.] Amended and decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-630.

388-825-0635 Who pays for the background check? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0635, filed 6/24/14, effec-

tive 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-635.

388-825-064 What are the restrictions on the use of the funds paid directly to persons for employment/day programs? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-064, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-0640 What criminal convictions, pending crimes or negative actions will prohibit me from being contracted or authorized to work in a capacity that may involve unsupervised access to individuals with a developmental disability? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0640, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-640.

388-825-0645 May an individual work in an unsupervised capacity with individuals with developmental disabilities when his or her background check reveals a conviction, pending charge or negative action that is not considered disqualifying per chapter 388-113 WAC or WAC 388-825-0640? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0645, filed 6/24/14, effective 7/25/14.] Amended and decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-645.

388-825-065 Financial services. [WSR 99-19-104, recodified as § 388-825-065, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71.20.070. WSR 84-15-058 (Order 2124), § 275-27-240, filed 7/18/84; Order 1143, § 275-27-240, filed 8/11/76.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW.

388-825-0650 What does a character, competence and suitability review include? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0650, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-650.

388-825-0655 How will I know if I have been disqualified by the background check? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0655, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-655.

388-825-066 Where do I find the program eligibility rules and service definitions for infant toddler early intervention program (ITEIP)? [Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-066, filed 5/19/08, effective 6/19/08.] Repealed by WSR 15-17-094, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW.

388-825-0660 May I appeal the department's decision to deny me a contract or authorization based on the results of the background check? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0660, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-660.

388-825-0665 Is the background check information released to my employer or prospective employer? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0665, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-665.

388-825-0670 May I receive a copy of my criminal background check results? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0670, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-670.

388-825-0675 What is the purpose of the one hundred twenty-day provisional hire? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0675, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-675.

388-825-0680 Who is responsible for approving the one hundred twenty-day provisional hire? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0680, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-680.

388-825-0685 When are individuals eligible for the one hundred twenty-day provisional hire? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0685, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-685.

388-825-069 What services are provided under a home and community based services (HCBS) waiver? [Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-069, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-069, filed 5/19/08, effective 6/19/08.] Repealed by WSR 15-17-094, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW.

388-825-0690 When does the one hundred twenty-day provisional hire begin? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0690, filed 6/24/14, effective 7/25/14.] Decodified by WSR 15-09-068, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 74.08.090. Recodified as WAC 388-825-690.

388-825-070 What happens if I do not spend the funds paid directly to me for employment/day programs as specified in WAC 388-825-064? [Statutory Authority: RCW 71A.12.030, 71A.10.020, and 2002 c 371. WSR 04-11-087, § 388-825-070, filed 5/18/04, effective 6/18/04; WSR 04-02-014, § 388-825-070, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-071 What services am I eligible for if I am enrolled in a DDD home and community based services (HCBS) waiver? [Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-071, filed 5/19/08, effective 6/19/08.] Repealed by WSR 15-17-094, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW.

388-825-073 What is a "state-only funded" service? [Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-073, filed 5/19/08, effective 6/19/08.] Repealed by WSR 23-07-130, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837.

388-825-075 How much money will I receive? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-075, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-076 How often will I receive a direct payment check for my employment/day program services? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-076, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-077 Who will the warrant/check be sent to? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-077, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-078 How will the warrant/check be sent? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-078, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-079 If I am not on a DDD HCBS waiver, can I receive services that are available through the DDD HCBS waivers with state-only funding? [Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-079, filed 5/19/08, effective 6/19/08.] Repealed by WSR 23-07-130, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837.

388-825-080 Guardianship services. [WSR 99-19-104, recodified as § 388-825-080, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71.20.070. WSR 84-15-058 (Order 2124), § 275-27-250, filed 7/18/84; Order 1143, § 275-27-250, filed 8/11/76.] Repealed by WSR 08-11-072, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW.

388-825-081 Can I receive state-only funded services that are not available in a DDA HCBS waiver? [Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-081, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-081, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-081, filed 5/19/08, effective 6/19/08.] Repealed by WSR 23-07-130, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837.

388-825-085 What is a representative payee? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-085, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-086 Who can be a representative payee for my DDD direct payment funds for employment/day program services? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-086, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-087 What are the responsibilities of a representative payee? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-087, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-088 Where can I find more information about DDD contracted residential services? [Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-088, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-088, filed 5/19/08, effective 6/19/08.] Repealed by WSR 15-17-094, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW.

388-825-090 When will DDD recover direct payment funds sent to me for employment/day program services? [Statutory Authority: RCW 71A.12.030, 71A.10.020, and 2002 c 371. WSR 04-11-087, § 388-825-090, filed 5/18/04, effective 6/18/04; WSR 04-02-014, § 388-825-090, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-095 Who is liable for repayment of an overpayment? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-095, filed 12/29/03, effective 1/29/04.] Repealed by WSR 05-11-015, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW.

388-825-160 When will a decision on my appeal be made? [Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-160, filed 8/19/05, effective 9/19/05.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-170 Community alternatives program (CAP). [WSR 99-19-104, recodified as § 388-825-170, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71.20.020. WSR 84-07-018 (Order 2086), § 275-27-800, filed 3/14/84.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-180 Eligible persons. [WSR 99-19-104, recodified as § 388-825-180, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71.20.020. WSR 84-07-018 (Order 2086), § 275-27-810, filed 3/14/84.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-190 Community alternatives program (CAP)—Services. [WSR 99-19-104, recodified as § 388-825-190, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-820, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.020. WSR 84-07-018 (Order 2086), § 275-27-820, filed 3/14/84.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-200 What is the purpose of the family support opportunity program? [WSR 99-19-104, recodified as § 388-825-200, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-180, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-201 What are enhanced respite services? [Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-201, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-201, filed 11/1/12, effective 12/2/12.] Repealed by WSR 25-12-002, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.120.

388-825-205 Who is eligible to participate in the family support opportunity program? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-205, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-205, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-205, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-185, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-206 Who is eligible to receive enhanced respite services? [Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-206, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-206, filed 11/1/12, effective 12/2/12.] Repealed by WSR 25-12-002, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.120.

388-825-210 What basic services can my family receive from the family support opportunity program? [Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-210, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-210, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-210, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-190, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-211 How long am I eligible to receive enhanced respite services? [Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-211, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-211, filed 11/1/12, effective 12/2/12.] Repealed by WSR 25-12-002, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.120.

388-825-220 What is the purpose of community guide services? [WSR 99-19-104, recodified as § 388-825-220, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-191, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-222 Who can become a community guide? [WSR 99-19-104, recodified as § 388-825-222, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-192, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-224 Does my family have a choice in selecting its community guide? [WSR 99-19-104, recodified as § 388-825-224, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-193, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-226 Can the family support opportunity program help my family obtain financial assistance for community guide services? [Statutory Authority: RCW 71A.12.030, 71A.12.040, and 2001 2nd sp.s. c 7. WSR 02-01-074, § 388-825-226, filed 12/14/01, effective 1/14/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 00-23-106, § 388-825-226, filed 11/21/00, effective 12/22/00; WSR 00-08-090, § 388-825-226, filed 4/5/00, effective 5/6/00. WSR 99-19-104, recodified as § 388-825-226, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-194, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-228 How can short-term intervention services through the family support opportunity program help my family? [Statutory Authority: RCW 71A.12.030, 2005 c 518 § 205 (1)(a). WSR 06-11-082, § 388-825-228, filed 5/16/06, effective 6/16/06. Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, §

388-825-228, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.12.030, 71A.12.040, and 2001 2nd sp.s. c 7. WSR 02-01-074, § 388-825-228, filed 12/14/01, effective 1/14/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 00-23-106, § 388-825-228, filed 11/21/00, effective 12/22/00; WSR 00-08-090, § 388-825-228, filed 4/5/00, effective 5/6/00. WSR 99-19-104, recodified as § 388-825-228, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-195, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-230 Specifically how can short-term intervention funds be used? [Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-230, filed 10/29/04, effective 11/29/04. WSR 99-19-104, recodified as § 388-825-230, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-196, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-232 How can serious need funds help my family? [Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-232, filed 10/29/04, effective 11/29/04. WSR 99-19-104, recodified as § 388-825-232, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-197, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-234 How can my family qualify for serious need funds? [Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-234, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-234, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-234, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-198, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-236 How does my family request serious need funds? [Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-236, filed 10/29/04, effective 11/29/04. WSR 99-19-104, recodified as § 388-825-236, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-199, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-238 What amount of serious need funding is available to my family? [Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-238, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.12.030, 71A.12.040, and 2001 2nd sp.s. c 7. WSR 02-01-074, § 388-825-238, filed 12/14/01, effective 1/14/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 00-23-106, § 388-825-238, filed 11/21/00, effective 12/22/00. WSR 99-19-104, recodified as § 388-825-238, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-200, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-240 Who determines what family support services my family can receive? [WSR 99-19-104, recodified as § 388-825-240, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-202, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-242 What department restrictions apply to family support payments? [Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-242, filed 10/29/04, effective 11/29/04. WSR 99-19-104, recodified as § 388-825-242, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-204, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-244 What are regional family support advisory councils? [WSR 99-19-104, recodified as § 388-825-244, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-211, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-246 What are community service grants? [WSR 99-19-104, recodified as § 388-825-246, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-212, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-248 Who is covered under these rules? [Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-248, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-248, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-248, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-213, filed 2/1/99, effective 3/4/99.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-250 Continuity of family support services. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-250, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-250, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.040. WSR 92-13-024 (Order 3394), § 275-27-219, filed 6/9/92, effective 7/10/92.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-252 Family support services. [Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-252, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-252, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014,

