# Chapter 388-101 WAC

# CERTIFIED COMMUNITY RESIDENTIAL SERVICES AND SUPPORTS

**WAC**


DEFINITIONS

388-101-3000 Definitions.

CERTIFICATION AND MONITORING

388-101-3010 Certified community residential services and supports.
388-101-3020 Compliance.
388-101-3030 Application required.
388-101-3040 Residential services contract.
388-101-3050 Application for initial certification.
388-101-3060 Change of ownership.
388-101-3070 Notice for change of ownership.
388-101-3080 The department may deny—Application.
388-101-3090 The department must deny—Application.
388-101-3100 Certification—Initial.
388-101-3110 Certification—Regular.
388-101-3130 Certification evaluation.
388-101-3140 Complaint investigation.
388-101-3150 State and federal access to program.
388-101-3160 Plan of correction.
388-101-3165 Access to certification evaluation report and plan of correction.
388-101-3170 Group training home.
388-101-3180 Department approval of group training home status.

ADMINISTRATIVE REQUIREMENTS

388-101-3190 Service provider responsibilities.
388-101-3200 Staffing requirements.
388-101-3205 Liability insurance required.
388-101-3206 Liability insurance required—Commercial general liability insurance or business liability insurance coverage.
388-101-3207 Liability insurance required—Professional liability insurance coverage.
388-101-3210 Administrative documents.
388-101-3220 Administrator responsibilities and training.
388-101-3230 Group homes.
388-101-3240 Policies and procedures.
388-101-3245 Background check—General.
388-101-3250 Background checks—Washington state.
388-101-3255 Background checks—Provisional hire—Pending results.
388-101-3258 Training requirements.
388-101-3260 Staff training.
388-101-3270 Staff training before working alone with clients.
388-101-3280 Staff training within four weeks of employment.
388-101-3290 Staff training within six months of employment.
388-101-3300 Staff training to be current.
388-101-3302 Certified community residential services and supports—General training requirements.
388-101-3310 Approval of staff-coverage schedules.

CLIENT RIGHTS AND TREATMENT

388-101-3320 Client rights.
388-101-3330 Treatment of clients.

CLIENT SERVICES

388-101-3340 Subcontracting.
388-101-3350 Residential guidelines.
388-101-3360 Client services.
388-101-3370 Client health services support.
388-101-3372 Medical devices.
388-101-3375 Nurse delegation.
388-101-3380 Client transportation.
388-101-3390 Physical and safety requirements.
388-101-3400 Services to nonclients.
388-101-3410 Community protection clients and other clients in the same household.
388-101-3420 Client refusal to participate in services.
388-101-3430 Changes in client service needs—Nonemergent.
388-101-3440 Changes in client service needs—Emergent.
388-101-3450 Service provider refusal to serve a client.

INDIVIDUAL INSTRUCTION AND SUPPORT PLAN

388-101-3460 Individual support plan.
388-101-3470 Development of the individual instruction and support plan.
388-101-3480 Documentation of the individual instruction and support plan.
388-101-3490 Implementation of the individual instruction and support plan.
388-101-3500 Accessibility of the individual instruction and support plan.
388-101-3510 Ongoing updating of the individual instruction and support plan.

CLIENT FINANCES

388-101-3520 Shared expenses and client related funds.
388-101-3530 Individual financial plan.
388-101-3540 Managing client funds.
388-101-3545 Using client funds for health services.
388-101-3550 Reconciling and verifying client accounts.
388-101-3560 Combining service provider and client funds.
388-101-3570 Client bankbooks and bankcards.
388-101-3580 Client financial records.
388-101-3590 Transferring client funds.
388-101-3600 Client loans.
388-101-3610 Client reimbursement.
388-101-3620 Client payment.

CLIENT MEDICATIONS

388-101-3630 Medication services—General.
388-101-3640 Medication—Types of support.
388-101-3650 Medication—Self-administration.
388-101-3660 Medication assistance.
388-101-3670 Medication administration—Nurse delegation.
388-101-3680 Medication administration.
388-101-3690 Medication refusal.
388-101-3700 Storage of medications.
388-101-3710 Medication organizers.
388-101-3720 Medications—Documentation.
388-101-3730 Disposal of medications.

PSYCHOACTIVE MEDICATIONS

388-101-3740 Psychoactive medication assessment.
388-101-3750 Psychoactive medication treatment plan.
388-101-3760 Psychoactive medication monitoring.
388-101-3770 Psychoactive medications—Other.

CLIENT AND PROGRAM RECORDS

388-101-3780 Confidentiality of client records.
388-101-3790 Charging for searching and duplicating records.
388-101-3800 Retention of client records.
388-101-3810 Contents of client records.
388-101-3820 Client's property records.
388-101-3830 Record entries.

POSITIVE BEHAVIOR SUPPORTS

388-101-3840 Positive behavior support.
388-101-3850 Functional assessment.
388-101-3860 Positive behavior support plan.
388-101-3870 Client protection.

RESTRICTIVE INTERVENTIONS

388-101-3880 Group home providers.
388-101-3890 Restrictive procedures.
388-101-3900 Restrictive procedures approval.
388-101-3910 Physical intervention systems.
388-101-3920 Physical interventions.

388-101-3930 Restrictive physical interventions.
388-101-3940 Physical intervention training.
388-101-3950 Mechanical and chemical restraints.
388-101-3960 Monitoring physical and mechanical restraints.

COMMUNITY PROTECTION

388-101-3970 Community protection—Approval.
388-101-3980 Community protection—Policies and procedures.
388-101-3990 Community protection—Treatment team meetings.
388-101-4000 Community protection—Staff training.
388-101-4010 Community protection—Treatment plan.
388-101-4020 Community protection—Client records.
388-101-4030 Community protection—Client transportation.
388-101-4040 Community protection—Program residential location.
388-101-4050 Community protection—Reducing a client's restrictions.
388-101-4060 Community protection—Leaving the program against treatment team advice.

CRISIS DIVERSION BED AND SUPPORT SERVICES

388-101-4070 Crisis diversion—Access to services.
388-101-4080 Crisis diversion bed services—Location.
388-101-4090 Crisis diversion bed services—Services and activities.
388-101-4100 Crisis diversion bed services—Treatment plan.
388-101-4110 Crisis diversion bed and support service providers—Client records.
388-101-4120 Crisis diversion bed services—Client records.
388-101-4130 Crisis diversion support services—Location.
388-101-4140 Crisis diversion support services—Services and activities.

INCIDENT REPORTING

388-101-4150 Mandated reporting to the department.
388-101-4160 Mandated reporting to law enforcement.
388-101-4170 Mandated reporting policies and procedures.

REMEDIES

388-101-4190 Provisional certification.
388-101-4200 Decertification.
388-101-4210 Community protection program—Circumstances resulting in enforcement remedies.
388-101-4220 Community protection program—Authorized enforcement remedies.
388-101-4230 Community protection program—Considerations for imposing remedies.

INFORMAL DISPUTE RESOLUTION AND APPEALS

388-101-4240 Informal dispute resolution.
388-101-4250 Administrative review.
388-101-4260 Appeal rights.

ABUSE-NEGLECT FINDING - INDIVIDUAL

388-101-4265 Investigation of reports.
388-101-4269 Individual defined.
388-101-4270 Notice to individual of preliminary findings.
388-101-4280 Notice to others of preliminary findings.
388-101-4290 Disputing a preliminary finding.
388-101-4300 Disclosure of investigative and finding information.
388-101-4310 Hearing procedures to dispute a preliminary finding.
388-101-4320 Appeal of the initial order.
388-101-4330 Finalizing a preliminary finding.
388-101-4340 Reporting final findings.
388-101-4350 Notice—Service complete.
388-101-4360 Notice—Proof of service.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

388-101-1010 What is the purpose of this chapter? [05-05-077, recodified as § 388-101-1010, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-010, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-010, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-010, filed 5/1/96, effective 6/1/96. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-010, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-010, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1020 What definitions apply to this chapter? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1020, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1020, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-020, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-020, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-020, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-020, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-020, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 86-08-003 (Order 2349), § 275-26-020, filed 3/20/86; 83-05-017 (Order 1945), § 275-26-020, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1100 Abuse and neglect reporting requirements. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1100, filed 4/19/06 and 5/17/06, effective 10/1/06. 05-05-077, recodified as § 388-101-1100, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-440, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-440, filed 10/26/01, effective 1/1/02.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1101 Abuse and neglect reporting requirements. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1101, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1105 Investigation of mandated reports. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1105, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1106 Investigation of mandated reports. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1106, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1110 Notice of an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1110, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1111 Notice of an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1111, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1115 Reporting initial findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1115, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1116 Reporting initial findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1116, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1120 Disputing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1120, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1121 Disputing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1121, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1125 Disclosure of investigative and finding information. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1125, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1126 Disclosure of investigative and finding information. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1126, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1130 Hearing procedures to dispute an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1130, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1131 Hearing procedures to dispute an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1131, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1135 Appeal of the administrative law judge's initial order on a finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1135, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1136 Appeal of the administrative law judge's initial order on a finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1136, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1140 Finalizing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1140, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1141 Finalizing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1141, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1145 Reporting final findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1145, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.

388-101-1146 Reporting final findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1146, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1180 What are residential services? [05-05-077, recodified as § 388-101-1180, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-030, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-030, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-030, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-030, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-022, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030]. 90-04-074 (Order 2997), § 275-26-022, filed 2/5/90, effective 3/1/90. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-022, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1190 Who certifies residential services? [05-05-077, recodified as § 388-101-1190, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-040, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-040, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-040, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-050, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-050, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1200 Where are residential services provided? [05-05-077, recodified as § 388-101-1200, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-050, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-050, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-050, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-060, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-060, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1205 Where are crisis diversion services provided? [05-07-138, recodified as § 388-101-1205, filed 3/22/05, effective 3/22/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-056, filed 1/29/04, effective 2/29/04.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1210 Who may receive residential services? [05-05-077, recodified as § 388-101-1210, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-060, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-060, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-060, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-070, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-070, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1220 What physical and safety requirements exist for residential services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1220, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1220, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-070, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-070, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-070, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-072, filed 8/9/91, effective 9/9/91.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1230 How must service providers assist clients in regulating water temperature? [05-05-077, recodified as § 388-101-1230, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-076, filed 1/29/04, effective 2/29/04.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1240 What are supported living services? [05-05-077, recodified as § 388-101-1240, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-080, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-080, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-074, filed 5/1/96, effective 6/1/96.] Repealed by 08-02-022,

filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1250 What are crisis diversion services? [05-05-077, recodified as § 388-101-1250, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-086, filed 1/29/04, effective 2/29/04.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1260 What are group homes? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1260, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1260, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-090, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-090, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-090, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-090, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-076, filed 5/1/96, effective 6/1/96.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1400 When must a service provider document a client's refusal to participate in services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1400, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1400, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-100, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-100, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-100, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-087, filed 8/9/91, effective 9/9/91.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1410 May a service provider offer services to nonclients in the same household as clients? [05-05-077, recodified as § 388-101-1410, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-110, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-110, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-097, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1420 Who pays for a client's residential services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1420, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1420, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-120, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-120, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-120, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-107, filed 8/9/91, effective 9/9/91.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1430 When may a service provider receive initial set-up funds from DSHS? [05-05-077, recodified as § 388-101-1430, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-130, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-130, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-115, filed 8/9/91, effective 9/9/91.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1440 What are the different types of certification? [05-05-077, recodified as § 388-101-1440, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-140, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-140, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1460 When may RCS grant initial certification to an agency? [05-05-077, recodified as § 388-101-1460, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-150, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-150, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1470 How does an agency apply for initial certification? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1470, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-1010-1470, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-160, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-160, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1480 What happens after an agency receives initial certification? [05-05-077, recodified as § 388-101-1480, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-170, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1490 May initial certification be extended for a service provider? [05-05-077, recodified as § 388-101-1490, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-180, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-180, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1500 How does a service provider receive regular certification? [05-05-077, recodified as § 388-101-1500, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-190, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-190, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1510 How often are reviews and evaluations done for service providers? [05-05-077, recodified as § 388-101-1510, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-200, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-200, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1520 What occurs during review and evaluation? [05-05-077, recodified as § 388-101-1520, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-210, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-210, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1530 May service providers disagree with evaluation findings? [05-05-077, recodified as § 388-101-1530, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-220, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-220, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1540 May a service provider receive provisional certification? [05-05-077, recodified as § 388-101-1540, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-230, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-230, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-230, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed

12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1550 When may RCS decertify a service provider? [05-05-077, recodified as § 388-101-1550, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-240, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-240, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1600 What are administrators of service providers required to do? [05-05-077, recodified as § 388-101-1600, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-250, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-250, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1610 What type of administrative documents are service providers required to have? [05-05-077, recodified as § 388-101-1610, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-260, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-260, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-260, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1620 What are the requirements for personnel policies? [05-05-077, recodified as § 388-101-1620, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-270, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1630 What nondiscrimination requirements must agencies and service providers meet? [05-05-077, recodified as § 388-101-1630, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-280, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1640 What staffing requirements must service providers meet? [05-05-077, recodified as § 388-101-1640, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-290, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-290, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-290, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1650 May clients instruct and support other clients? [05-05-077, recodified as § 388-101-1650, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-300, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-300, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1660 Who needs background checks? [05-05-077, recodified as § 388-101-1660, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-310, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-310, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-310, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1670 What are the minimum requirements for staff employed by service providers? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1670, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1670, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-320, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-320, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1680 What staff training is required? [05-05-077, recodified as § 388-101-16800, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-330, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-330, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-330, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1690 How often must performance reviews be conducted for staff of service providers? [05-05-077, recodified as § 388-101-1690, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-340, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-340, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1700 When must service providers have staff-coverage schedules approved by DDD? [05-05-077, recodified as § 388-101-1700, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-350, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-350, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1710 What happens when a service provider's ownership changes? [05-05-077, recodified as § 388-101-1710, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-360, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-360, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1720 When may a client's service provider change? [05-05-077, recodified as § 388-101-1720, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-370, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1730 Are clients' records considered confidential? [05-05-077, recodified as § 388-101-1730, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-380, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1740 How long does a service provider need to keep client records? [05-05-077, recodified as § 388-101-1740, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-390, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1750 What information do service providers need to keep in client records? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1750, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1750, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-400, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-400, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-400, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1760 What information do crisis diversion service providers need to keep in client records? [05-05-077, recodified as § 388-101-1760, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-405, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-405, filed 1/29/04, effective 2/29/04.]

Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1770 Do service providers need to keep client's property records? [05-05-077, recodified as § 388-101-1770, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-410, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-410, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1780 Are there requirements for record entries? [05-05-077, recodified as § 388-101-1780, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-420, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1790 Who must service providers notify in emergencies? [05-05-077, recodified as § 388-101-1790, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.-030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-430, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-430, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1800 What are client services? [05-05-077, recodified as § 388-101-1800, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-450, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1810 What health and safety support may a service provider offer to a client? [05-05-077, recodified as § 388-101-1810, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-460, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1820 What support may a service provider offer to a client to increase personal power and choices? [05-05-077, recodified as § 388-101-1820, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-470, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1830 What support may a service provider offer to increase a client's competence and self-reliance? [05-05-077, recodified as § 388-101-1830, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-480, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1840 How may service providers assist clients in gaining positive recognition? [05-05-077, recodified as § 388-101-1840, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-490, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1850 What support may a service provider offer to increase the positive relationships in the client's life? [05-05-077, recodified as § 388-101-1850, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-500, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1860 How may a service provider assist clients with becoming integrated into their community? [05-05-077, recodified as § 388-101-1860, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-510, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1870 What is an individual service plan/plan of care (ISP/POC) for clients? [05-05-077, recodified as § 388-101-1870, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-520, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-520, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1880 Who is responsible for completing and overseeing a client's ISP/POC? [05-05-077, recodified as § 388-101-1880, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-530, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-530, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1890 Who may participate in creating a client's ISP/POC? [05-05-077, recodified as § 388-101-1890, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-540, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-540, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-1900 How often must the ISP/POC be reviewed? [05-05-077, recodified as § 388-101-1900, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-550, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-550, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-550, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2000 What plans must crisis diversion service providers develop? [05-05-077, recodified as § 388-101-2000, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-555, filed 1/29/04, effective 2/29/04.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2010 What is an individual instruction and support plan (IISP) for clients? [05-05-077, recodified as § 388-101-2010, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-560, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-560, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-560, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2020 Who may participate in developing the IISP for each client? [05-05-077, recodified as § 388-101-2020, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-570, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2030 Who oversees the IISP for each client? [05-05-077, recodified as § 388-101-2030, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-580, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2040 May a service provider manage a client's funds? [05-05-077, recodified as § 388-101-2040, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-590, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2050 May a service provider hold bankbooks and bankcards for a client? [05-05-077, recodified as § 388-101-2050, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-600, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-600, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2060 May a service provider combine agency and client funds? [05-05-077, recodified as § 388-101-2060, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-610, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2070 Does the service provider need to develop an individual financial plan (IFP) for clients? [05-05-077, recodified as § 388-101-2070, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-620, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2080 What information must the IFP include? [05-05-077, recodified as § 388-101-2080, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-630, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-630, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2090 How does a service provider manage client funds? [05-05-077, recodified as § 388-101-2090, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-640, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2100 What documentation must service providers keep to protect a client's financial interests? [05-05-077, recodified as § 388-101-2100, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-650, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-650, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-650, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2110 How are a client's funds transferred when they are managed by a service provider? [05-05-077, recodified as § 388-101-2110, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-660, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2120 How does a service provider handle loans to a client? [05-05-077, recodified as § 388-101-2120,filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-670, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2130 When must a service provider pay a client? [05-05-077, recodified as § 388-101-2130, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-680, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2140 What must service providers do to support a client's health? [05-05-077, recodified as § 388-101-2140, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-690, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-690, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2150 May a client refuse health care services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-2150, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-2150, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-700, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2160 When may client funds be used for health services? [05-05-077, recodified as § 388-101-2160, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-710, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2300 Client transportation. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-2300, filed 8/29/06, effective 10/1/06. 05-05-077, recodified as § 388-101-2300, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-720, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-720, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2310 What training is required before staff are qualified to perform delegated tasks? [05-05-077, recodified as § 388-101-2310, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-740, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2410.

388-101-2320 Do nursing assistants need to comply with department of health requirements? [05-05-077, recodified as § 388-101-2320, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-750, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2420.

388-101-2330 May an agency or service provider contest a RCS decision? [05-05-077, recodified as § 388-101-2330, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-880, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-880, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2340 When does an administrative review conference occur? [05-05-077, recodified as § 388-101-2340, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-890, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-890, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2350 May an administrative review conference be conducted by telephone? [05-05-077, recodified as § 388-101-2350, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-900, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-900, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2360 What happens during the administrative review conference? [05-05-077, recodified as § 388-101-2360, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-910, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-910, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2370 May an agency or service provider contest the decision from the administrative review conference? [05-05-077, recodified as § 388-101-2370, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-920, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-920, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2380 Does RCS make exceptions to the requirements in this chapter? [05-05-077, recodified as § 388-101-2380, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-930, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-930, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2400 Who may delegate nursing care tasks? [05-07-138, recodified as § 388-101-2400, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-730, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2410 What training is required before staff are qualified to perform delegated tasks? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-2410, filed 5/3/05, effective 6/3/05. 05-07-138, recodified as § 388-101-2410, filed 3/22/05,

effective 3/22/05. 05-05-077, recodified as § 388-101-2310, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-740, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2420 Do nursing assistants need to comply with department of health requirements? [05-07-138, recodified as § 388-101-2420, filed 3/22/05, effective 3/22/05. 05-05-077, recodified as § 388-101-2320, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-750, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2430 Who is authorized to provide consent for a client's receiving health care? [05-07-138, recodified as § 388-101-2430, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-760, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2440 What rights do nursing assistants have concerning the delegation of nursing care tasks? [05-07-138, recodified as § 388-101-2440, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-770, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2450 Are nursing assistants liable for errors while doing nursing care tasks? [05-07-138, recodified as § 388-101-2450, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-780, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2460 What happens if unqualified staff do a nursing task? [05-07-138, recodified as § 388-101-2460, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-790, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2470 What technical assistance may service providers get from DSHS for nurse delegation requirements? [05-07-138, recodified as § 388-101-2470, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-800, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2480 What happens when DSHS finds a service provider in violation of nurse delegation requirements? [05-07-138, recodified as § 388-101-2480, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-810, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2490 May a service provider have a chance to correct violations before being fined? [05-07-138, recodified as § 388-101-2490, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-820, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2500 May civil fines be imposed during technical assistance visits? [05-07-138, recodified as § 388-101-2500, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-830, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2510 How does DSHS impose a civil fine? [05-07-138, recodified as § 388-101-2510, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-840, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2520 When is payment due for a civil fine? [05-07-138, recodified as § 388-101-2520, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-850, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2530 May a service provider disagree with DSHS findings of a violation? [05-07-138, recodified as § 388-101-2530, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-860, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-2540 May a service provider contest a civil fine? [05-07-138, recodified as § 388-101-2540, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-870, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

388-101-3253 National fingerprint-based background checks—Required. [Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. 10-16-084, § 388-101-3253, filed 7/30/10, effective 1/1/11.] Repealed by 12-02-048, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.030 and [71A.12].080.

## DEFINITIONS

**WAC 388-101-3000 Definitions. "Abandonment"** means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

**"Abuse"** means:

(1) The willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult;

(2) In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish; and

(3) Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) **"Sexual abuse"** means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual contact may include interactions that do not involve touching, including but not limited to sending a client sexually explicit messages, or cuing or encouraging a client to perform sexual acts. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing and certification requirements, and includes restraints that are otherwise being used inappropriately.

(c) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing

the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

**"Associated with the applicant"** means any person listed on the application as a partner, officer, director, or majority owner of the applying entity, or who is the spouse or domestic partner of the applicant.

**"Case manager"** means the division of developmental disabilities case resource manager or social worker assigned to a client.

**"Certification"** means a process used by the department to determine if an applicant or service provider complies with the requirements of this chapter and is eligible to provide certified community residential services and support to clients.

**"Chaperone agreement"** means a plan or agreement that describes who will supervise a community protection program client when service provider staff is not present. This plan or agreement is negotiated with other agencies and individuals who support the client, including the client's legal representative and family.

**"Chemical restraint"** means the use of psychoactive medications for discipline or convenience and not prescribed to treat the client's medical symptoms.

**"Client"** means a person who has a developmental disability as defined in RCW 71A.10.020(3) and who also has been determined eligible to receive services by the division of developmental disabilities under chapter 71A.16 RCW. For purposes of informed consent and decision making requirements, the term "client" includes the client's legal representative to the extent of the representative's legal authority.

**"Client services"** means instruction and support services that service providers are responsible to provide as identified in the client's individual support plan.

**"Crisis diversion"** means temporary crisis residential services and supports provided to clients at risk of psychiatric hospitalization and authorized by the division of developmental disabilities.

**"Crisis diversion bed services"** means crisis diversion that is provided in a residence maintained by the service provider.

**"Crisis diversion support services"** means crisis diversion that is provided in the client's own home.

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

**"Financial exploitation"** means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.020(6).

**"Functional assessment"** means a comprehensive evaluation of a client's challenging behavior(s). This evaluation is the basis for developing a positive behavior support plan.

**"Group home"** means a residence that is licensed as either a boarding home or an adult family home by the department under chapters 388-78A or 388-76 WAC. Group homes provide community residential instruction, supports, and services to two or more clients who are unrelated to the provider.

**"Group training home"** means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

**"Immediate"** or **"immediately"** means within twenty-four hours for purposes of reporting abandonment, abuse, neglect, or financial exploitation of a vulnerable adult.

**"Individual financial plan"** means a plan describing how a client's funds will be managed when the service provider is responsible for managing any or all of the client's funds.

**"Individual instruction and support plan"** means a plan developed by the service provider and the client. The individual instruction and support plan:

(1) Uses the information and assessed needs documented in the individual support plan to identify areas the client would like to develop;

(2) Includes client goals for instruction and support that will be formally documented during the year; and

(3) Must contain or refer to other applicable support or service information that describes how the client's health and welfare needs are to be met (e.g. individual financial plan, positive behavior support plan, cross system crisis plan, individual support plan, individual written plan, client-specific instructions).

**"Individual support plan"** means a document that authorizes and identifies the division of developmental disabilities paid services to meet a client's assessed needs.

**"Instruction"** means goal oriented teaching that is designed for acquiring and enhancing skills.

**"Instruction and support services staff"** means long-term care workers of the service provider whose primary job function is the provision of instruction and support services to clients. Instruction and support services staff shall also include employees of the service provider whose primary job function is the supervision of instruction and support services staff. In addition, both applicants, prior to initial certification, and administrators, prior to assuming duties, who may provide instruction and support services to clients shall be considered instruction and support services staff for the purposes of the applicable training requirements.

**"Legal representative"** means a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney at law, a person's attorney in fact, or any other person who is authorized by law to act for another person.

**"Managing client funds"** means that the service provider:

(1) Has signing authority for the client;

(2) Disperses the client's funds; or

(3) Limits the client's access to funds by not allowing funds to be spent.

**"Mechanical restraint"** means a device or object, which the client cannot remove, applied to the client's body that restricts his/her free movement.

**"Medication administration"** means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the client by an individual legally authorized to do so.

**"Medication assistance"** means assistance with self administration of medication rendered by a nonpractitioner to

a client receiving certified community residential services and supports in accordance with chapter 69.41 RCW and chapter 246-888 WAC.

**"Medication service"** means any service provided by a certified community residential services and support provider related to medication administration or medication assistance provided through nurse delegation and medication assistance.

**"Neglect"** means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(2) An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

**"Physical intervention"** means the use of a manual technique intended to interrupt or stop a behavior from occurring. This includes using physical restraint to release or escape from a dangerous or potentially dangerous situation.