§ 388-825-252, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-252, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030, 71A.12.040 and Title 71A RCW. WSR 97-13-051, § 275-27-220, filed 6/13/97, effective 7/14/97. Statutory Authority: RCW 71A.12.040 and 43.43.745. WSR 94-04-092 (Order 3702), § 275-27-220, filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 71A.12.040. WSR 92-09-114 (Order 3372), § 275-27-220, filed 4/21/92, effective 5/22/92. Statutory Authority: RCW 71.20.070. WSR 88-05-004 (Order 2596), § 275-27-220, filed 2/5/88; WSR 86-18-049 (Order 2418), § 275-27-220, filed 8/29/86.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-253 Family support service restrictions. [Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-253, filed 10/29/04, effective 11/29/04.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-254 Service need level rates. [Statutory Authority: RCW 71A.12.030, 2005 c 518 § 205 (1)(a). WSR 06-11-082, § 388-825-254, filed 5/16/06, effective 6/16/06. Statutory Authority: RCW 71A.12.030, 71.A12.120 [71A.12.120], and chapter 71A.12 RCW. WSR 04-22-068, § 388-825-254, filed 10/29/04, effective 11/29/04. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-254, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.12.030, 71A.12.040, and 2001 2nd sp.s. c 7. WSR 02-01-074, § 388-825-254, filed 12/14/01, effective 1/14/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 00-23-106, § 388-825-254, filed 11/21/00, effective 12/22/00; WSR 00-08-090, § 388-825-254, filed 4/5/00, effective 5/6/00. WSR 99-19-104, recodified as § 388-825-254, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 71A.12.030, 71A.12.040 and Title 71A RCW. WSR 97-13-051, § 275-27-222, filed 6/13/97, effective 7/14/97.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-256 Service need levels. [WSR 99-19-104, recodified as § 388-825-256, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030, 71A.12.040 and Title 71A RCW. WSR 97-13-051, § 275-27-223, filed 6/13/97, effective 7/14/97. Statutory Authority: RCW 71A.12.040 and 43.43.745. WSR 94-04-092 (Order 3702), § 275-27-223, filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 71A.12.040. WSR 92-09-114 (Order 3372), § 275-27-223, filed 4/21/92, effective 5/22/92. Statutory Authority: RCW 71.20.070. WSR 88-05-004 (Order 2596), § 275-27-223, filed 2/5/88.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-260 What are qualifications for individual service providers? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-260, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-262 What services do individuals provide for persons with developmental disabilities? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-262, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-264 If I want to provide services to persons with developmental disabilities, what do I do? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-264, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-266 If I want to provide respite care in my home, what is required? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-266, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-268 What is required for agencies wanting to provide care in the home of a person with developmental disabilities? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-268, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-270 Are there exceptions to the licensing requirement? [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-270, filed 7/25/02, effective 8/25/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-270, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-272 What are the minimum requirements to become an individual provider? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-272, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-276 What are required skills and abilities for this job? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-276, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-278 Are there any educational requirements for individual providers? [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-278, filed 7/25/02, effective 8/25/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-278, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-280 What are the requirements for an individual supportive living service (also known as a companion home) contract? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-280, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-282 What is "abandonment of a vulnerable adult”? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-282, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-284 Are providers expected to report abuse? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, § 388-825-284, filed 11/9/99, effective 12/10/99.] Repealed by WSR 05-17-135, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.12.120.

388-825-316 How do I choose a companion home or alternative living provider? [Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-316, filed 8/19/05, effective 9/19/05.] Repealed by WSR 07-23-062, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW.

388-825-325 What are the required skills and abilities for individuals and agencies contracted to provide community first choice services, medicaid personal care, respite care, or attendant care services? [Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-325, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-325, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-325, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-325, filed 8/19/05, effective 9/19/05.] Repealed by WSR 23-07-130, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837.

388-825-381 When can the department reject the client's choice of a companion home services or alternative living services provider? [Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-381, filed 8/19/05, effective 9/19/05.] Repealed by WSR 07-23-062, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW.

388-825-395 What are the client's rights if the department denies, terminates, or summarily suspends an individual's contract to provide respite care, attendant care, or personal care? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-395, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-395, filed 8/19/05, effective 9/19/05.] Repealed by WSR 23-07-130, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837.

388-825-500 What is the family support pilot? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-500, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-505 What is the statutory authority for the family support pilot? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-505, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-510 Who is eligible to participate in the family support pilot? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-510, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-512 What is the definition of family? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-512, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-513 What is the definition of an "award"? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-513, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-514 If I participate in the FSP, will I be eligible for services through the DDD home and community based services (HCBS) waiver? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-514, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-516 If I receive other DDD funded services do I qualify for the FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-516, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-520 If I qualify for and receive an FSP award, will my name remain on the family support waitlist? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-520, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-524 How do I apply for the FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-524, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-528 What will DDD do with the FSP questionnaire that you return? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-528, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-532 How does DDD determine the federal poverty level (FPL) for my household? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-532, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-534 What are the annual federal poverty levels? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-534, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-536 What is "gross annual household income"? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-536, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-538 What is the definition of household? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-538, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-540 Who must declare their income? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-540, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-544 If I meet eligibility for FSP, will I receive paid services? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-544, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-548 What is the amount of the FSP awards? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-548, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-552 What if there are two or more family members who qualify for FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-552, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-554 How will DDD determine who will receive awards for FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-554, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-558 What FSP services can my family and I receive? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-558, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-560 What department restrictions apply to FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, 2005 c 518 § 205 (1)(e), Title 71A RCW. WSR 06-19-036, § 388-825-560, filed 9/13/06, effective 10/14/06; WSR 06-06-040, § 388-825-560, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-562 What is an FSP plan? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-562, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-564 Does my family have a choice of FSP services? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-564, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-572 What if I have needs that exceed my FSP award limit? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-572, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-575 What are one-time awards? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-575, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-576 How do I apply for a one-time award? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-576, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-578 What amount of one-time funding is available for my family? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-578, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-581 How long do I remain eligible for the FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-581, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-584 Can I be terminated from FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-584, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-586 When are changes in my circumstances considered effective? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-586, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-588 How will the department notify me of their decisions? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-588, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-591 What are my appeal rights under the FSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-591,

filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-825-595 How do I appeal a department action? [Statutory Authority: RCW 71A.12.030, 71A.12.040, Title 71A RCW and 2005 c 518 § 205 (1)(e). WSR 06-06-040, § 388-825-595, filed 2/23/06, effective 3/26/06.] Repealed by WSR 10-02-101, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

WAC 388-825-020 Definitions. "Adult day care" is a service administered by DDA-contracted counties that provides a structured social program for adults.

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

"Assistant secretary" means the assistant secretary of the developmental disabilities administration.

"Background check system" or **"BCS"** means an online system for processing background checks.

"Consumer-directed employer" is a private entity that contracts with the department to be the legal employer of individual providers for purposes of performing administrative functions.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020 who also has been determined eligible to receive services by the administration under chapter 71A.16 RCW. "Client" may also refer to a child with a functional need for personal care services who does not have a developmental disability.

"Community first choice" or **"CFC"** is a medicaid state plan program defined in chapter 388-106 WAC.

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

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

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

"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.

"Individual provider" means an employee of a consumer-directed employer who provides personal care or respite care services.

"Intermediate care facility for individuals with intellectual disabilities" or **"ICF/IID"** means a facility certified under federal law to provide active treatment and rehabilitation services.

"Legal representative" means a parent of a client if the client is under age 18 and parental rights have not been terminated or relinquished, 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.

"Medicaid" means the federal medical aid program under title XIX of the Social Security Act that provides health care to eligible people.

"Person-centered service plan" or **"PCSP"** is a document that identifies a client's goals and assessed health and welfare needs. The PCSP also indicates the paid services and natural supports that will help a client achieve their goals and address their assessed needs.

"Residential habilitation center" or **"RHC"** means a state-operated facility under RCW 71A.20.020.

"Respite care" means short-term intermittent care for DDA clients to provide relief for people who normally provide that care.

"State-only funded services" means those services paid entirely with state funds.

"State supplementary payment" or **"SSP"** is the state paid cash assistance program for certain DDA-eligible clients.

"You" or **"your"** means the client.

[Statutory Authority: RCW 71A.12.030, 71A.12.380, 71A.12.380(1), and 42 C.F.R. 441.301. WSR 25-15-103, s 388-825-020, filed 7/17/25, effective 8/17/25. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-020, filed 3/22/23, effective 4/22/23. Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-020, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-020, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-020, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-020, filed 5/19/08, effective 6/19/08. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-020, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-020, filed 7/25/02, effective 8/25/02. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 99-23-021, amended and recodified as § 388-825-020, filed 11/9/99, effective 12/10/99. Statutory Authority: RCW 71A.12.030. WSR 99-04-071, § 275-27-020, filed 2/1/99, effective 3/4/99. Statutory Authority: RCW 74.12A.030 and 71A.16.030. WSR 98-20-044, § 275-27-020, filed 9/30/98, effective 10/7/98. Statutory Authority: RCW 71A.14.030 and 71A.16.020. WSR 92-09-115 (Order 3373), § 275-27-020, filed 4/21/92, effective 5/22/92. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-020, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.070. WSR 89-06-049 (Order 2767), § 275-27-020, filed 2/28/89; WSR 84-15-058 (Order 2124), § 275-27-020, filed 7/18/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-020, filed 3/16/78; Order 1143, § 275-27-020, filed 8/11/76.]

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

(1) An opportunity to learn, improve or retain social and adaptive skills necessary for living in the community;

(2) Health and safety;

(3) Personal power and choice;

(4) Competence and self reliance;

(5) Positive recognition by self and others;

(6) Positive relationships; and

(7) Integration into the physical and social life of the community.

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

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

(1) You are under the age of three and meet the eligibility requirements contained in WAC 388-823-0800 through 388-823-0850;

(2) You are a recipient of Washington apple health under the categorically needy program (CNP) or the alternative benefits plan and meet the eligibility requirements under chapter 182-513 WAC that correspond to the program or service you have been determined eligible for;

(3) You are enrolled in a DDA home and community based services waiver and meet the eligibility requirements contained in chapter 388-845 WAC;

(4) You have been enrolled in the individual and family services program and meet the eligibility requirements contained in chapter 388-832 WAC; or

(5) You have been approved to receive a state-only funded service.

[Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-057, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-057, filed 5/19/08, effective 6/19/08.]

WAC 388-825-058 What services does DDA authorize? (1) DDA authorizes the following paid services:

(a) Adult day care.
(b) Assistive technology.
(c) Attendant care.
(d) Bed bug extermination.
(e) Behavior support treatment team.
(f) Caregiver management.
(g) Child development services.
(h) Child placing agency.
(i) Community engagement.
(j) Community inclusion.
(k) Community transition or sustainability services.
(l) Community/recreational activities.
(m) Copays for medical and therapeutic services.
(n) County services.
(o) Crisis stabilization.
(p) Durable medical equipment.
(q) Employment technical assistance add-on.
(r) Environmental adaptations.
(s) Equine therapy.
(t) Excess medical costs not covered by another source.
(u) Family and provider support.
(v) Group supported employment.
(w) Individual employment.

(x) Music therapy.
(y) Nonmedical equipment.
(z) Nurse consultation.
(a)(a) Nurse delegation.
(b)(b) Occupational therapy.
(c)(c) Overnight planned respite for adults.
(d)(d) Parent and sibling education.
(e)(e) Peer mentoring.
(f)(f) Personal emergency response system.
(g)(g) Personal care.
(h)(h) Person-centered plan facilitation.
(i)(i) Physical therapy.
(j)(j) Plethysmograph.
(k)(k) Polygraph.
(l)(l) Positive behavior support.
(m)(m) Private duty nursing.
(n)(n) Recreational opportunities.
(o)(o) Reentry community safety program.
(p)(p) Relief care.
(q)(q) Residential habilitation.
(r)(r) Respite.
(s)(s) Risk assessment.
(t)(t) Service animal services.
(u)(u) Skilled nursing.
(v)(v) Skills acquisition.
(w)(w) Specialized clothing.
(x)(x) Specialized evaluation and consultation.
(y)(y) Specialized habilitation.
(z)(z) Specialized habilitation-stabilization.
(a)(a)(a) Specialized equipment and supplies.
(b)(b)(b) Specialized nutrition.
(c)(c)(c) Speech therapy.
(d)(d)(d) Stabilization diversion bed.
(e)(e)(e) Staff and family consultation.
(f)(f)(f) Staff and family consultation-stabilization.
(g)(g)(g) State supplementary payments.
(h)(h)(h) Supported parenting.
(i)(i)(i) Therapeutic adaptations.
(j)(j)(j) Training and counseling.
(k)(k)(k) Transition services.
(l)(l)(l) Transportation.
(m)(m)(m) Vehicle modifications.
(n)(n)(n) Wellness education.

(2) This section does not include services directly provided by the department.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-058, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-058, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-058, filed 5/19/08, effective 6/19/08.]

WAC 388-825-0581 What programs does DDA authorize services under? DDA may authorize services under the following programs:

(1) Medicaid state plan;
(2) Home and community-based services (HCBS) waiver;
(3) Roads to community living; and
(4) State-only funded services.
(5) Participation in all DDA paid services is voluntary. Clients or their legal representatives have the right to decline or terminate services at any time.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-0581, filed 3/22/23, effective 4/22/23.]

WAC 388-825-059 How will I know which paid services I will receive? Your person-centered service plan identifies the services and the amount of service you can receive.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-059, filed 3/22/23, effective 4/22/23. Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-059, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-059, filed 5/19/08, effective 6/19/08.]

WHAT SERVICES MAY BE AVAILABLE

WAC 388-825-067 What are medicaid state plan services? (1) Medicaid state plan services are those services available to people eligible for one of the following medicaid programs:
(a) The alternative benefits plan (ABP) medicaid;
(b) Categorically needy (CN) medicaid;
(c) Medically needy (MN) medicaid; or
(d) Medical care services (MCS) programs (includes capacity-based and aged, blind, and disabled medical care services), as described in WAC 182-508-0005.
(2) To receive the service, you must be assessed by DDA to have an unmet need for the service and meet the eligibility criteria for the program.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-067, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-067, filed 5/19/08, effective 6/19/08.]

WAC 388-825-068 What medicaid state plan services can DDA authorize? If eligible, DDA may authorize one or more of the following medicaid state plan services:
(1) Community first choice under chapter 388-106 WAC;
(2) Medicaid personal care under chapter 388-106 WAC;
(3) Private duty nursing for adults age 18 and older under chapter 388-106 WAC;

(4) Private duty nursing for children under the age of 18 under WAC 182-551-3000;

(5) ICF/IID services under chapters 388-835 and 388-837 WAC;

(6) Nursing facility services at residential habilitation centers (RHC) under chapter 388-97 WAC; or

(7) Preadmission screening and resident review (PASRR).

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-068, filed 3/22/23, effective 4/22/23. Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-068, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-068, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.14.030, 2009 c 564, section 205 (1)(j), and section 1915(i) of the Social Security Act. WSR 10-04-002, § 388-825-068, filed 1/21/10, effective 2/21/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-068, filed 5/19/08, effective 6/19/08.]

WAC 388-825-072 Where do I find information on DDA's home and community-based services (HCBS), eligibility rules, and definitions? (1) Home and community-based services (HCBS) waiver eligibility, the scope of services provided by each waiver, the service definitions, service limits, and qualified providers for each service are contained in chapter 388-845 WAC.

(2) Services available under the basic plus waiver are found in WAC 388-845-0210.

(3) Services available under the core waiver are found in WAC 388-845-0215.

(4) Services available under the community protection waiver are found in WAC 388-845-0220.

(5) Services available under the children's intensive in-home behavior support waiver are found in WAC 388-845-0225.

(6) Services available under the individual and family services waiver are found in WAC 388-845-0230.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-072, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-072, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-072, filed 5/19/08, effective 6/19/08.]