**"Physical restraint"** means physically holding or restraining all or part of a client's body in a way that restricts the client's free movement. This does not include briefly holding, without undue force, a client in order to calm him/her, or holding a client's hand to escort the client safely from one area to another.

**"Psychoactive"** means possessing the ability to alter mood, anxiety level, behavior, cognitive processes, or mental tension, usually applied to pharmacological agents.

**"Psychoactive medications"** means medications prescribed to improve or stabilize mood, mental status or behavior. Psychoactive medications include anti-psychotics/neuroleptics, atypical antipsychotics, antidepressants, stimulants, sedatives/hypnotics, and antimania and antianxiety drugs.

**"Qualified professional"** means a person with at least three years' experience working with individuals with developmental disabilities and as required by RCW 71A.12.220 (12).

**"Restrictive procedure"** means any procedure that restricts a client's freedom of movement, restricts access to client property, requires a client to do something which he/she does not want to do, or removes something the client owns or has earned.

**"Risk assessment"** means an assessment done by a qualified professional and as required by RCW 71A.12.230.

**"Service provider"** means a person or entity certified by the department who delivers services and supports to meet a client's identified needs. The term includes the state operated living alternative (SOLA) program.

**"Support"** means assistance a service provider gives a client based on needs identified in the individual support plan.

**"Supported living"** means instruction, supports, and services provided by service providers to clients living in homes that are owned, rented, or leased by the client or their legal representative.

**"Treatment team"** means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case manager, therapist, the service provider, employment/day program provider, and the person's legal representative and/or family, provided the person consents to the family member's involvement.

**"Vulnerable adult"** includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(2) Found incapacitated under chapter 11.88 RCW; or

(3) Who has a developmental disability as defined under RCW 71A.10.020; or

(4) Admitted to any facility; or

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from an individual provider.

**"Willful"** means the deliberate, or nonaccidental, action or inaction by an individual that he/she knew or reasonably should have known could cause a negative outcome, including harm, injury, pain, or anguish.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. 12-02-048, § 388-101-3000, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. 10-16-084, § 388-101-3000, filed 7/30/10, effective 1/1/11. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3000, filed 12/21/07, effective 2/1/08.]

## CERTIFICATION AND MONITORING

**WAC 388-101-3010 Certified community residential services and supports.** In order for a person or entity to deliver client instruction and support services under this chapter the person or entity must:

(1) Be certified by the department; and

(2) Be granted a contract by the department.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3010, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3020 Compliance.** The service provider must be in compliance with:

(1) All the requirements of this chapter. Except that, the licensing requirements for adult family homes and boarding homes supersede this chapter if the requirements under respective chapters 388-76 and 388-78A WAC conflict with this chapter;

(2) The laws governing this chapter, including chapter 71A.12 and 71A.22 RCW;

(3) The requirements of chapter 74.34 RCW;

(4) The department's residential services contract. Except that, the requirements of this chapter supersede any conflicting requirements with the contract, or appendices to the contract; and

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

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3020, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3030 Application required.** (1) A person or entity must complete an application before the department will consider initial certification; and

(2) The service provider must complete an application before the department will consider a request for change of ownership as detailed in WAC 388-101-3060.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3030, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3040 Residential services contract.** (1) The service provider may request a department residential services contract after approval for initial certification or for change of ownership.

(2) The service provider must have a separate contract for each region where they receive referrals to serve clients.

(3) The service provider's residential services contract will be terminated by the department upon termination of certification.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3040, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3050 Application for initial certification.** (1) To apply for initial certification an applicant must submit to the department:

(a) A letter of intent that includes:

(i) Contact information;

(ii) Geographical area of service; and

(iii) Type of service provided, including group home, supported living, community protection, or group training home.

(b) A completed and signed application on forms designated by the department;

(c) All attachments specified in the application and any other information the department may request including but not limited to:

(i) Administrator resumes;

(ii) Statements of financial stability;

(iii) Professional references;

(iv) Relevant experiences and qualifications of the individual or agency; and

(v) Assurances the applicant will not discriminate against any client or employee.

(d) A copy of the license if applying for certification as a group home;

(e) The name of the administrator of the program; and

(f) The department background authorization form for:

(i) The applicant;

(ii) Anyone associated with the applicant; and

(iii) The individual or individuals designated to serve as administrator of the proposed program.

(2) The applicant must submit a revised application, if any information on the application changes before the initial certification is issued.

(3) The department will only process a completed application.

(4) Each person named in the application for initial certification is considered separately and jointly by the department.

(5) Based on the documentation received, the department will notify the applicant in writing regarding the department's certification decision.

(6) The applicant must comply with additional requirements identified in this chapter if intending to support community protection clients.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. 12-02-048, § 388-101-3050, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. 10-16-084, § 388-101-3050, filed 7/30/10, effective 1/1/11. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3050, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3060 Change of ownership.** (1) To apply for a change of ownership, an applicant must submit an application and the required reports and documents to the department when there is a change of:

(a) The business entity ownership; or

(b) The form of legal organization.

(2) When applying for a change of ownership, an applicant may be required to provide any or all items listed in WAC 388-101-3050.

(3) For group homes, applicants must also meet the applicable change of ownership requirements found in:

(a) WAC 388-76-10105 for licensed adult family homes; or

(b) WAC 388-78A-2770 through 388-78A-2787 for licensed boarding homes.

(4) If the applicant is not a current service provider, the applicant must apply for initial certification.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-3060, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3060, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3070 Notice for change of ownership.** The current service provider must notify:

(1) The department in writing sixty days before a change of ownership; and

(2) Clients or their legal representatives in writing thirty days before a change of ownership.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3070, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3080 The department may deny—Application.** The department may deny the application for initial certification or change of ownership if any person named in the application has:

(1) Shown a lack of the understanding, character, ability, or emotional stability that is necessary to meet the identified needs of vulnerable adults;

(2) Had a contract terminated or a certification or license revoked or denied by the department, or has been subjected to department enforcement actions;

(3) Had a contract terminated, or a certification or license revoked or denied in another state, or has been subjected to an enforcement action in another state;

(4) Obtained or attempted to obtain a license or certification by fraudulent means or misrepresentation;

(5) Relinquished or been denied a license or license renewal to operate a home or facility that was licensed for the care of children or vulnerable adults;

(6) Refused to permit authorized department representatives to interview clients or to have access to client records;

(7) Been convicted of a drug-related conviction within the past five years without evidence of rehabilitation, unless denial is required under WAC 388-06-0180(4); or

(8) Been convicted of an alcohol-related conviction within the past five years without evidence of rehabilitation.

(9) Been convicted of any felony that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of the service provider.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-3080, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3080, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3090 The department must deny—Application.** (1) The department must deny an application for initial certification or change of ownership if any person named in the application has:

(a) Been convicted of a crime listed under WAC 388-06-0170(1);

(b) Been convicted of a disqualifying crime under WAC 388-06-0180;

(c) Been found by a court in a criminal proceeding, a protection proceeding, or a civil damages lawsuit under chapter 74.34 RCW, to have abused, neglected, abandoned, or financially exploited a vulnerable adult;

(d) Been found to have abused, neglected, financially exploited, or abandoned a minor or vulnerable adult by a court of law or a disciplining authority, including the department of health. Examples of legal proceedings in which such findings could be made include juvenile court proceedings under chapter 13.34 RCW, domestic relations proceedings under Title 26 RCW, and vulnerable adult protection proceedings under chapter 74.34 RCW;

(e) A substantiated finding of abuse or neglect of a child that is:

(i) Listed on the department's background check central unit (BCCU) report; or

(ii) Disclosed by the individual, except for findings made before December 1998; or

(f) A substantiated finding of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult that is:

(i) Listed on any registry, including the department's registry;

(ii) Listed on the department's background check central unit (BCCU) report; or

(iii) Disclosed by the individual, except for adult protective services findings made before October 2003.

(2) The department must deny an application for initial certification or change of ownership if any person named in the application has a pending charge for a crime that is disqualifying under this section.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-3090, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3090, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3100 Certification—Initial.** (1) The department may approve the individual or entity for initial certification when the individual or entity complies with the requirements of this chapter. The department may:

(a) Grant initial certification for up to one hundred and eighty days of the effective date of the residential services contract; and

(b) Extend initial certification for an additional period up to one hundred and eighty days.

(2) If an applicant does not receive a residential services contract, initial certification will be valid for up to one year.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3100, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3110 Certification—Regular.** (1) The department may approve the service provider for regular certification when the service provider complies with the requirements of this chapter and the residential services contract. The department may:

(a) Grant certification to a service provider for up to two years; and

(b) Extend regular certification for an additional period up to one hundred and eighty days.

(2) If a service provider does not comply with the certification requirements, the department may provisionally certify or decertify a service provider.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3110, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3130 Certification evaluation.** (1) The department may conduct an on-site certification evaluation of each service provider at any time, but at least once every two years.

(2) During certification evaluations the service provider's administrator or designee must:

(a) Cooperate with department representatives during the on-site visit;

(b) Provide all contractor records, client records, and other relevant information requested by the department representatives;

(c) Ensure the service provider's administrator or designee is available during any visit to respond to questions or issues identified by department representatives; and

(d) Ensure the service provider's administrator or designee is present at the exit conference.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3130, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3140 Complaint investigation.** The department may conduct unannounced complaint investigations to determine the service provider's compliance with this chapter, the residential services contract, and applicable laws and requirements.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3140, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3150 State and federal access to program.** The service provider must:

(1) Allow any state or federal department or agency to conduct audits, evaluations, or complaint investigations related to this program or to clients served in this program;

(2) Allow department representatives to review a client's records and activities at any time to see if the service provider continues to address the clients' needs for instruction and support activities;

(3) Allow the department representatives' access to clients, the client's legal representative and family members;

(4) Cooperate with department representatives in the performance of official duties; and

(5) Allow access to clients and client records by an advocacy group if the advocacy group has access authority under state or federal law.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3150, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3160 Plan of correction.** The service provider must:

(1) Submit a signed plan of correction to the department according to established department processes and timelines; and

(2) Include in the plan of correction:

(a) What the service provider did or will do to correct each deficiency;

(b) How the service provider will prevent future problems of this type;

(c) Who will be responsible for monitoring the corrections to ensure the problems do not recur; and

(d) When lasting correction will be achieved.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3160, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3165 Access to certification evaluation report and plan of correction.** The service provider must make the certification evaluation report and related plan of correction available to anyone upon request.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-3165, filed 1/15/10, effective 2/15/10.]

**WAC 388-101-3170 Group training home.** After the effective date of this chapter a person or entity desiring to become a group training home must:

(1) Complete an application on forms and attachments designated by the department; and

(2) Currently be:

(a) Certified as a community residential services and support provider;

(b) Licensed as an adult family home under chapter 70.128 RCW; and

(c) A nonprofit business in accordance with state and federal law.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3170, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3180 Department approval of group training home status.** The department will consider, at a minimum, the following when determining whether to approve or deny an application for group training home status:

(1) The needs of the program;

(2) Available funding;

(3) The information received from the applicant;

(4) The certification history of the applicant;

(5) The licensing history of the applicant; and

(6) The capacity of the home.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3180, filed 12/21/07, effective 2/1/08.]

## ADMINISTRATIVE REQUIREMENTS

**WAC 388-101-3190 Service provider responsibilities.** (1) Service providers must meet the requirements of:

(a) This chapter;

(b) Each contract and statement of work entered into with the department;

(c) Each client's individual support plan when the individual support plan identifies the service provider as responsible; and

(d) Each client's individual instruction and support plan.

(2) The service provider must:

(a) Have a designated administrator and notify the department when there is a change in administrator;

(b) Ensure that clients have immediate access to staff, or the means to contact staff, at all times;

(c) Provide adequate staff within contracted hours to administer the program and meet the needs of clients;

(d) Not routinely involve clients in the unpaid instruction and support of other clients;

(e) Not involve clients receiving crisis diversion services in the instruction and support of other clients; and

(f) Retain all records and other material related to the residential services contract for six years after expiration of the contract.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3190, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3200 Staffing requirements.** The service provider must ensure each staff meets the following minimum requirements:

(1) Have a high school diploma or GED equivalent, unless the employees were hired before September 1, 1991;

(2) Be at least eighteen years of age or older when employed as a direct care staff, or at least twenty-one years of age or older when employed as an administrator;

(3) Have a clear understanding of job responsibilities and knowledge of individual support plans and client needs; and

(4) Passed the department background check as required by WAC 388-101-3250.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3200, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3205 Liability insurance required.** The service provider must:

(1) Obtain liability insurance upon certification and maintain the insurance as required in WAC 388-101-3206 and 388-101-3207; and

(2) Have evidence of liability insurance coverage available if requested by the department.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-3205, filed 1/15/10, effective 2/15/10.]

**WAC 388-101-3206 Liability insurance required—Commercial general liability insurance or business liability insurance coverage.** The service provider must have commercial general liability insurance or business liability insurance that includes:

(1) Coverage for the acts and omissions of any employee and volunteer;

(2) Coverage for bodily injury, property damage, and contractual liability;

(3) Coverage for premises, operations, independent contractors, products-completed operations, personal injury,

advertising injury, and liability assumed under an insured contract; and

(4) Minimum limits of:

(a) Each occurrence - One million dollars;

(b) General aggregate - Two million dollars; and

(c) For community protection service providers—Three million dollars general aggregate.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-3206, filed 1/15/10, effective 2/15/10.]

**WAC 388-101-3207 Liability insurance required—Professional liability insurance coverage.** If the service provider employs professional staff, the service provider must have professional liability insurance or errors and omissions insurance. The insurance must include:

(1) Coverage for losses caused by errors and omissions of the service provider, its employees, and volunteers; and

(2) Minimum limits of:

(a) Each occurrence - One million dollars; and

(b) General aggregate - Two million dollars.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-3207, filed 1/15/10, effective 2/15/10.]

**WAC 388-101-3210 Administrative documents.** The service provider must prepare and maintain written documents as follows:

(1) A mission statement;

(2) A program description;

(3) An organizational chart and description showing all supervisory relationships;

(4) Description of staff roles and responsibilities, including the person designated to act in the absence of the administrator; and

(5) Staffing schedules.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3210, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3220 Administrator responsibilities and training.** (1) The service provider must ensure that the administrator delivers services to clients consistent with this chapter, and the department's residential services contract. This includes but is not limited to:

(a) Overseeing all aspects of staffing, such as recruitment, staff training, and performance reviews;

(b) Developing and maintaining policies and procedures that give staff direction to provide appropriate services and support as required by this chapter and the department contract; and

(c) Maintaining and securely storing client, personnel, and financial records.

(2) Before assuming duties, an administrator must complete required instruction and support services staff training if the administrator may provide instruction and support services to clients or may supervise instruction and support services staff.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. 12-02-048, § 388-101-3220, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. 10-16-084, § 388-101-3220, filed 7/30/10, effective 1/1/11. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3220, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3230 Group homes.** A service provider who is a licensed adult family home or boarding home must:

(1) Provide care and services in accordance with this chapter and with licensing requirements under chapters 388-76 and 388-78A WAC respectively;

(2) Comply with client rights requirements in chapter 70.129 RCW and this chapter;

(3) Comply with the home's licensing requirements if there is a conflict with requirements in this chapter; and

(4) Comply with this chapter if the requirement is over and above the home's licensing requirements.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3230, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3240 Policies and procedures.** (1) The service provider must develop, implement, and train staff on policies and procedures to address what staff must do:

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

(b) Related to soliciting client input and feedback on instruction and support received;

(c) Related to reporting suspected abuse, neglect, financial exploitation, or abandonment;

(d) To protect clients when there have been allegations of abuse, neglect, financial exploitation, or abandonment;

(e) In emergent situations that may pose a danger or risk to the client or others, such as in the event of death or serious injury to a client;

(f) In responding to missing persons and client emergencies;

(g) Related to emergency response plans for natural or other disasters;

(h) When accessing medical, mental health, and law enforcement resources for clients;

(i) Related to notifying a client's legal representative, and/or relatives in case of emergency;

(j) When receiving and responding to client grievances; and

(k) To respond appropriately to aggressive and assaultive clients.

(2) The service provider must develop, implement, and train staff on policies and procedures in all aspects of the medication support they provide, including but not limited to:

(a) Supervision;

(b) Client refusal;

(c) Services related to medications and treatments provided under the delegation of a registered nurse consistent with chapter 246-840 WAC;

(d) The monitoring of a client who self-administers their own medications;

(e) Medication assistance for clients needing this support; and

(f) What the service provider will do in the event they become aware that a client is no longer safe to take their own medications.

(3) The service provider must maintain current written policies and procedures and make them available to all staff; and to clients and legal representatives upon request.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3240, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3245 Background check—General.** (1) Background checks conducted by the department and required in this chapter include but are not limited to Washington state background checks including:

(a) Department and department of health findings; and

(b) Criminal background check information from the Washington state patrol and Washington state courts.

(2) Nothing in this chapter should be interpreted as requiring the employment of a person against the better judgment of the service provider.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. 12-02-048, § 388-101-3245, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. 10-16-084, § 388-101-3245, filed 7/30/10, effective 1/1/11.]

**WAC 388-101-3250 Background checks—Washington state.** (1) Service providers must follow the background check requirements described in chapter 388-06 WAC and in this chapter. In the event of an inconsistency, this chapter applies.

(2) The service provider must obtain background checks from the department for all administrators, employees, volunteers, students, and subcontractors who may have unsupervised access to clients.

(3) The service provider must not allow the following persons to have unsupervised access to clients until the service provider receives the department's background check results, verifying that the person does not have any convictions, pending criminal charges, or findings described in WAC 388-101-3090:

(a) Administrators;

(b) Employees;

(c) Volunteers or students; and

(d) Subcontractors.

(4) If the background check results show that the individual has a conviction, pending criminal charge, or finding that is not disqualifying under WAC 388-101-3090, then the service provider must conduct a character, suitability, and competence review as described in WAC 388-06-0190.

(5) The service provider must:

(a) Inform the person of the results of the background check;

(b) Inform the person that they may request a copy in writing of the results of the background check. If requested, a copy of the background check results must be provided within ten working days of the request;

(c) Notify the department and other appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

(6) The service provider must renew the Washington state background check at least every thirty-six months and keep current background check results for each administrator, employee, volunteer, student, or subcontractor of a service provider.

(7) Licensed boarding homes or adult family homes must adhere to the current regulations in this chapter and in the applicable licensing laws.

(8) Service providers must prevent unsupervised access to clients by any administrator, employee, subcontractor, student, or volunteer who has a disqualifying conviction, pending criminal charge, or finding described in WAC 388-101-3090.

(9) All applicants for certification must have a background check.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. 12-02-048, § 388-101-3250, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. 10-16-084, § 388-101-3250, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-3250, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3250, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3255 Background checks—Provisional hire—Pending results.** Persons identified in WAC 388-101-3250(2) and who have lived in Washington state less than three years, or who are otherwise required to complete a fingerprint-based background check, may be hired for a one hundred twenty-day provisional period when:

(1) The person is not disqualified based on the initial results of the background check from the department; and

(2) A national fingerprint-based background check is pending.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. 12-02-048, § 388-101-3255, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. 10-16-084, § 388-101-3255, filed 7/30/10, effective 1/1/11.]

**WAC 388-101-3258 Training requirements.** The service provider must ensure that individuals identified under WAC 388-101-3302 have met the training requirements under WAC 388-101-3260 through 388-101-3300.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. 12-02-048, § 388-101-3258, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. 10-16-084, § 388-101-3258, filed 7/30/10, effective 1/1/11.]

**WAC 388-101-3260 Staff training.** The service provider must:

(1) Provide and document required training to staff;

(2) Within the first six months, ensure that staff receives a minimum of thirty-two total hours of training that meets the training requirements of this chapter;

(3) Provide staff training sooner if required by the client's identified needs; and

(4) Meet state and federal laws regarding training; such as, bloodborne pathogens training referenced in WAC 296-823-120.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3260, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3270 Staff training before working alone with clients.** The service provider must train staff in the following before the employee works alone with clients:

(1) Current individual instruction and support plans of each client with whom the employee works;

(2) Emergency procedures for clients;

(3) The reporting requirements for abuse and neglect under chapter 74.34 RCW; and

(4) Client confidentiality.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3270, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3280 Staff training within four weeks of employment.** The service provider must provide training within the first four weeks of employing a staff person to include:

(1) The service provider's mission statement;

(2) Policies and procedures; and

(3) On-the-job training.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3280, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3290 Staff training within six months of employment.** The service provider must provide training within the first six months of employing a staff person, to include:

(1) First aid and CPR;

(2) Bloodborne pathogens with HIV/AIDS information;

(3) Client services;

(4) Residential guidelines; and

(5) Positive behavior support.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3290, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3300 Staff training to be current.** The service provider must ensure that each employee keeps their first-aid training, CPR certification, and bloodborne pathogens training current.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3300, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3302 Certified community residential services and supports—General training requirements.** (1) The service provider must ensure the following instruction and support services staff meet the training requirements of this chapter:

(a) Administrators who may provide instruction and support services to clients or may supervise instruction and support services staff; and

(b) Instruction and support services staff including their supervisors.

(2) Applicants for initial certification and applicants for change of ownership that are not current providers, who may provide instruction and support services to clients or may supervise instruction and support services staff must meet the training requirements of this chapter.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. 12-02-048, § 388-101-3302, filed 12/30/11, effective 1/30/12. Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. 10-16-084, § 388-101-3302, filed 7/30/10, effective 1/1/11.]

**WAC 388-101-3310 Approval of staff-coverage schedules.** (1) The service provider must obtain division of developmental disabilities approval of schedules to provide twenty-four hour support, at the following times:

(a) Prior to certification review;

(b) When household configuration changes affect staff coverage; or

(c) When additional staffing is requested or needed by the client.

(2) The service provider must retain copies of the staff coverage schedules.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3310, filed 12/21/07, effective 2/1/08.]

## CLIENT RIGHTS AND TREATMENT

**WAC 388-101-3320 Client rights.** Clients have the same legal rights and responsibilities guaranteed to all other individuals by the United States Constitution, federal and state law unless limited through legal processes. Service providers must promote and protect all of the following client rights, including but not limited to:

(1) The right to be free from discrimination;

(2) The right to be reasonably accommodated in accordance with state and federal law;

(3) The right to privacy, including the right to receive and send private mail and telephone calls;

(4) The right to participate in an appropriate program of publicly supported education;

(5) The right to be free from harm, including unnecessary physical restraint, isolation, excessive medication, abuse, neglect, abandonment, and financial exploitation; and

(6) The right to refuse health services, medications, restraints, and restrictions.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3320, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3330 Treatment of clients.** Service providers must treat clients with dignity and consideration, respecting the client's civil and human rights at all times.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3330, filed 12/21/07, effective 2/1/08.]

## CLIENT SERVICES

**WAC 388-101-3340 Subcontracting.** The service provider must not subcontract any service without prior written approval from the department. The service provider must ensure that all required terms, conditions, assurances and certifications are included in all subcontracts.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3340, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3350 Residential guidelines.** The service provider must use the following department residential guidelines when providing services to each client:

(1) Health and safety;

(2) Personal power and choice;

(3) Competence and self-reliance;

(4) Positive recognition by self and others;

(5) Positive relationships; and

(6) Integration in the physical and social life of the community.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3350, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3360 Client services.** Service providers must provide each client instruction and/or support to the degree the individual support plan identifies the service provider as responsible. Instruction and/or support to the client may include but are not limited to the following categories:

(1) Home living activities;

(2) Community living activities;
(3) Life-long learning activities;
(4) Health and safety activities;
(5) Social activities;
(6) Employment;
(7) Protection and advocacy activities;
(8) Exceptional medical support needs; and
(9) Exceptional behavioral support needs.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3360, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3370 Client health services support.** The service provider must provide instruction and/or support as identified in the individual support plan and as required in this chapter to assist the client with:

(1) Accessing health, mental health, and dental services;
(2) Medication management, administration, and assistance;
(3) Maintaining health records;
(4) Arranging appointments with health professionals;
(5) Monitoring medical treatment prescribed by health professionals;
(6) Communicating directly with health professionals when needed; and
(7) Receiving an annual physical and dental examination unless the appropriate medical professional gives a written exception.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3370, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3372 Medical devices.** (1) For purposes of this section the term "medical device" means any piece of medical equipment used to treat a client's assessed need.

(2) Use of some medical devices poses a safety risk for clients. Examples of medical devices with known safety risks are transfer poles, helmets, straps and belts on wheelchairs or beds, and bed side rails.

(3) Medical devices with known safety risks must not be used by the service provider:
(a) As a restraint; or
(b) For staff convenience.

(4) Before using medical devices with known safety risks for any client, the service provider must:
(a) Review the client's assessment to identify the client's need;
(b) Identify and implement interventions that might decrease the need for the use of a medical device;
(c) Document the use of less restrictive and less invasive options, successful or not;
(d) Provide the client and client's family or legal representative with information about the anticipated benefits and safety risks of using the device to enable them to make an informed decision about whether or not to use the device;
(e) Obtain a current physician's order that describes the medical necessity for use of the device and the anticipated duration of use; and
(f) Provide written instructions to staff regarding safe and proper use of the device.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-3372, filed 1/15/10, effective 2/15/10.]

**WAC 388-101-3375 Nurse delegation.** (1) Service provider staff must not perform a delegated nursing task for the client before the delegating nurse has obtained consent from the client or person authorized to give consent.

(2) The service provider must not allow an employee to perform any nursing task that violates applicable statutes and rules, including:
(a) Chapter 18.79 RCW, Nursing care;
(b) Chapter 18.88A RCW, Nursing assistants;
(c) Chapter 246-840 WAC, Practical and registered nursing;
(d) Chapter 246-841 WAC, Nursing assistants; and
(e) Chapter 246-888 WAC, Medication assistance.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3375, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3380 Client transportation.** (1) The service provider must meet the client's transportation needs by:

(a) Not charging the client for transportation costs except as specified in the client's individual support plan;
(b) Using the client's medicaid coupons for covered transportation, if available; and
(c) Ensuring that other transportation is provided as specified in the client's individual support plan.