WAC 388-825-074 Am I eligible for state-only funded services? (1) You are eligible to receive available state-only funded services if all of the following conditions apply:

(a) You have a current DDA assessment that identifies your need for the service and the amount of service you will receive.

(b) You meet all eligibility requirements for the specific service.

(c) You are not enrolled in a DDA home and community-based services (HCBS) waiver.

(d) You do not receive SSP as a replacement for the requested service.

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

(f) You are enrolled in medicaid or you have applied and been found ineligible for medicaid in Washington state in the past year.

(g) You have been approved for funding for a state-only funded service in WAC 388-825-082.

(2) Eligibility for state-only funded services under this section does not affect your eligibility for medicaid.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-074, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-074, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-074, filed 5/19/08, effective 6/19/08.]

WAC 388-825-082 What state-only funded services may DDA authorize? DDA may authorize state-only funded services as follows:

(1) Adult day care.

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

(a) Are not eligible for other DDA services that meet their needs; and

(b) Were receiving attendant care in March 2004.

(3) Child development services.

(4) Crisis stabilization.

(5) Individual and family services under chapter 388-832 WAC.

(6) Medical and dental services necessary for the health of the client that are not covered by medicaid or private insurance.

(7) Medical insurance copays and costs exceeding other coverage.

(8) Offender re-entry community safety program services.

(9) Overnight planned respite services under chapter 388-829R WAC.

(10) Parent training and counseling.

(11) PASRR services under chapter 388-834 WAC if you reside in a medicaid-certified home nursing facility but you do not qualify for medicaid.

(12) Psychological counseling which provides specialized cognitive counseling and strategies for effectively relating to people or coping with situations and problems.

(13) State supplementary payments under chapter 388-827 WAC.

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

(15) Waiver services under chapter 388-845 WAC if prior approval is received by the assistant secretary or designee.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-082, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-082, filed 5/19/08, effective 6/19/08.]

WAC 388-825-083 Is there a comprehensive list of waiver and state-only DDA services? The following is a list of waiver and state-only services that the developmental disabilities administration (DDA) may authorize:

(1) For medicaid state plan services authorized by DDA, see WAC 388-825-068;

(2) The following waiver services may be funded as state-only services:

(a) Basic plus waiver services under WAC 388-845-0210;

(b) Children's intensive in-home behavioral support waiver services under WAC 388-845-0225;

(c) Community protection waiver services under WAC 388-845-0220;

(d) Core waiver services under WAC 388-845-0215; and

(e) Individual and family services under WAC 388-845-0230; and

(3) The following state-only funded services are not available as a waiver service:

(a) Adult day care;

(b) Attendant care;

(c) Child care for foster children;

(d) Child development services;

(e) Chore services;

(f) Community services grant;

(g) Individual and family assistance;

(h) Information and education;

(i) Medical and dental services;

(j) Medical insurance copays and costs exceeding other coverage;

(k) Overnight planned respite services;

(l) Parent and sibling education;

(m) Parent training and counseling;

(n) Personal care mileage reimbursement;

(o) Psychological counseling;

(p) Recreational opportunities;

(q) Reimbursement to families for the purchase of approved items or services;

(r) State supplementary payments;

(s) Training of the client; and

(t) Transportation costs of escort service or travel time.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 2015 3rd sp.s. c 4, and 42 C.F.R § 441.301 (c)(4)-(5). WSR 18-03-174, § 388-825-083, filed 1/23/18, effective 2/23/18. Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-083, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-083, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-083, filed 5/19/08, effective 6/19/08.]

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

(1) All state-only funded services are limited to available funding; and

(2) Adult day care is available only to a client who is currently receiving the service.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 2015 3rd sp.s. c 4, and 42 C.F.R § 441.301 (c)(4)-(5). WSR 18-03-174, § 388-825-084, filed 1/23/18, effective 2/23/18. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-084, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-084, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-084, filed 5/19/08, effective 6/19/08.]

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

(1) Contracted and DDA-certified community based residential services for adults;

(2) Contracted community based services for children; and

(3) Residential habilitation centers (RHC) for a person who requires ICF/ID or nursing facility care.

(a) On a short-term basis for those ages sixteen through twenty; or

(b) On a short or long-term basis if age twenty-one or older.

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-0871, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-0871, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-0871, filed 5/19/08, effective 6/19/08.]

WAC 388-825-089 What is a residential habilitation center (RHC)? A residential habilitation center (RHC) is a state-operated facility certified to provide ICF/ID services (see chapter 388-837 WAC) and/or nursing facility services (chapter 388-97 WAC) for persons who are eligible as specified in WAC 388-825-091. RHCs include:

(1) Rainier School in Buckley, Washington;

(2) Fircrest School in Shoreline, Washington;

(3) Yakima Valley School in Selah, Washington; and

(4) Lakeland Village in Medical Lake, Washington.

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-089, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-089, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-089, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-089, filed 5/19/08, effective 6/19/08.]

WAC 388-825-091 Am I eligible for intermediate care or nursing facility services at a residential habilitation center (RHC)? (1) If

you are 21 years of age or over, you are eligible to receive services at a residential habilitation center (RHC) if:

(a) You have been determined to meet eligibility criteria as defined in chapter 388-823 WAC;

(b) You choose to receive services in an RHC;

(c) DDA has determined that you can be supported safely in an RHC environment and will not pose a danger to other residents of the RHC; and

(d) You need the level of care provided at an RHC, which is either:

(i) Nursing facility level of care under WAC 388-106-0355 for a client admitted to, or seeking admission to, a state-operated nursing facility; or

(ii) Intermediate care facility for individuals with intellectual disabilities (ICF/IID) level of care under WAC 388-828-1020 for a client admitted to, or seeking admission to, a state-operated ICF/IID.

(2) If you meet (1)(a) through (d) of this section, the service will be offered at an RHC that has capacity to meet your needs.

(3) If you are 16 through 20 years of age, and meet (1)(a) through (d) of this section you may not be admitted to receive services at a residential habilitation center unless there are no service options available in the community to appropriately meet your needs. Such admission is limited to the provision of a short-term stay per WAC 388-825-093.

(4) If you are under age 16 you are not eligible to receive services at a residential habilitation center.

(5) Admission to a nursing facility at an RHC also requires completion of preadmission screening and resident review (PASRR) requirements as described in chapter 388-97 WAC.

(6) You have a right to return to Rainier RHC if:

(a) You are a long-term resident which means you are a resident of Rainier ICF/IID on July 27, 2025;

(b) You discharged from Rainier RHC to a community setting;

(c) You meet the eligibility requirements in (1)(a) through (d) of this section; and

(d) You submit a request to return within 365 days after your discharge from Rainier RHC; and

(e) Additional requests to return require the approval of the DSHS secretary or designee based on the recommendation of the Rainier RHC interdisciplinary team.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.16.010, 71A.16.020, 71A.20.010, 71A.20.020, 71A.20.050, 71A.20.080, and 71A.20.090. WSR 26-12-016, s 388-825-091, filed 5/22/26, effective 6/22/26. Statutory Authority: RCW 71A.12.030 and 71A.12.120, 42 C.F.R. 483.440. WSR 19-12-088, § 388-825-091, filed 6/4/19, effective 7/5/19. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-091, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-091, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-091, filed 5/19/08, effective 6/19/08.]

WAC 388-825-093 Can I receive a short-term stay at a residential habilitation center (RHC)? (1) Short-term stays are for the purpose of:

(a) Planned respite to provide a scheduled break in caregiving; or

(b) Crisis stabilization to provide safety and stability when your current living situation puts you at risk of hospitalization or in a hospital without medical need.

(2) Short-term stays are limited to an available vacancy with admission to:

(a) A state-operated nursing facility for planned respite;

(b) Yakima Valley RHC for planned respite or crisis stabilization;

(c) Effective July 27, 2025, Rainier RHC; or

(d) An intermediate care facility if you are age 16 through 20.

(3) You must meet eligibility requirements as stated in WAC 388-825-091;

(4) Approval is required by the assistant secretary of the developmental disabilities administration or designee for:

(a) Crisis stabilization; and

(b) Planned respite in excess of 30 days in a calendar year.

(5) Effective July 1, 2027, no admissions are permitted at Rainier RHC unless the admission is for return rights as described in WAC 388-825-091.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.16.010, 71A.16.020, 71A.20.010, 71A.20.020, 71A.20.050, 71A.20.080, and 71A.20.090. WSR 26-12-016, s 388-825-093, filed 5/22/26, effective 6/22/26. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-093, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-093, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-093, filed 5/19/08, effective 6/19/08.]