(2) The service provider must provide transportation or ensure that clients have a way to get to and from:
(a) Emergency medical care;
(b) Medical appointments; and
(c) Therapies.

(3) As specified in the client's individual support plan, the service provider must provide necessary assistance with transportation to and from:
(a) School or other publicly funded services;
(b) Work;
(c) Leisure or recreation activities; and
(d) Client-requested activities.

(4) A vehicle that the service provider uses to transport clients must be insured as required by chapters 46.29 and 46.30 RCW.

(5) The service provider must maintain a business automobile insurance policy on service provider owned vehicles used to transport clients.

(6) The service provider must maintain nonowned vehicle insurance coverage for vehicles not owned by the service provider but used to transport clients.

(7) Service providers, employees, subcontractors, and volunteers who transport clients must have a valid driver's license as required by chapter 46.20 RCW.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3380, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3390 Physical and safety requirements.** (1) Crisis diversion support service providers are exempt from the requirements in this section.

(2) The service provider must ensure that the following home safety requirements are met for each client unless otherwise specified in the client's individual support plan:
(a) A safe and healthy environment;
(b) Accessible telephone equipment and a list of emergency contact numbers;

(c) An evacuation plan developed and practiced with the client;

(d) Unblocked door and window for emergency exit;

(e) A safe storage area for flammable and combustible materials;

(f) An operating smoke detector, with a light alarm for clients with hearing impairments;

(g) An accessible flashlight or other safe accessible light source in working condition; and

(h) Basic first-aid supplies.

(3) The service provider must assist clients in regulating household water temperature unless otherwise specified in the client's individual support plan as follows:

(a) Maintain water temperature in the household no higher than one hundred and twenty degrees Fahrenheit;

(b) Check water temperature when the client first moves into the household and at least once every three months from then on; and

(c) Regulate water temperature for clients who receive twenty-four hour support, and for other clients as specified in the individual support plan.

(4) The service provider must document and keep records that indicate that physical safety requirements are met for each client.

(5) A client may independently document these requirements are met when the client's individual support plan specifies this level of client involvement.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3390, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3400 Services to nonclients.** Before providing services to nonclients in the same household with clients, the service provider must:

(1) Provide the department with a written description of the household composition;

(2) Obtain written approval from the division of developmental disabilities; and

(3) Obtain written consent from each client in the household or the client's legal representative if the client is unable to consent.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3400, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3410 Community protection clients and other clients in the same household.** Before allowing a community protection program client to live in the same household with supported living clients who are not in the community protection program, the service provider must:

(1) Provide the department with a written description of the household composition;

(2) Participate with the treatment team during the household composition review;

(3) Obtain written approval from the division of developmental disabilities; and

(4) Obtain written consent from each client in the household or the client's legal representative if the client is unable to consent.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3410, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3420 Client refusal to participate in services.** (1) The service provider must notify the case manager if the client's health and safety is adversely affected by the client's refusal to participate in services.

(2) Service providers must document each client's refusal to participate in:

(a) Physical and safety requirements, as outlined in WAC 388-101-3390; and

(b) Client health services support under WAC 388-101-3370.

(3) Service providers must document the following:

(a) A description of events relating to the client's refusal to participate in these services;

(b) That the client was informed of the benefits of these services and the possible risks of refusal;

(c) A description of the service provider's efforts to give or acquire the services for the client; and

(d) Any health or safety concerns that the refusal may pose.

(4) The service provider must:

(a) Review this documentation with the client or the client's legal representative at least every six months; and

(b) Request that the client or client's legal representative sign and date the document after reviewing it.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3420, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3430 Changes in client service needs—Nonemergent.** The service provider must notify the department:

(1) When a client's service needs change and the individual support plan no longer addresses the client's needs; and

(2) May request in writing, assistance from the department's case manager in setting up an assessment meeting.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3430, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3440 Changes in client service needs—Emergent.** (1) The service provider must promptly notify the department to ask for emergency assistance when a client's needs change and the actions or continued presence of the client endangers the health, safety and/or personal property of other clients, the client, those working with the client, or other public citizens.

(2) If further assistance is needed following the department's initial response, the service provider must confirm in writing to the client's case manager on the first working day after initiating a verbal request for such assistance:

(a) The nature of the emergency;

(b) The need for immediate assistance and the specific type of assistance needed; and

(c) The specific type of assistance needed.

(3) When the emergency cannot be resolved and the service provider wants to terminate services to the client, the service provider must:

(a) Notify the department in writing;

(b) Specify the reasons for terminating services to the client; and

(c) Ensure that the department receives the notice at least seventy-two hours before moving the client from the program.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3440, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3450 Service provider refusal to serve a client.** (1) The service provider may refuse services to a client when the service provider has determined and documented:

(a) Why the provider cannot meet the client's needs; or

(b) How the provider's refusal to serve the client would be in the best interest of the client or other clients.

(2) Before terminating services to the client, the service provider must notify the department, the client and the client's legal representative in writing ten working days before terminating services.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3450, filed 12/21/07, effective 2/1/08.]

## INDIVIDUAL INSTRUCTION AND SUPPORT PLAN

**WAC 388-101-3460 Individual support plan.** The service provider must use the client's current individual support plan in the development of the individual instruction and support plan.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3460, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3470 Development of the individual instruction and support plan.** (1) The service provider must develop and implement an individual instruction and support plan for each client that incorporates the department's residential guidelines in developing instruction and support activities.

(2) In developing the individual instruction and support plan, the service provider must:

(a) Work with the client to develop goals based on the individual support plan that will be worked on during the implementation of the individual instruction and support plan for the upcoming year;

(b) Identify how the instruction and/or support activities will be provided to meet the assessed needs of the client as described in the individual support plan;

(c) Ensure that the individual instruction and support plan contains or refers to other applicable support and/or service information; and

(d) Include the participation and agreement of the client and other individuals the client wants included.

(3) The service provider must send a copy of the individual instruction and support plan goals together with a list of applicable support and service information and where the information is located to the case manager for review.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3470, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3480 Documentation of the individual instruction and support plan.** For each client the service provider must:

(1) Develop and keep a written record of the individual instruction and support plan that includes the elements required in WAC 388-101-3470;

(2) Include a section or page in the individual instruction and support plan that provides or references all applicable support or service information pertaining to the client;

(3) Review and update the plan to reflect changes in the assessed needs as described in the individual support plan;

(4) Sign and date the plan's documents; and

(5) Document the client's agreement with the plan as well as the client's legal representative if applicable.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3480, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3490 Implementation of the individual instruction and support plan.** The service provider must:

(1) Oversee the progress made on each client's individual instruction and support plan;

(2) Coordinate with other staff, and other providers serving the client, and other interested persons as needed, in implementing the individual instruction and/or support plan; and

(3) Revise and update the plan as the client's assessed needs change.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3490, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3500 Accessibility of the individual instruction and support plan.** The service provider must make the individual instruction and support plan accessible at all times to:

(1) Staff to provide direction on what they are to do to instruct and/or support the client;

(2) The client receiving service;

(3) The client's legal representative; and

(4) Representatives of the department.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3500, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3510 Ongoing updating of the individual instruction and support plan.** The service provider must:

(1) Review and revise the individual instruction and support plan as goals are achieved or as client assessed needs change in order to reflect the client's current needs, goals, and preferences:

(a) At least semi-annually; and

(b) At any time requested by the client or the client's legal representative.

(2) Send an updated copy of the instruction and support goals of the individual instruction and support plan and the list of applicable support and service information and where the information is located to the case manager for review.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3510, filed 12/21/07, effective 2/1/08.]

## CLIENT FINANCES

**WAC 388-101-3520 Shared expenses and client related funds.** (1) For purposes of this section "common household expenses" means costs for rent, shared food and household supplies, and utilities, including but not limited to

water, garbage, cable television/radio, telephone, and electricity.

(2) The service provider must ensure that common household expenses are shared equitably among all clients living in the household.

(3) If the service provider receives funds for the client from any source, the service provider must be able to show that all the funds received are:

(a) Given to the client or the client's legal representative;

(b) Deposited to the client's account; or

(c) Used only for the client.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-3520, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3520, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3530 Individual financial plan.** (1) The service provider must develop and implement an individual financial plan with client participation when the client's individual support plan:

(a) Identifies that the client needs support to manage funds; and

(b) Designates the service provider as responsible for that support; or

(c) Indicates the service provider manages any portion of the client's funds.

(2) The service provider must obtain signatures from the client and the client's legal representative on the individual financial plan.

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

(a) Client funds and income managed by the service provider;

(b) Client funds and income managed by the client and the client's legal representative;

(c) The type of accounts containing client funds;

(d) A description of how the client's funds will be spent during a typical month;

(e) Money management instruction or support provided to the client; and

(f) If applicable, asset management including such things as personal property, burial plan, retirement funds, stock, and vehicles.

(4) The service provider must review the individual financial plan with the client at least every twelve months.

(5) The service provider must send a copy of each client's individual financial plan to:

(a) The client's legal representative; and

(b) The client's case manager upon request.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3530, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3540 Managing client funds.** (1) Before managing a client's funds the service provider must either:

(a) Obtain written consent from the client or the client's legal representative; or

(b) Become the representative payee.

(2) For any client funds managed by the service provider, the service provider must:

(a) Separately track each client's money, even when several clients reside together;

(b) Maintain a current running balance of each client account;

(c) Make deposits to the client's bank account within one week of receiving the client's money;

(d) Prevent the client's bank account from being overdrawn;

(e) Ensure that client cash funds do not exceed seventy-five dollars per client unless specified differently in the individual financial plan; and

(f) Retain receipts for each purchase over twenty-five dollars.

(3) Social Security Administration requirements for managing the client's Social Security income take precedence over these rules if:

(a) The service provider is the client's representative payee; and

(b) The Social Security Administration requirement conflicts with these rules.

(4) When the service provider manages the client's funds and receives a check made out to the client, the service provider must:

(a) Get the client's signature and designation "for deposit only"; or

(b) Get the client's "x" mark in the presence of a witness and cosign the check with the designation "for deposit only"; and

(c) Deposit the check in the client's bank account as required under subsection (2)(c) of this section.

(5) If a check for the client is made out to a payee other than the client, the service provider must ask the payee to sign the check.

(6) The service provider must not ask the client to sign a blank check.

(7) The service provider may only assist the client to make purchases by check when the client signs the check at the time of the purchase unless:

(a) Otherwise specified in the client's individual financial plan; or

(b) The service provider is the client's representative payee.

(8) The service provider must document in the client's record the name of each staff that may assist the client with financial transactions.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3540, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3545 Using client funds for health services.** The service provider must document all denials for client health services from the health care authority, the department, and medical insurance companies. The service provider:

(1) Must notify the case manager of the denial in writing; and

(2) May use client funds for the client's health services if no other funding is available.

[Statutory Authority: RCW 71A.12.030 and [71A.12].080. 12-02-048, § 388-101-3545, filed 12/30/11, effective 1/30/12. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3545, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3550 Reconciling and verifying client accounts.** (1) For any client funds managed by the service provider, the service provider must:

(a) Reconcile the client's bank accounts to the client's bank statements each month;

(b) Reconcile the client's cash account each month; and

(c) Verify the accuracy of the reconciliation.

(2) The service provider must not allow the same staff person to do both the verification and reconciliation of the client's account.

(3) The service provider must ensure that the verification or reconciliation is done by a staff person who did not:

(a) Make financial transactions on the client's behalf; or

(b) Assist the client with financial transactions.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3550, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3560 Combining service provider and client funds.** The service provider must not combine client funds with any service provider funds, such as agency operating funds.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3560, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3570 Client bankbooks and bankcards.** (1) For clients who manage their own funds, the service provider must document in the client's record when the client asks the provider to hold the client's bankbooks and bankcards.

(2) When the service provider holds the client's bankcards or bankbooks as requested by the client:

(a) It is not assumed that the service provider is managing the client's funds; and

(b) The client must continue to have access to his or her own funds.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3570, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3580 Client financial records.** (1) For client funds that the service provider manages, the service provider must retain documentation including documentation for bank and cash accounts.

(2) The service provider must also keep the following documentation for client financial transactions:

(a) Monthly bank statements and reconciliations;

(b) Checkbook registers and bankbooks;

(c) Deposit receipts;

(d) Receipts for purchases over twenty-five dollars;

(e) A ledger showing deposits, withdrawals, and interest payments to each client; and

(f) A control journal for trust accounts.

(3) The service provider must keep the following documentation for cash and debit transactions:

(a) A detailed ledger signed by the staff who withdrew any of the client's money;

(b) A detailed accounting of the funds received on behalf of the client including:

(i) Cash received from writing checks over the purchase amount; and

(ii) A list of where the money was spent.

(c) Receipts for purchases over twenty-five dollars when service provider staff withdrew the money.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3580, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3590 Transferring client funds.** (1) When the service provider manages a client's funds and the client changes service providers, the previous service provider must transfer all of the client's funds, except funds necessary to pay unpaid bills, to the client or designee as soon as possible but no longer than thirty days.

(2) When transferring funds, the previous provider must:

(a) Have an agreement with the client regarding the amount of money to be withheld to pay bills;

(b) Inform the client's case manager about any agreement in subsection (2)(a) of this section;

(c) Give the client and the client's legal representative a written accounting of all known client funds;

(d) When applicable, give the new service provider a written accounting of all transferred client funds;

(e) Obtain a written receipt from the client and legal representative for all transferred funds; and

(f) When applicable, obtain the new service provider's written receipt for the transferred funds.

(3) When the client moves to another living arrangement without supported living services or the client's whereabouts are unknown, the service provider must transfer the client's funds within one hundred eighty days to:

(a) The client's legal representative;

(b) The department; or

(c) The requesting governmental entity.

(4) When the client dies, the service provider must transfer the client's funds within ninety days to:

(a) The client's legal representative;

(b) The requesting governmental entity; or

(c) The department if the client does not have a legal heir.

(5) Social Security Administration requirements for managing the client's Social Security income take precedence over these rules for transferring client funds if:

(a) The service provider is the client's representative payee; and

(b) The Social Security Administration requirement conflicts with these rules.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3590, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3600 Client loans.** (1) The service provider may loan funds to a client from the service provider's funds and collect the debt from the client in installments.

(2) The client's service provider must not:

(a) Charge the client interest for any money loaned; or

(b) Borrow funds from the client.

(3) The provider must keep the following loan documentation for each loan:

(a) A loan agreement signed by the client or the client's legal representative;

(b) Amount of the loan;

(c) Payments on the loan balance; and

(d) The current balance owed.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3600, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3610 Client reimbursement.** The service provider must pay the client the total amount involved when:

(1) The service provider or staff has stolen, misplaced, or mismanaged client funds; or

(2) Service charges are incurred on a trust account that the service provider manages for the client.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3610, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3620 Client payment.** When the client performs work for the service provider, the service provider must pay the client:

(1) At least the current minimum wage; and

(2) According to state and federal requirements.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3620, filed 12/21/07, effective 2/1/08.]

## CLIENT MEDICATIONS

**WAC 388-101-3630 Medication services—General.** (1) If the service provider is involved in assisting any client with medications, as identified in the client's individual support plan, the service provider must:

(a) Have systems in place to ensure that medications are given as ordered and in a manner that safeguards the client's health and safety;

(b) Ensure that each client receives their medication as prescribed, except as provided for in the medication refusal section or in the medication assistance section regarding altering medication; and

(c) Have a legible prescription label completed by a licensed pharmacy before providing medication assistance or medication administration to a client for prescribed medications.

(2) Group homes licensed as a boarding home or adult family home must meet the medication management requirements of chapter 388-78A or 388-76 WAC. For any difference in requirements the boarding home or adult family home medication rules take precedence over the medication rules of this chapter.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3630, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3640 Medication—Types of support.** The service provider must provide medication support as specified in the client's individual support plan. Types of client support include:

(1) Self-administration of medication;

(2) Medication assistance;

(3) Nurse delegated medication administration; and

(4) Medication administration by a practitioner.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3640, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3650 Medication—Self-administration.** If a client is assessed as independent in self-administration of medications the service provider must inform the client's case manager if they have a reason to suspect that the client is no longer safe to self-administer medications.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3650, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3660 Medication assistance.** If the client is assessed as needing assistance with medication, the service provider may assist the client to take medications in any of the following ways:

(1) Communicating the prescriber's order to the client in such a manner that the client self-administers his/her medication properly;

(2) Reminding or coaching the client when it is time to take a medication;

(3) Opening the client's medication container;

(4) Handing the client the medication container;

(5) Placing the medication in the client's hand;

(6) Transferring medication from one container to another for the purpose of an individual dose (e.g., pouring a liquid medication from the container to a calibrated spoon or medication cup or using adaptive devices);

(7) Altering a medication by crushing or mixing:

(a) Only if the client is aware that the medication is being altered or added to food or beverage; and

(b) A pharmacist or other qualified practitioner has determined it is safe to alter medication; and

(c) It is documented on the prescription container or in the client's record.

(8) Guiding or assisting the client to apply or instill skin, nose, eye and ear preparations. Hand-over-hand administration is not allowed; and

(9) For group homes that have a boarding home or adult family home license, refer to chapter 388-78A or 388-76 WAC for additional tasks that may be allowed.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3660, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3670 Medication administration—Nurse delegation.** If a client is assessed as requiring medication administration and the service provider is not a practitioner, the service provider must ensure the assistance is provided by a licensed health care professional or under nurse delegation as per chapters 246-840 WAC and 18.79 RCW.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3670, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3680 Medication administration.** (1) If a service provider is a licensed health care professional, the licensed professional may administer the client's medication.

(2) Service providers may only administer medication under the order of a physician or a health care professional with prescriptive authority.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3680, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3690 Medication refusal.** (1) When a client who is receiving medication support from the service provider chooses to not take his or her medications, the service provider must:

(a) Respect the client's right to choose not to take the medication(s) including psychoactive medication(s); and

(b) Document the time, date and medication the client did not take.

(2) The service provider must take the appropriate action, including notifying the prescriber or primary care practitioner, when the client chooses to not take his or her medications and the client refusal could cause harm to the client or others.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3690, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3700 Storage of medications.** (1) The service provider must keep a client's medications so they are not readily available to other clients.

(2) The service provider must store medications:

(a) Under proper conditions for sanitation, temperature, moisture and ventilation, and separate from food or toxic chemicals; and

(b) In the original medication containers with pharmacist-prepared or manufacturer's label, or in medication organizers which are clearly labeled with the:

(i) Name of the client for whom the medication is prescribed;

(ii) Name of the medications; and

(iii) Dosage and frequency.

(3) Group homes must:

(a) Keep all medications in locked storage; and

(b) Use medication organizers only when filled by a pharmacist.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3700, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3710 Medication organizers.** (1) Service providers may allow medication organizers maintained by the individual when the organizers are filled by:

(a) The client;

(b) A licensed pharmacist;

(c) An RN; or

(d) The client's legal representative or a family member.

(2) Service providers providing medication assistance or administration to a client must ensure that the medication organizers are labeled.

(3) The client, a pharmacist, an RN, or the client's legal representative or family member may label the medication organizer.

(4) When there is a change in medications by the prescriber, the individual filling the medication organizers must replace labels with required updated information immediately.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3710, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3720 Medications—Documentation.** The service provider must maintain a written record of all medications administered to, assisted with, monitored, or refused by the client.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3720, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3730 Disposal of medications.** (1) The service provider or his/her designee must properly dispose of all medications that are discontinued, out of date, or superseded by another.

(2) When disposing client medications the service provider must list the:

(a) Medication;

(b) Amount; and

(c) Date that it was disposed.

(3) Two people, one of whom may be the client, must verify the disposal by signature.

(4) For group homes that have a boarding home or adult family home license, refer to chapters 388-78A or 388-76 WAC for medication disposal requirements.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3730, filed 12/21/07, effective 2/1/08.]

## PSYCHOACTIVE MEDICATIONS

**WAC 388-101-3740 Psychoactive medication assessment.** If a client displays symptoms of mental illness and/or persistent challenging behavior, the service provider must:

(1) Refer the client for a professional assessment;

(2) Prior to the referral, prepare a psychiatric referral summary, including the frequency and severity of the symptoms or behaviors, and take or send this document to the treatment professional conducting the assessment;

(3) Respect the client's preference to visit the treatment professional independently; and

(4) If drugs are prescribed, have the prescribing professional assess the client at least annually to review the continued need for the medication(s) and possible dosage reduction.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3740, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3750 Psychoactive medication treatment plan.** (1) If the assessing treatment professional recommends psychoactive medications, the prescribing professional or service provider must document this in the client's psychoactive medication treatment plan. The service provider must ensure the plan includes the following:

(a) A description of the behaviors, symptoms or conditions for which the medication is prescribed and a mental health diagnosis, if available;

(b) The name, dosage, and frequency of the medication and subsequent changes in dosage must be documented in the person's medical record;

(c) The length of time considered sufficient to determine if the medication is effective;

(d) The behavioral criteria to determine whether the medication is effective and what changes in behavior, mood, thought, or functioning are considered evidence that the medication is effective; and

(e) The anticipated schedule of visits with the prescribing professional.

(2) The service provider must make sure the treatment plan is updated when there is a change in psychoactive medication type, including intraclass changes.

(3) The service provider must:

(a) Review the name, purpose, potential side effects and any known potential drug interactions of the psychoactive

medication(s) with the client and his/her legal representative and document the review in the client record; and

(b) Have available to staff and clients an information sheet for each psychoactive medication that is being used by each client served by the provider.

(4) The service provider must assist the client in obtaining and taking the medication when:

(a) The client's legal representative if any, is unavailable; and

(b) In the prescribing professional's opinion, medication is needed and no significant risks are associated with the use of the medication.

(5) If a client takes psychoactive medications to reduce challenging behaviors or to treat symptoms of a mental illness that are interfering with the client's ability to have positive life experiences and form and maintain relationships, the service provider must develop and implement a positive behavior support plan.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3750, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3760 Psychoactive medication monitoring.** The service provider must:

(1) Monitor the client to help determine if the medication is effective based on criteria identified in the psychoactive medication treatment plan; and

(2) Report to the prescribing professional when:

(a) The medication does not appear to have the desired effects; and

(b) Any changes in client behavior or health that might be adverse side effects of the medication(s).

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3760, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3770 Psychoactive medications—Other.** If psychoactive medications are used for diagnoses other than mental illness or persistent challenging behavior, the service provider must follow the general medication requirements in WAC 388-101-3630 through 388-101-3730.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3770, filed 12/21/07, effective 2/1/08.]

## CLIENT AND PROGRAM RECORDS

**WAC 388-101-3780 Confidentiality of client records.** (1) The service provider must:

(a) Keep all client record information confidential;

(b) Ensure the department's right to have access to and copies of any records as requested or needed; and

(c) Provide access to and copies of client records to the client, or the client's legal representative upon their request.

(2) The service provider must have an authorized release of information form for any transfer or inspection of records, other than those specified in subsection (1) of this section. The authorization form must:

(a) Be specific to the type of information about the transfer or inspection; and

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

(3) A signed release of information is valid for up to one year from the date of signature.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3780, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3790 Charging for searching and duplicating records.** (1) The service provider:

(a) Must not charge the department or the client for any searching or duplication of records requested or needed; and

(b) May charge the client's legal representative acting on behalf of the client for searching and duplication of records at a cost not to exceed twenty-five cents a page.

(2) The service provider must not charge the client's legal representative acting on behalf of the client for searching and duplication of records if the client is incapable of making the request.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3790, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3800 Retention of client records.** (1) While supporting a client, a service provider must keep all of the client's records for at least four years.

(2) After a client's participation with a service provider ends, the service provider must keep the client's records for at least six years.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3800, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3810 Contents of client records.** (1) Crisis diversion service providers are exempt from the client record requirements specified in this section.

(2) Service providers must keep, in each client's record, information including but not limited to the following:

(a) Client's name, address, and Social Security number;

(b) Name, address, and telephone number of the client's involved family members, guardian or legal representative;

(c) Copies of legal guardianship papers, if provided;

(d) Client health records, including:

(i) Name, address, and telephone number of the client's physician, dentist, mental health service provider, and any other current health care service provider;

(ii) Current health care service providers' instructions about health care needed, including appointment dates and date of next appointment if appropriate;

(iii) Written documentation that the health care service providers' instructions have been followed; and

(iv) Record of major health events and surgeries when known.

(e) Copy of the client's most recent individual support plan;

(f) Client's individual instruction and support plan including:

(i) Instruction and support activities for each client as a basis for review and evaluation of client's progress;

(ii) Semiannual review of the individual instruction and support plan;

(iii) Consultation with other service providers and other interested persons;

(iv) Individual instruction and support plan revisions and changes; and

(v) Other activities relevant to the client that the client wants included.

(g) Progress notes and incident reports;

(h) The client's financial records for funds managed by the service provider, including:

(i) Receipts, ledgers and records of the client's financial transactions; and

(ii) Client's related bankbooks, checkbooks, bank registers, tax records and bank statements.

(i) Burial plans and wills.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3810, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3820 Client's property records.** (1) Crisis diversion support service providers are exempt from the requirements in this section.

(2) The service provider must assist clients in maintaining current, written property records unless otherwise specified in the individual support plan. The record must consist of:

(a) A list of personal possessions with a value of at least twenty-five dollars that the client owns when moving into the program;

(b) A list of personal possessions with a value of seventy-five dollars or more per item after the client moves into the program;

(c) Description and identifying numbers, if any, of the property;

(d) The date the client purchased the items after moving into the program;

(e) The date and reason for addition or removal from the record; and

(f) The signature of the staff or client making the entry.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3820, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3830 Record entries.** The service provider must ensure that all record entries are:

(1) Documented in ink;

(2) Written legibly at the time of or immediately following the occurrence of the event recorded; and

(3) Signed and dated by the person making the entry.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3830, filed 12/21/07, effective 2/1/08.]