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

(1) Your case/resource manager may update your assessment as described in chapter 388-828 WAC and gather other information.

(2) Long-term admission to an RHC requires approval by the assistant secretary of the developmental disabilities administration or designee.

(3) You must be 21 years old or older to be admitted as a long-term resident.

(4) Long-term admission is not permitted at:

(a) Yakima Valley RHC; and

(b) Rainier RHC, except if you have return rights as described in WAC 388-825-091.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.16.010, 71A.16.020, 71A.20.010, 71A.20.020, 71A.20.050, 71A.20.080, and 71A.20.090. WSR 26-12-016, s 388-825-094, filed 5/22/26, effective 6/22/26. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-094, filed 8/18/15, effec-

tive 9/18/15. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-094, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-094, filed 5/19/08, effective 6/19/08.]

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

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

(a) If you are eligible for and receiving SSI or have SSI related eligibility per chapter 182-512 WAC, you are not required to pay toward the cost of your care if you are living at home or in a community setting.

(b) If you are enrolled in a DDA HCBS waiver you must pay toward the cost of your services as described in WAC 182-515-1510.

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

(3) If you live in a medical institution you must pay toward the cost of your care as described in WAC 182-513-1380. See WAC 182-500-0050 for the definition of a medical institution.

[Statutory Authority: RCW 71A.12.030, 71A.12.380, 71A.12.380(1), and 42 C.F.R. 441.301. WSR 25-15-103, s 388-825-096, filed 7/17/25, effective 8/17/25. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-096, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-096, filed 5/19/08, effective 6/19/08.]

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

(1) If you have SSI related eligibility the cost of your payee or guardianship service may be deducted as described in chapter 388-79 WAC and WAC 182-512-0800(5).

(2) If you are enrolled in a DDA HCBS waiver refer to WAC 182-512-1510 for rules used to determine allowable deductions.

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

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-097, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-097, filed 5/19/08, effective 6/19/08.]

WAC 388-825-098 Does DDA provide guardianship services? DDA does not provide or pay for the cost of guardianship services. If it

appears that you require a guardian to make legal, medical, and/or services decisions and to exercise your appeal rights to department decisions, and there is no other individual able and willing to seek guardianship on your behalf, the administration's field services may request that an assistant attorney general initiate and/or assist in guardianship proceedings.

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-098, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.10.015, 71A.12.020, 71A.12.030, and Title 71A RCW. WSR 08-11-072, § 388-825-098, filed 5/19/08, effective 6/19/08.]

NOTIFICATION OF DECISIONS

WAC 388-825-100 How will I be notified of decisions made by DDA? (1) Whenever possible, DDA will notify you or your legal representative by phone or in person of the decision; and

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

(a) Your parent; or

(b) Your legal representative.

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

(a) Your legal representative; or

(b) A person identified by you to receive notices if you do not have a legal representative. Unless the person identified by you is a relative of yours, he or she cannot be an employee of DDA, a contractor with DDA or an employee of a contractor with DDA.

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-100, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-100, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71.10.060, 71A.12.030, and Title 71A RCW. WSR 08-16-122, § 388-825-100, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-100, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-100, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-100, filed 7/25/02, effective 8/25/02. WSR 99-19-104, recodified as § 388-825-100, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.030, 71A.12.040 and Title 71A RCW. WSR 97-13-051, § 275-27-400, filed 6/13/97, effective 7/14/97. Statutory Authority: RCW 71.20.070. WSR 88-05-004 (Order 2596), § 275-27-400, filed 2/5/88; WSR 86-18-049 (Order 2418), § 275-27-400, filed 8/29/86; WSR 84-15-058 (Order 2124), § 275-27-400, filed 7/18/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-400, filed 3/16/78; Order 1143, § 275-27-400, filed 8/11/76.]

WAC 388-825-101 Why does DDA send my notices and correspondence to someone else? DDA sends your notices and correspondence to someone

else to assist you to understand the information and your appeal rights to department decisions.

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-101, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71.10.060, 71A.12.030, and Title 71A RCW. WSR 08-16-122, § 388-825-101, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-101, filed 7/16/04, effective 8/16/04.]

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

(2) DDA will review your request and comply with your request unless it determines that you are at risk of losing legal rights.

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

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-102, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71.10.060, 71A.12.030, and Title 71A RCW. WSR 08-16-122, § 388-825-102, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-102, filed 7/16/04, effective 8/16/04.]

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

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

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

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

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

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

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-103, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-103, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 08-04-072, § 388-825-103, filed 2/4/08, effective 3/6/08. Statutory Authority: RCW 71A.12.030, 71A.12.120, 71A.14.040, and Title 71A RCW. WSR 05-11-015, § 388-825-103, filed 5/9/05, effective 6/9/05. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-103, filed 7/16/04, effective 8/16/04.]

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

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

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-104, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-104, filed 7/16/04, effective 8/16/04.]

WAC 388-825-105 Am I given any advance notice of termination, reduction, or eligibility for services? (1) DDA will provide you at least ten-days advance notice, as described in WAC 388-458-0040 (1), (2) and (3), of any action to terminate your eligibility, or terminate or reduce your services.
(2) DDA will provide you at least thirty-days advance notice prior to transferring you from a residential habilitation center to the community under RCW 71A.20.080.

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-105, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 71A.20.080, and Title 71A RCW. WSR 06-10-055, § 388-825-105, filed 5/1/06, effective 6/1/06. Statutory Authority: RCW 71A.12.030, 71A.10.020, and 71A.16.040. WSR 04-15-093, § 388-825-105, filed 7/16/04, effective 8/16/04.]

ADMINISTRATIVE HEARINGS

WAC 388-825-120 When may I appeal a decision made by the developmental disabilities administration? (1) You, your legal representative, or your authorized representative may appeal a decision made by DDA if you are an applicant, a client, or a former client.
(2) You have the right to an administrative hearing to dispute the following DDA actions:
(a) Approval, denial, reduction, or termination of services;
(b) Approval, denial, or termination of eligibility;
(c) Approval, denial, reduction, or termination of payment of SSP authorized by DDA set forth in chapter 388-827 WAC;
(d) Admission or readmission to, or discharge from, a residential habilitation center set forth in WAC 388-825-155;
(e) Refusal to abide by your request that we not send notices to any other person;
(f) Refusal to comply with your request to consult only with you;
(g) Denial of payment to your provider for any reason under WAC 388-825-375;
(h) Termination of your provider's contract for any reason under WAC 388-825-385 or 388-825-390;
(i) An unreasonable delay to act on an application for eligibility or service;
(j) A claim that you owe an overpayment debt;

(k) Action related to the community protection program under WAC 388-831-0300;

(l) An exception to rule decision if:

(i) The total number of service hours you are currently receiving includes hours approved as an exception to rule in addition to the number of hours available to you under program rule or DDA assessment; and

(ii) The total number of service hours you are currently receiving is reduced because of a reduction or termination in the number of hours approved as an exception to rule.

(3) Except as allowed under subsection (2)(l) of this section, you do not have a right to appeal the department's denial of an exception to rule request.

(4) If you appeal a decision made by the developmental disabilities administration, your appeal is governed by this chapter and:

(a) Chapter 34.05 RCW;

(b) Chapter 71A.10 RCW; and

(c) Chapters 388-02 or 182-526 WAC, as applicable.

(5) If any provision in this chapter conflicts with chapters 388-02 or 182-526 WAC or WAC 388-440-0001(3), the provision in this chapter prevails.

(6) If you receive personal care services under chapter 388-106 WAC that are authorized by DDA, the appeal provision in WAC 388-106-1315 applies.

(7) If you are not enrolled in a waiver and your request to be enrolled in a waiver is denied, your appeal rights are limited under WAC 388-845-4005.

(8) If you are enrolled in a waiver and your request to be enrolled in a different waiver is denied, your appeal rights are limited under WAC 388-845-4005.

[Statutory Authority: RCW 71A.12.030, 71A.12.380, 71A.12.380(1), and 42 C.F.R. 441.301. WSR 25-15-103, s 388-825-120, filed 7/17/25, effective 8/17/25. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-120, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-120, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-120, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-120, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030. WSR 06-19-037, § 388-825-120, filed 9/13/06, effective 10/14/06. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-120, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-120, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-120, filed 7/25/02, effective 8/25/02; WSR 99-19-104, recodified as § 388-825-120, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-500, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030]. WSR 90-04-074 (Order 2997), § 275-27-500, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 71.20.070. WSR 86-18-049 (Order 2418), § 275-27-500, filed 8/29/86. Statutory Authority: RCW

72.33.161. WSR 84-15-038 (Order 2122), § 275-27-500, filed 7/13/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-500, filed 3/16/78; Order 1143, § 275-27-500, filed 8/11/76.]

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

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

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

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-125, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-125, filed 8/19/05, effective 9/19/05.]

WAC 388-825-130 How long do I have to file a request for an administrative hearing? (1) The following rules apply to all situations except a decision to transfer you from a state residential habilitation center (RHC) to the community under RCW 71A.20.080. The rules for administrative hearings regarding the department's decision to transfer you from an RHC to the community are contained in WAC 388-825-155.

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

(3) You must request an administrative hearing within the ten-day notice period, as described in WAC 388-458-0040 (1), (2) and (3), if you wish to maintain current services during the appeal process per WAC 388-825-145.

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

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-130, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 71A.20.080, and Title 71A RCW. WSR 06-10-055, § 388-825-130, filed 5/1/06, effective 6/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-130, filed 8/19/05, effective 9/19/05.]

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

(2) An oral request for an administrative hearing is complete if it contains enough information to identify the person making the request, the DDA decision, and the name of the individual affected by the decision.

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

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-135, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-135, filed 8/19/05, effective 9/19/05.]

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

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

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

(2) If you request an administrative hearing regarding the department's decision to reduce or terminate your services, and you request the hearing before the date specified on the notice of the action, and none of the conditions in WAC 388-825-150 applies, the department will not reduce or terminate those services unless and until an administrative law judge issues an initial order or a review judge issues a final order that reduces or terminates those services. This subsection also applies to the department's decision to disenroll you from a DDA home and community based services waiver under WAC 388-845-0060.

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

(4) The department will take no action until there is a final decision on your appeal to terminate your provider of choice unless one or more of the circumstances described in WAC 388-825-150 applies.

(5) After the administrative hearing, you may have to pay back up to sixty days of the continued benefits you get if the administrative hearing decision determines your benefits should be less than the continued benefits you have received.

[Statutory Authority: 42 C.F.R. 431.232(d) and RCW 71A.12.030. WSR 15-15-101, § 388-825-145, filed 7/15/15, effective 8/15/15. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 08-04-072, § 388-825-145, filed 2/4/08, effective 3/6/08. Statutory Authority: RCW 71A.12.030, 71A.20.080, and Title 71A RCW. WSR 06-10-055, § 388-825-145, filed 5/1/06, effective 6/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-145, filed 8/19/05, effective 9/19/05.]

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

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

(2) Your DDA eligibility under chapter 388-823 WAC has expired.

(3) There is no longer funding for the state-only funded service you have been receiving.

(4) Your current services are terminated or transferred to comply with state law.

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

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

(7) Your health, safety, or wellbeing is in imminent jeopardy.

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

(a) A lack of a contract;

(b) Decertification;

(c) Failure to complete training or certification requirements;

(d) Revocation or suspension of a license; or

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

(9) If you are under the age of 18 and your parent or legal representative approves the department's decision.

(10) You did not file your request for an administrative hearing within the applicable notice period.

(11) You or your legal representative tell us in writing that you do not want continued benefits.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-150, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-150, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 07-06-055, § 388-825-150, filed 3/5/07, effective 4/5/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-150, filed 8/19/05, effective 9/19/05.]

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

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

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

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

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

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

WAC 388-825-165 Where can I find additional information about the appeal process? You may find additional information governing the appeal process in chapters 388-02 and 182-526 WAC.

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-165, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-165, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-165, filed 8/19/05, effective 9/19/05.]

WAC 388-825-168 How do I complain to DDA about my services or treatment? If you have a complaint about any DDA services or treatment other than actions listed in WAC 388-825-120(3), or you do not want to appeal a DDA action through an administrative hearing but you still wish to express your concerns, follow these steps in this order:

(1) First, contact your case resource manager or social worker by phone, in writing, email, or in person and explain your problem.

(2) If you are not happy with the results from speaking with your case resource manager or social worker, you may ask to speak with their supervisor.

(3) If steps in subsections (1) and (2) of this section do not solve your problem, you should submit your complaint in writing to the regional office.

(4) If you do not reach a solution with the regional office, you can request that your complaint be forwarded to the DDA headquarters in Olympia.

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-168, filed 8/18/15, effective 9/18/15.]

INDIVIDUAL PROVIDER AND AGENCY PROVIDER QUALIFICATIONS

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

(1) Qualifications for individual providers and home care agencies; and

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

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-300, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-300, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-300, filed 8/19/05, effective 9/19/05.]

WAC 388-825-305 Who is governed by WAC 388-825-305 through 388-825-400? WAC 388-825-305 through 388-825-400 govern individual providers and home care agencies who provide one or more of the following:

(1) Community first choice services;
(2) Medicaid personal care; or
(3) Respite care services.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-305, filed 3/22/23, effective 4/22/23. Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-305, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-305, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-305, filed 8/19/05, effective 9/19/05.]

WAC 388-825-310 What are the provider qualifications, responsibilities, and training requirements for a home care agency provider? (1) A home care agency provider must meet the provider qualifications, responsibilities, and training requirements under chapter 388-71 WAC.

(2) Individual providers must meet the provider qualifications, responsibilities, and training requirements under chapter 388-115 WAC.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-310, filed 3/22/23, effective 4/22/23. Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-310, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-310, filed 8/19/05, effective 9/19/05.]

WAC 388-825-315 What is your responsibility when you hire an individual provider? If you hire an individual provider, you or your legal representative must manage the individual provider according to chapter 388-115 WAC.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-315, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-315, filed 8/19/05, effective 9/19/05.]

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

(1) Be eighteen years of age or older.

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

(a) Picture identification; and

(b) A Social Security card.

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

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

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

(4) Provide references as requested.

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

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

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

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

WAC 388-825-330 What is required for agencies to provide community first choice services, medicaid personal care, or respite services? (1) To provide community first choice services, medicaid personal care, or respite services a home care agency must be:

(a) Contracted with DSHS to provide the service; and

(b) Licensed as a home care agency or home health agency through the department of health under chapter 246-335 WAC.

(2) If a residential agency certified under chapter 388-101 WAC wants to provide medicaid personal care services, personal care services under the community first choice program, or respite care, the agency must be:

(a) Contracted with DSHS to provide the service; and

(b) Licensed as a home care agency or home health agency through the department of health under chapter 246-335 WAC.

(3) If a residential agency certified under chapter 388-101 WAC only wants to provide skills acquisition under the community first choice program, the agency must be contracted with DSHS to provide the service.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-330, filed 3/22/23, effective 4/22/23. Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-330, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-330, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-330, filed 8/19/05, effective 9/19/05.]

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

(a) Complete the required DSHS form online authorizing a background check;

(b) Disclose any disqualifying criminal convictions and pending charges as listed in chapter 388-113 WAC, and also disclose civil adjudication proceedings and negative actions as those terms are defined in WAC 388-113-0030;

(c) Be screened through a Washington state name and date of birth background check (Preliminary results may require a thumb print for identification purposes); and

(d) Be screened through a Washington state and national fingerprint-based background check as required by RCW 74.39A.056.

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

(a) Is disqualified based on a disqualifying criminal conviction or a pending charge for a disqualifying crime under WAC 388-113-0020, civil adjudication proceeding or negative action under WAC 388-113-0030; or

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

(3) For an applicant or service provider listed in RCW 43.43.837(1), a national fingerprint-based background check is required if the person lived out of the state of Washington in the past 36 months or is a new hire.

(4) The department may require a long-term care worker to have a Washington state name and date of birth background check if information is disclosed or found regarding a new:

(a) Pending charge;

(b) Conviction; or

(c) Negative action.

[Statutory Authority: RCW 71A.12.030, 43.43.837, and 74.39A.056. WSR 24-15-041, § 388-825-335, filed 7/11/24, effective 8/11/24. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-335, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-335, filed 8/19/05, effective 9/19/05.]

WAC 388-825-340 Can a provider deliver respite services in the provider's home? (1) A provider may deliver respite services in the provider's home if the provider is related to the client.

(2) If the provider is not related to the client, respite services must be delivered in an appropriately licensed home.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-340, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-340, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-340, filed 8/19/05, effective 9/19/05.]

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

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

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

WAC 388-825-355 What are the training requirements for individuals providing respite care, attendant care, community first choice, or personal care services? The training and certification requirements for individuals who provide personal care or community first choice services are listed in chapter 388-71 WAC.