## POSITIVE BEHAVIOR SUPPORTS

**WAC 388-101-3840 Positive behavior support.** Positive behavior support means a recognized approach to supporting clients with challenging behaviors. Positive behavior support focuses on changing the client's environment, skills, and other factors that contribute to the client's challenging behavior(s). Positive behavior support uses a functional assessment to help build respectful plans for clients with challenging behavior(s).

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3840, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3850 Functional assessment.** (1) The service provider must conduct and document a functional assessment before developing and implementing a client's positive behavior support plan.

(2) The service provider must start the functional assessment when the client begins to engage in challenging behaviors that interfere with the client's ability to have positive life experiences and form and maintain relationships.

(3) The service provider must ensure that a client's written functional assessment addresses:

(a) A description of the client and pertinent history;

(b) The client's overall quality of life;

(c) The behaviors that are considered challenging and/or are of concern;

(d) The factors or events which increase the likelihood of challenging behaviors;

(e) When and where the challenging behavior(s) occurs most frequently;

(f) The factors or events which increase the likelihood of appropriate behavior;

(g) An analysis and assessment of the possible functions or purpose the challenging behavior(s) serve for the client including what he or she obtains or avoids by engaging in the behavior(s); and

(h) A concluding summary of the functions or purpose that each challenging behavior serves for the client.

(4) The service provider must include the following sections in the format of each client's written functional assessment:

(a) Description and pertinent history;

(b) Definition of challenging behaviors;

(c) Data analysis/assessment procedures; and

(d) Summary statement(s).

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3850, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3860 Positive behavior support plan.** (1) The service provider must develop, train to, and implement a written individualized positive behavior support plan for each client when:

(a) The client takes psychoactive medications to reduce challenging behavior or treat a mental illness currently interfering with the client's ability to have positive life experiences and form and maintain personal relationships; or

(b) Restrictive procedures, including physical restraints, identified in the residential services contract are planned or used.

(2) The service provider must:

(a) Base each client's positive behavior support plan on the functional assessment required in WAC 388-101-3850; and

(b) Complete and implement the client's positive behavior support plan within ninety days of identifying the client's symptoms and challenging behavior.

(3) The service provider must develop and implement a positive behavior support plan that is consistent with the client's cross system crisis plan, if any.

(4) The service provider must include the following sections in the format of each client's written positive behavior support plan:

(a) Prevention strategies;

(b) Teaching and training supports;

(c) Strategies for responding to challenging behaviors; and

(d) Data collection and monitoring methods.

(5) If data indicates that progress is not occurring after a reasonable time, but not longer than six months, the service provider must:

(a) Evaluate the positive behavior support plan and the data collected;

(b) Conduct a new functional assessment when necessary; and

(c) Develop and implement revisions as needed.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3860, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3870 Client protection.** While the functional assessment and positive behavior support plan are being developed, the service provider must:

(1) Protect the client and others; and

(2) Document in the client's record how the protection is being done.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3870, filed 12/21/07, effective 2/1/08.]

## RESTRICTIVE INTERVENTIONS

**WAC 388-101-3880 Group home providers.** (1) When considering restrictive procedures, group home providers licensed as boarding homes must comply with all requirements in chapter 388-78A WAC regarding restraints.

(2) When considering restrictive procedures, group home providers licensed as adult family homes must comply with all requirements in chapter 388-76 WAC regarding restraints.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3880, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3890 Restrictive procedures.** (1) The service provider may:

(a) Only use restrictive procedures for the purpose of protecting the client, others, or property; and

(b) Not use restrictive procedures for the purpose of changing behavior in situations where no need for protection is present.

(2) The service provider must have documentation on the proposed intervention strategy before implementing restrictive procedures including:

(a) A description of the behavior(s) that the restrictive procedures address;

(b) A functional assessment of the challenging behavior(s);

(c) The positive behavior support strategies that will be used;

(d) A description of the restrictive procedure that will be used including:

(i) When and how it will be used; and

(ii) Criteria for termination of the procedure; and

(e) A plan to document the use of the procedure and its effect.

(3) The service provider must terminate implementation of the restrictive procedures as soon as the need for protection is over.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3890, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3900 Restrictive procedures approval.** (1) The service provider must have documentation of the proposed intervention strategy that:

(a) Lists the risks of the challenging behavior(s);

(b) Lists the risks of the proposed restrictive procedure(s);

(c) Explains why less restrictive procedures are not recommended;

(d) Indicates nonrestrictive alternatives to the recommendation that have been tried but were unsuccessful; and

(e) Includes space for the client and/or the client's legal representative to write comments and opinions regarding the plan and the date of those comments.

(2) The service provider must consult with the division of developmental disabilities if:

(a) The client and/or the client's legal representative disagree with parts of the proposed restrictive procedure; and

(b) An agreement cannot be reached.

(3) Before the service provider implements restrictive procedures they must be approved in writing by:

(a) The service provider's administrator; or

(b) Someone designated by the service provider to have approval authority; and

(c) Someone designated by the division of developmental disabilities, when required by the residential services contract.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3900, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3910 Physical intervention systems.** Service providers who are using physical interventions with clients must have a physical intervention techniques system that includes at least the following:

(1) Discussion of the need for positive behavior support;

(2) Communication styles that help the client to calm down and resolve problems;

(3) Techniques to prevent escalation of behavior before it reaches the stage of physical assault;

(4) Techniques for staff to use in response to clients and their own fear, anger, aggression, or other negative feelings;

(5) Cautions that physical intervention technique(s) may not be changed except as needed for individual disabilities, medical, health, and safety issues. A healthcare professional and a program trainer must approve all modifications;

(6) Evaluation of the safety of the physical environment;

(7) Issues of respect and dignity of the client;

(8) Use of the least restrictive physical interventions depending upon the situation;

(9) Identification of division of developmental disabilities approved and prohibited physical intervention techniques;

(10) The need to release clients from physical restraint as soon as possible;

(11) Instruction on how to support physical interventions as an observer, recognizing signs of:

(a) Distress by the client; and

(b) Fatigue by the staff; and

(12) Discussion of the importance of complete and accurate documentation.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3910, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3920 Physical interventions.** (1) The service provider must use the least restrictive intervention needed to protect each client, others, and property.

(2) The service provider may only use physical interventions with a client when positive or less restrictive techniques have been tried and determined to be insufficient to:

(a) Protect the client;

(b) Protect others; or

(c) Prevent property damage.

(3) The service provider must:

(a) Terminate the intervention for the client as soon as the need for protection is over; and

(b) Only use restrictive physical interventions for the client as part of a positive behavior support plan except:

(i) In an emergency when a client's behavior presents an immediate risk to the health and safety of the client or others, or a threat to property; or

(ii) When an unknown, unpredicted response from a client jeopardizes the client's or others safety.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3920, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3930 Restrictive physical interventions.** Prior to implementing restrictive physical interventions with a client, the provider must:

(1) Provide documentation to the division of developmental disabilities regarding the proposed intervention;

(2) Involve the client and the client's legal representative in discussion regarding the need for physical intervention;

(3) Determine the kind of notification the client's legal representative wants to receive when physical interventions are used; and

(4) Comply with the requirements defined under WAC 388-101-3890.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3930, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3940 Physical intervention training.** (1) Before using physical interventions with a client, the provider must train all staff who will be implementing those interventions in:

(a) The use of physical interventions;

(b) Crisis prevention techniques; and

(c) Positive behavior support.

(2) Each staff designated to supervise or observe restraint use must be trained in:

(a) The observation and supervision of physical restraints; and

(b) The recognition of potential risks or negative outcomes related to the use of physical restraints.

(3) The service provider must ensure that staff receiving physical intervention techniques training:

(a) Complete the course of instruction;

(b) Demonstrate competency before being authorized to use the techniques with clients; and

(c) Review deescalation and physical intervention techniques annually.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3940, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3950 Mechanical and chemical restraints.** (1) The service provider must protect each client's right to be free from mechanical and chemical restraints and involuntary seclusion.

(2) The service provider must use the least restrictive alternatives needed to protect the client, others, or property.

(3) If needed, mechanical restraints may only be used for needed medical or dental treatment and only under the direction of a licensed physician or dentist.

(4) Restraints used as allowed by subsection (3) of this section must be justified and documented in the client's record.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3950, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3960 Monitoring physical and mechanical restraints.** (1) The service provider must ensure that any client who is being physically or mechanically restrained is continuously observed to ensure that risks to the client's health and safety are minimized.

(2) The service provider must keep documentation that includes:

(a) A description of events immediately preceding the client's behavior which led to the use of the restraint;

(b) The type of restraint used;

(c) Length of time the client was restrained;

(d) The client's reaction to the restraint;

(e) Staff that were involved; and

(f) Injuries sustained by anyone during the intervention.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3960, filed 12/21/07, effective 2/1/08.]

## COMMUNITY PROTECTION

**WAC 388-101-3970 Community protection—Approval.** In order to provide support to community protection clients, the community protection service provider must, in addition to the other requirements in this chapter:

(1) Be approved by the division of developmental disabilities to serve community protection clients;

(2) Have security precautions reasonably available to enhance protection of neighbors, children, vulnerable adults, animals, and others;

(3) Have for each client an integrated treatment plan with goals, objectives, and therapeutic interventions to assist the client to avoid offending or reoffending; and

(4) Collaborate and coordinate between division of developmental disabilities staff, the treatment team, and community agencies and members.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3970, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3980 Community protection—Policies and procedures.** A community protection service provider must, in addition to other policy and procedure requirements listed in this chapter, develop, train to, and implement the following procedures:

(1) Client security and supervision;

(2) Use of a chaperone agreement that describes who will supervise the client when the client is not under the direct supervision of the community protection service provider;

(3) Compliance with state laws requiring sex offender registration with law enforcement;

(4) Reporting to the division of developmental disabilities the client's refusal to comply with the treatment plan; and

(5) Reporting to the division of developmental disabilities and law enforcement client actions that violate the law or a court order.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3980, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-3990 Community protection—Treatment team meetings.** The community protection service provider must participate in treatment team meetings quarterly or more frequently as needed.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3990, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4000 Community protection—Staff training.** In addition to the staff training requirements in this chapter and the residential services contract, the community protection service provider must ensure that community protection program staff receive training specific to:

(1) Community protection within ninety calendar days of working with a community protection client; and

(2) The needs, supports, and services for clients to whom they are assigned.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4000, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4010 Community protection—Treatment plan.** The community protection service provider must implement the client's treatment plan as written by a qualified professional/therapist in accordance with any procedures published by the department.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4010, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4010, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4020 Community protection—Client records.** In addition to all other client record requirements in this chapter community protection service providers must include the following in the client's record:

(1) Psychosexual and/or psychological evaluations and risk assessments;

(2) Plans and assessments including:

(a) The written individual plan;

(b) The functional assessment;

(c) The positive behavior support plan; and

(d) A therapist approved treatment plan.

(3) The client's sex offender registration with law enforcement authorities when required by law;

(4) Notice to the division of developmental disabilities of the client's sex offender registration; and

(5) Agreements, requirements, and plans, including the chaperone agreement, with individuals who support the client.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4020, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4030 Community protection—Client transportation.** In addition to the other client transportation requirements defined in this chapter, community protection service providers must provide or ensure supervised transportation as needed, including but not necessarily limited to, medical emergencies, appointments, to and from the day program site, and community activities.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4030, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4040 Community protection—Program residential location.** Before securing and using a residence to provide support to the community protection program client, the community protection service provider must:

(1) Conduct and document site checks of the proposed residence at different days and times of the week;

(2) Consider the client's specific offense patterns;

(3) Determine appropriate and necessary restrictive procedures, including security precautions; and

(4) Obtain written approval for the residential site from the division of developmental disabilities.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4040, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4050 Community protection—Reducing a client's restrictions.** The community protection service provider must participate in any treatment team meetings held to review and consider a reduction in client restrictions.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4050, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4060 Community protection—Leaving the program against treatment team advice.** (1) The community protection service provider must immediately notify the division of developmental disabilities when the client leaves the community protection program against treatment team advice; and

(2) Document the client's departure in the client's record.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4060, filed 12/21/07, effective 2/1/08.]

## CRISIS DIVERSION BED AND SUPPORT SERVICES

**WAC 388-101-4070 Crisis diversion—Access to services.** The crisis diversion services provider must:

(1) Be approved by the department to provide crisis diversion services; and

(2) Make crisis diversion services available to clients twenty-four hours per day.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4070, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4080 Crisis diversion bed services—Location.** The crisis diversion bed services provider must:

(1) Provide those services in a residence that is maintained by the crisis diversion bed services provider;

(2) Provide a private, furnished bedroom for each crisis diversion client; and

(3) Support only one client in each residence.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4080, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4090 Crisis diversion bed services—Services and activities.** The crisis diversion bed services provider must provide the following services and activities:

(1) Support staff, twenty-four hour per day, seven days a week, to meet the client's needs as identified in the client's assessment;

(2) Access to the instruction and support services identified in the client's individual support plan;

(3) Three meals per day plus snacks;

(4) The following items at no cost to the client:

(a) Toiletries and personal care items;

(b) Bedding and towels;

(c) Access to laundry facilities; and

(d) Access to local telephone calls.