[Statutory Authority: 2014 c 139, 2014 c 166, 2015 3rd sp.s. c 4, RCW 71A.12.030, and 71A.12.120. WSR 16-17-009, § 388-825-355, filed 8/4/16, effective 9/4/16. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-355, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-355, filed 8/19/05, effective 9/19/05.]

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

(1) If an individual wishes to "quit" or terminate employment as a provider, the individual must:

(a) Give at least two weeks' notice;

(b) Notify the client or the client's representative in writing; and

(c) Notify the client's case manager.

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

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-360, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-360, filed 8/19/05, effective 9/19/05.]

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Be in writing.

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

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

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

WAC 388-825-375 When will the department deny payment for services? (1) The department will deny payment to the consumer-directed employer under WAC 388-115-05415.

(2) The department will deny payment to a home care agency provider under WAC 388-71-05415.

(3) Under RCW 74.39A.326, the department will deny payment for the services of a home care agency providing respite or personal care if the provider is your family member unless:

(a) You are an enrolled member of a federally recognized Indian tribe; or

(b) You reside in the household of an enrolled member of a federally recognized Indian tribe.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-375, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-375, filed 6/24/14, effective

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

WAC 388-825-380 When may the department reject the client's choice of an individual respite care, attendant care or personal care provider? The department may reject a client's request to have a family member or other person serve as his or her individual respite care, attendant care or personal care provider if the case manager has a reasonable, good faith belief that the person will be unable to appropriately meet the client's needs. Examples of circumstances indicating an inability to meet the client's needs could include, without limitation:

(1) Evidence of alcohol or drug abuse;

(2) Evidence of a conviction, pending charge, or negative action described in WAC 388-825-0640.

(3) A reported history of domestic violence, no-contact orders, or criminal conduct (whether or not the conduct is automatically disqualifying under RCW 43.43.830, 43.43.842 or chapter 388-113 WAC);

(4) A report from the client's health care provider or other knowledgeable person that the requested provider lacks the ability or willingness to provide adequate care;

(5) Other employment or responsibilities that prevent or interfere with the provision of required services;

(6) Excessive commuting distance that would make it impractical to provide services as they are needed and outlined in the client's service plan.

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

WAC 388-825-385 When may the department terminate an individual respite care, attendant care, or personal care provider's contract? The department may take action to terminate an individual respite care, attendant care, or personal care provider's contract if the provider's inadequate performance or inability to deliver quality care is jeopardizing the client's health, safety, or well-being. Examples of circumstances indicating jeopardy to the client include:

(1) Evidence of a conviction, pending charges, or negative actions described in WAC 388-825-640;

(2) Using or being under the influence of alcohol or illegal drugs during working hours;

(3) Other behavior directed toward the client or other persons involved in the client's life that places the client at risk of harm;

(4) A report from the client's health care provider that the client's health is negatively affected by inadequate care;

(5) A complaint from the client or client's representative that the client is not receiving adequate care;

(6) The absence of essential interventions identified in the service plan, such as medications or medical supplies; and

(7) Failure to respond appropriately to emergencies.

(8) The department, AAA, or department designee may also terminate an individual provider's contract for reasons described under WAC 388-113-0050.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-385, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-385, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-385, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-385, filed 8/19/05, effective 9/19/05.]

WAC 388-825-390 When can the department otherwise terminate an individual's contract to provide respite care, attendant care, or personal care? The department may otherwise terminate the individual's contract to provide respite care, attendant care, or personal care for default or convenience in accordance with the terms of the contract and to the extent that those terms are not inconsistent with these rules.

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

WAC 388-825-396 When does a home care agency have a right to an administrative hearing? A home care agency has a right to an administrative hearing under WAC 388-71-0562.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-396, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-23-062, § 388-825-396, filed 11/16/07, effective 12/17/07. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-396, filed 8/19/05, effective 9/19/05.]

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

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

BACKGROUND CHECK REQUIREMENTS

WAC 388-825-600 What definitions apply to WAC 388-825-600 through 388-825-690 of this chapter? The following definitions apply to WAC 388-825-600 through 388-825-690 of this chapter:

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

"Background check central unit (BCCU)" means a division within the department that processes background checks for department-authorized providers and department programs.

"Certification" means a process used by the department to determine if an applicant or service provider complies with chapter 388-101 WAC and is eligible to provide certified community residential services and supports to clients.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(6) and has been determined eligible to receive services by DDA under chapter 388-823 WAC.

"Community residential service businesses" has the same meaning as under RCW 74.39A.009.

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

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

"Disqualified" means that the results of a person's background check exclude the person from a position that will or may involve unsupervised access to DDA clients.

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

"Job class" means a level of work.

"Job class series" means a grouping of job functions having similar purpose and knowledge requirements but different levels of difficulty and responsibility. Where there is a professional structure that includes a job family and a job level, different job levels within one job family constitutes a class series (WAC 357-01-080).

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

"Personal information" means any individually identifiable information that could be used to identify or contact a person and includes protected health information and financial information.

"Provider" means an individual or agency who meets the provider qualifications and is contracted with a county or DSHS to provide services to a DDA client.

"Qualified" means a person can be hired into a position that includes unsupervised access to DDA clients because the results of the person's background check are not disqualifying.

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

"Unsupervised," under RCW 43.43.830, means not in the presence of:

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

(2) Any relative or guardian of a DDA client to whom the applicant has access during the course of his or her employment or involvement with the business or organization.

[Statutory Authority: RCW 71A.12.030, 43.43.837, and 74.39A.056. WSR 24-15-041, § 388-825-600, filed 7/11/24, effective 8/11/24. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-600, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, amended and recodified as § 388-825-600, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0600, filed 6/24/14, effective 7/25/14.]

WAC 388-825-605 What background check requirements apply to providers? (1) All DDA-contracted providers must follow background check requirements under chapter 388-113 and 388-825 WAC and applicable, program-specific rules.

(2) Alternative living providers must follow background check requirements under chapters 388-113, 388-825, and 388-829A WAC.

(3) Companion home providers must follow background check requirements under chapters 388-113, 388-825, and 388-829C WAC.

(4) Group home providers licensed as adult family homes must follow background check requirements under chapters 388-76, 388-113, and 388-825 WAC.

(5) Group home providers licensed as assisted living facilities must follow background check requirements under chapters 388-78A, 388-113, and 388-825 WAC.

(6) Individual providers must follow background check requirements under chapter 388-115 WAC.

(7) Home care agency providers must follow background check requirements under chapter 388-71 WAC.

(8) Licensed staffed residential service providers must follow background check requirements under chapters 110-04, 388-113, and 388-825 WAC.

(9) Overnight planned respite service providers must follow background check requirements under chapters 388-113, 388-825, and 388-829R WAC.

(10) Supported living and group training home providers must follow background check requirements under chapters 388-101D, 388-113, and 388-825 WAC.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-605, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-605, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0605, filed 6/24/14, effective 7/25/14.]

WAC 388-825-610 Who must have a background check and a background check renewal? (1) DDA requires background checks under WAC 388-825-615 and background check renewals under WAC 388-825-320 for all contracted providers, agency employees, owner-operators, administrators, subcontractors, and volunteers who may have:

(a) Unsupervised access to a DDA client; or

(b) Access to a DDA client's personal information.

(2) For community residential service businesses, any person who provides instruction and support services (ISS), including volunteers, must have a background check and background check renewal and follow background check requirements under this chapter.

(3) All residential habilitation center employees and volunteers must have a background check. If a residential habilitation center employee changes job class series, the employee must have a background check renewal as required by RCW 43.43.837.

[Statutory Authority: RCW 71A.12.030, 43.43.837, and 74.39A.056. WSR 24-15-041, § 388-825-610, filed 7/11/24, effective 8/11/24. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-610, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-610, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0610, filed 6/24/14, effective 7/25/14.]

WAC 388-825-615 What type of background check is required? (1) Long-term care workers and providers undergoing a background check for initial hire or initial contract must be screened through a Washington state name and date of birth check and a national fingerprint-based background check as required by RCW 43.43.837.

(2) For a renewal, a person who has continuously resided in Washington state for the past 36 months must be screened through a Washington state name and date of birth check.

(3) For a renewal, a person who has resided outside of Washington state in the past 36 months must be screened through a Washington state name and date of birth check and a national fingerprint-based background check as required by RCW 43.43.837.

(4) For adult family homes, refer to chapter 388-76 WAC. For assisted living facilities, refer to chapter 388-78A WAC.

(5) Beginning July 23, 2023, a residential habilitation center (RHC) applicant undergoing a background check for initial hire must be screened through a Washington state name and date of birth check and a national fingerprint-based background check. An RHC employee must complete a background check renewal, which includes a fingerprint check, when applying for a change in job class series or transferring from one RHC to another, as required by RCW 43.43.837.

(6) All background checks must be completed through the online background check system.

[Statutory Authority: RCW 71A.12.030, 43.43.837, and 74.39A.056. WSR 24-15-041, § 388-825-615, filed 7/11/24, effective 8/11/24. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-615, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, amended and recodified as § 388-825-615, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0615, filed 6/24/14, effective 7/25/14.]

WAC 388-825-620 How often must a background check be renewed? (1) DDA requires a background check at least every 36 months, or more frequently if required by program rule.

(2) A background check renewal will be conducted as follows:

(a) A person who has continuously resided in Washington state for the past 36 months must be screened through a state name and date of birth background check.

(b) A person who has lived outside of Washington state within the past 36 months must be screened through a state name and date of birth check and a national fingerprint-based background check as required by RCW 43.43.837.

(c) A person who lives outside of Washington state and provides DDA services in Washington state must be screened through a Washington state name and date of birth check and a national fingerprint-based background check.

(3) The department may require a long-term care worker or residential habilitation center employee to have a renewed Washington state name and date of birth background check if information is disclosed or found regarding a new:

(a) Pending charge;

(b) Conviction; or

(c) Negative action.

[Statutory Authority: RCW 71A.12.030, 43.43.837, and 74.39A.056. WSR 24-15-041, § 388-825-620, filed 7/11/24, effective 8/11/24. Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-620, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-620, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0620, filed 6/24/14, effective 7/25/14.]

WAC 388-825-621 May a DDA-contracted agency applicant or employee have access to clients before the completion of the Washington state name and date of birth background checks? (1) A DDA-contracted agency may allow an employee to have access to clients before completion of the Washington state name and date of birth background check if:

(a) The background check application has been submitted;

(b) The employee is directly supervised while around clients and their personal information; and

(c) The agency has a supervision plan in place for the employee.

(2) A supervision plan must:

(a) State who will supervise the employee; and

(b) Describe how the employee's breaks will be managed until the employee's background check has cleared.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-621, filed 3/22/23, effective 4/22/23.]

WAC 388-825-625 What happens if an individual receives a disqualifying background check result? (1) If an individual has a disqualifying background check result:

(a) The individual must not have access to clients or their personal information; and

(b) The department must not pay for services provided by the individual.

(2) If a provider or anyone the provider employs is required to complete a background check under WAC 388-825-610 and receives a disqualifying background check result, the department may deny, suspend, or revoke the provider's license, contract, or certification.

(3) If a provider or anyone the provider employs is required to complete a background check under WAC 388-825-610 and receives a disqualifying background check result, the provider must immediately notify DDA of the result.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-625, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-625, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0625, filed 6/24/14, effective 7/25/14.]

WAC 388-825-630 What does the background check cover? (1) The department must review criminal convictions and pending charges based on identifying information provided by you. The background check may include but is not limited to the following information sources:

(a) Washington state patrol.

(b) Washington courts.

(c) Department of corrections.

(d) Department of health.

(e) Civil adjudication proceedings.

(f) Applicant's self-disclosure.

(g) Out-of-state law enforcement and court records.

(2) DDA requires fingerprint-based background checks as described in WAC 388-825-615. These background checks include a review of conviction records through the Washington state patrol, the Federal Bureau of Investigation, and the Washington state sex offender registry.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-630, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, amended and recodified as § 388-825-630, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0630, filed 6/24/14, effective 7/25/14.]

WAC 388-825-635 Who pays for the background check? (1) DDA pays for background checks for individuals seeking to provide services to clients of DDA, if processed through the DSHS background check central unit (BCCU).

(2) DDA pays for fingerprint services if the fingerprinting entity is contracted with BCCU.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR

23-07-130, § 388-825-635, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-635, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0635, filed 6/24/14, effective 7/25/14.]

WAC 388-825-640 What criminal convictions, pending crimes or negative actions will prohibit me from being contracted or authorized to work in a capacity that may involve unsupervised access to individuals with a developmental disability? (1) Criminal convictions and pending charges that are disqualifying are listed in chapter 388-113 WAC.

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

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

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

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

(d) Registered sex offender status.

[Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-640, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0640, filed 6/24/14, effective 7/25/14.]

WAC 388-825-645 May an individual work in an unsupervised capacity with individuals with developmental disabilities when his or her background check reveals a conviction, pending charge or negative action that is not considered disqualifying per chapter 388-113 WAC or WAC 388-825-640? An individual with convictions, pending charges or negative actions that are not disqualifying per chapter 388-113 WAC or WAC 388-825-640 may work in an unsupervised capacity with individuals with developmental disabilities only after a character, competence and suitability review has been conducted as required by WAC 388-825-065.

[Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, amended and recodified as § 388-825-645, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0645, filed 6/24/14, effective 7/25/14.]

WAC 388-825-650 What does a character, competence, and suitability review include? The contractor, entity, or hiring authority must review an individual's background to determine character, competence, and suitability to have unsupervised access to individuals with a developmental disability. In this review, the contractor, entity, or hiring authority must consider the following factors:

(1) The amount of time that has passed since a person was convicted or subject to a negative action;

(2) The seriousness of the crime or action that led to the conviction or finding;

(3) The number and types of other convictions in the person's background;

(4) The person's age at the time of conviction;

(5) Documentation indicating the person has successfully completed all court-ordered programs and restitution;

(6) The person's behavior since the conviction; and

(7) The vulnerability of those that would be under the person's care.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-650, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-650, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0650, filed 6/24/14, effective 7/25/14.]

WAC 388-825-655 How will someone know if they have been disqualified by the background check? (1) The department will notify the person, and the care provider, the employer, or the licensor if the person has been disqualified by the background check. The notice will be in writing and will include any laws and rules that require disqualification.

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

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-655, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-655, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0655, filed 6/24/14, effective 7/25/14.]

WAC 388-825-660 May a provider appeal DDA's decision to deny a contract or payment based on the results of the background check? A provider or prospective provider does not have the right to appeal DDA's decision to deny a contract or payment based on the results of a background check.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-660, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-660, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0660, filed 6/24/14, effective 7/25/14.]

WAC 388-825-665 Is the background check information released to my employer or prospective employer? (1) The department will release the source of the disqualifying crime or negative action and WSP rap sheet to authorized requesters as allowed by state law. The department will follow laws related to the release of criminal history records (chapters 10.97 and 43.43 RCW) and public disclosure (chapter 42.56 RCW) when releasing any information.

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

[Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-665, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0665, filed 6/24/14, effective 7/25/14.]

WAC 388-825-670 May a person receive a copy of their criminal background check results? (1) The department will provide a person a copy of their criminal background check results if the person:

(a) Submits a written request to the department; and

(b) Offers proof of identity, such as picture identification.

(2) A copy of a WSP criminal background check result may also be obtained from the Washington state patrol according to the Washington State Criminal Records Privacy Act under chapter 10.97 RCW.

[Statutory Authority: RCW 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, and 43.43.837. WSR 23-07-130, § 388-825-670, filed 3/22/23, effective 4/22/23. Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-670, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0670, filed 6/24/14, effective 7/25/14.]

WAC 388-825-675 What is the purpose of the one hundred twenty-day provisional hire? The one hundred twenty-day provisional hire allows an employee or contractor to have unsupervised access to individuals with a developmental disability on a provisional basis pending the results of his or her national fingerprint based background check.

[Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-675, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0675, filed 6/24/14, effective 7/25/14.]

WAC 388-825-680 Who is responsible for approving the one hundred twenty-day provisional hire? The agency, entity or hiring individual is responsible for approving individuals for the one hundred twenty-day provisional hire.

[Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-680, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056,

43.20A.710. WSR 14-14-029, § 388-825-0680, filed 6/24/14, effective 7/25/14.]

WAC 388-825-685 When are individuals eligible for the one hundred twenty-day provisional hire? All DDA service providers working in an unsupervised capacity, including long-term care workers as defined in chapter 74.39A RCW, are eligible for the one hundred twenty-day provisional hire, pending the outcome of the fingerprint-based background check, as long as the worker is not disqualified as a result of the initial name and date of birth background check.

[Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-685, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0685, filed 6/24/14, effective 7/25/14.]

WAC 388-825-690 When does the one hundred twenty-day provisional hire begin? The one hundred twenty-day provisional hire may begin from either:

(1) The date of hire of an individual; or

(2) After completion of a state background check on an individual.

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

[Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, recodified as § 388-825-690, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0690, filed 6/24/14, effective 7/25/14.]