(5) Therapeutic interventions aimed at improving the client's functioning;

(6) Medication monitoring as needed;

(7) Transportation to and from the crisis diversion bed location and other necessary appointments or services;

(8) Referral to health care services as needed;

(9) Supports for performing personal hygiene routines and activities of daily living if needed by the client; and

(10) An accessible site for clients with physical disabilities.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4090, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4100 Crisis diversion bed services—Treatment plan.** (1) Crisis diversion bed services providers must develop a crisis services treatment plan within forty-eight hours of the client's placement.

(2) The treatment plan must include:

(a) The supports and services that must be provided; and

(b) Client discharge goals.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4100, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4110 Crisis diversion bed and support service providers—Client records.** (1) Crisis diversion bed and support service providers must keep the following information in client records:

(a) Client's name, address, and Social Security number;

(b) Name, address, and telephone number of the client's relative or legal representative; and

(c) Progress notes and incident reports on clients.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4110, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4120 Crisis diversion bed services—Client records.** (1) Crisis diversion bed services providers must maintain a record for each client admitted to the crisis diversion bed.

(2) The client record must include the following information when available:

(a) Basic demographic information;

(b) Referral process and intake information;

(c) Medication records;

(d) Psychiatric records;

(e) Crisis diversion bed services provider notes;

(f) The crisis services treatment plan;

(g) Cross systems crisis plan;

(h) Disposition at the client's discharge;

(i) Dates of admission and discharge;

(j) Incident reports;

(k) Copies of legal representative and guardianship papers;

(l) Health records including the name, address, and telephone number of the client's:

(i) Physician;

(ii) Dentist;

(iii) Mental health service provider; and

(iv) Any other health care service providers.

(m) Health care service providers' instructions, if any, about health care tasks and date of next appointment;

(n) Written documentation that the health care service providers' instructions have been followed; and

(o) A record of known major health events, including surgeries.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4120, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4130 Crisis diversion support services—Location.** The crisis diversion support services provider must provide those services in the client's own home.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4130, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4140 Crisis diversion support services—Services and activities.** The crisis diversion support services provider must provide the following services and activities:

(1) Therapeutic interventions to help stabilize the client's behavioral symptoms;

(2) Assistance with referral to mental health services if needed; and

(3) Technical assistance to the client's caregivers on support strategies.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4140, filed 12/21/07, effective 2/1/08.]

## INCIDENT REPORTING

**WAC 388-101-4150 Mandated reporting to the department.** Service providers, administrators, owners, and staff:

(1) Are mandated reporters and must meet the requirements of chapter 74.34 RCW;

(2) Must make mandated reports to the department's centralized toll free complaint telephone number or fax number immediately when:

(a) There is reasonable cause to believe that a vulnerable adult, as defined in chapter 74.34 RCW, has been abandoned, abused, neglected, or financially exploited; or

(b) There is a reason to suspect physical or sexual assault.

(3) Must also make written and oral reports to the department as specified in the provider's residential services contract;

(4) Must protect the alleged victim and others from further abuse, neglect, abandonment, and financial exploitation; and

(5) May have their certification and/or contract terminated if they fail to report such incidents.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4150, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4160 Mandated reporting to law enforcement.** Service providers, administrators, owners, and staff must immediately report to the appropriate law enforcement agency if there is reason to suspect that any of the following has occurred:

(1) Sexual assault: Any alleged or suspected sexual assault;

(2) Physical assault (nonclient to client): Any suspected physical assault as well as any act that causes fear of imminent harm; and

(3) Physical assault (client to client): Any suspected physical assault that causes bodily injury requiring more than first aid, or in the event of:

(a) Injuries that appear on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;

(b) Fractures;

(c) Choking attempts;

(d) Patterns of physical assault between the same vulnerable adults or involving the same vulnerable adults;

(e) A reasonable cause to believe that an act has caused fear of imminent harm; and

(f) Any incident, regardless of injury, if requested by the client, his/her legal representative, or family member.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4160, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4170 Mandated reporting policies and procedures.** (1) The service provider must develop, train on and implement written policies and procedures for:

(a) Immediately reporting mandated reporting incidents to:

(i) The department and law enforcement;

(ii) Appropriate persons within the service provider's agency as designated by the service provider; and

(iii) The alleged victim's legal representative.

(b) Protecting clients;

(c) Preserving evidence when necessary; and

(d) Initiating an outside review or investigation.

(2) The service provider must not have or implement any policies or procedures that interfere with a mandated reporter's obligation to report.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4170, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4170, filed 12/21/07, effective 2/1/08.]

## REMEDIES

**WAC 388-101-4190 Provisional certification.** (1) The department may impose a provisional certification, not to exceed one hundred eighty days, if any service provider does not comply with requirements of this chapter, other applicable laws and rules, or the residential services contract.

(2) At the end of provisional certification the department may:

(a) Approve the service provider for regular certification if the service provider has complied with certification requirements; or

(b) Revoke the service provider's certification and terminate the residential services contract if the service provider has not complied with all certification requirements.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4190, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4200 Decertification.** The department may revoke any service provider's certification at any time for noncompliance with the requirements of this chapter, the department's residential services contract, the requirements of chapter 74.34 RCW or other relevant federal, state and local laws, requirements or ordinances.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4200, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4210 Community protection program—Circumstances resulting in enforcement remedies.** (1) This section applies only to service providers providing services to community protection clients.

(2) The department is authorized to impose the enforcement remedies described in chapter 71A.12 RCW when the service provider has:

(a) Failed or refused to comply with the requirements of chapter 71A.12 RCW and the rules adopted under the chapter;

(b) Failed or refused to comply with the certification process;

(c) Prevented or interfered with the department's certification evaluation or complaint investigation by the department;

(d) Failed to comply with any applicable requirements regarding vulnerable adults under chapter 74.34 RCW; or

(e) Knowingly, or with reason to know, made a false statement of material fact related to certification or contracting with the department, or in any matter under investigation by the department.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4210, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4220 Community protection program—Authorized enforcement remedies.** (1) This section applies only to service providers providing services to community protection clients.

(2) Whenever circumstances in WAC 388-101-4210 are present the department may impose any enforcement remedies authorized by chapter 71A.12 RCW and any rules adopted under it. The department may:

(a) Decertify or refuse to renew the certification of a service provider;

(b) Impose conditions on a service provider's certification status;

(c) Suspend department referrals to the service provider;

(d) Require a service provider to implement a plan of correction developed by the department and to cooperate with subsequent monitoring of the service provider's progress;

(e) Impose civil penalties of not more than one hundred fifty dollars per day per violation in the event a service provider fails to implement the plan of correction developed by the department or fails to cooperate with any subsequent monitoring; and

(f) Impose a separate violation each day during which the same or similar action or inaction occurs.

(2) The provisions of chapter 34.05 RCW apply to enforcement actions under this section. Except for the imposition of civil penalties, the effective date of enforcement actions will not be delayed or suspended pending any hearing or informal review.

(3) The enforcement actions and penalties authorized in this section are not exclusive or exhaustive and nothing in this section prohibits the department from taking any action authorized in statue or rule or under the terms of a contract with the service provider.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4220, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4230 Community protection program—Considerations for imposing remedies.** (1) This section applies only to service providers providing services to community protection clients.

(2) When determining the appropriate enforcement action under WAC 388-101-4220, the department will select actions in proportion to the seriousness of the harm or threat of harm to clients being served by the service provider.

(3) The department may take enforcement actions that are more severe for violations that are uncorrected, repeated, or pervasive or which present a serious threat of harm to the health, safety or welfare of clients served by the service provider.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4230, filed 12/21/07, effective 2/1/08.]

## INFORMAL DISPUTE RESOLUTION AND APPEALS

**WAC 388-101-4240 Informal dispute resolution.** (1) When a service provider disagrees with the department's finding of a violation or certification action under this chapter, the service provider may request an informal dispute resolution meeting with the department.

(2) The service provider must make a written request to the department for an informal dispute resolution meeting within ten working days of receipt of the written notice of the department's final report of findings and/or certification action.

(3) The service provider must submit a written statement identifying the challenged action, and include specifically the issues and regulations involved.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4240, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4250 Administrative review.** (1) A service provider may request an administrative review of a certification action within twenty-eight days of receipt of the written notice of the department's certification action.

(2) The service provider must make the request in writing and must:

(a) Sign the request;

(b) Identify the challenged decision and the date it was made;

(c) State specifically the issues and regulations involved and the grounds for the disagreement; and

(d) Include with the request copies of any supporting documentation for the service provider's position.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4250, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4260 Appeal rights.** (1) A service provider:

(a) May contest a decision made by the department pursuant to chapter 71A.12 RCW and according to the provisions of chapters 34.05 RCW and 388-02 WAC;

(b) Must file any request for a hearing with the office of administrative hearings at the mailing address specified in the notice of imposition of an enforcement remedy; and

(c) Must make the request within twenty-eight days of receipt of the written notice of the department's certification action.

(2) Certification actions are effective immediately upon notice and will continue pending any hearing.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4260, filed 12/21/07, effective 2/1/08.]

## ABUSE-NEGLECT FINDING - INDIVIDUAL

**WAC 388-101-4265 Investigation of reports.** (1) The department may investigate allegations of abandonment, abuse, neglect, or financial exploitation of a client.

(2) The department investigation may include an investigation of allegations about one or more of the following:

(a) A service provider;

(b) Anyone associated with a service provider; or

(c) A client receiving services under this chapter.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4265, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4269 Individual defined.** As used in WAC 388-101-4270 through 388-101-4340, the term "individual" means anyone used by the service provider to provide services to clients who is alleged to have abandoned, abused, neglected, or financially exploited a client. "Individual" includes but is not limited to administrators, employees, contractors, subcontractors, volunteers, and students.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4269, filed 1/15/10, effective 2/15/10.]

**WAC 388-101-4270 Notice to individual of preliminary findings.** (1) The department will serve notice of the preliminary finding as provided in WAC 388-101-4350.

(2) The department may establish proof of service as provided in WAC 388-101-4360.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4270, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4270, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4280 Notice to others of preliminary findings.** Consistent with confidentiality requirements concerning the client, witnesses, and reporter, the department may provide notification of a preliminary finding to:

(1) Other divisions within the department;

(2) The agency or program identified under RCW 74.34.068 with which the individual was associated as an employee, volunteer or contractor;

(3) The employer or program that is currently associated with the individual;

(4) Law enforcement;

(5) Other entities as authorized by law and this chapter including investigative authorities consistent with chapter 74.34 RCW; and

(6) The appropriate licensing agency.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4280, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4280, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4290 Disputing a preliminary finding.** (1) An individual may request an administrative hearing to challenge a preliminary finding made by the department.

(2) The request must be made in writing to the office of administrative hearings.

(3) The office of administrative hearings must receive the individual's written request for a hearing within thirty calendar days of the date written on the notice of the preliminary finding.

(4) The written request for a hearing must include:

(a) The full legal name, current address and phone number of the individual;

(b) A brief explanation of why the individual disagrees with the preliminary finding;

(c) A description of any assistance needed in the administrative appeal process by the individual, including a foreign language or sign language interpreter or any reasonable accommodation for a disability; and

(d) The individual's signature.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4290, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4290, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4300 Disclosure of investigative and finding information.** (1) Confidential information about clients and mandated reporters received from the department may only be used by the individual to challenge findings through the appeal process. It may only be shared with persons who are involved in the appeal.

(2) Confidential information such as the name and other personal identifying information of the reporter, witnesses, or the client will be redacted from documents unless release of that information is consistent with chapter 74.34 RCW and other applicable state and federal laws.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4300, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4300, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4310 Hearing procedures to dispute a preliminary finding.** (1) Chapters 34.05 and 74.34 RCW, chapter 388-02 WAC, and the provisions of this chapter govern any appeal regarding a preliminary finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter shall prevail.

(2) The administrative law judge shall determine whether the preliminary finding is supported by a preponderance of the evidence.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4310, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4310, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4320 Appeal of the initial order.** (1) If the individual or the department disagrees with the administrative law judge's decision, either party may challenge this decision by filing a petition for review with the department's board of appeals under chapters 34.05 RCW and 388-02 WAC.

(2) If the department appeals the administrative law judge's decision, the department will not modify the finding in the department's records until a final hearing decision is issued.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4320, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4320, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4330 Finalizing a preliminary finding.** (1) A preliminary finding becomes a final finding when:

(a) The department gives the individual notice of the preliminary finding under WAC 388-101-4270 and the individual does not request an administrative hearing;

(b) The administrative law judge:

(i) Dismisses the appeal following withdrawal of the appeal or default; or

(ii) Issues an initial order upholding the finding and the individual fails to appeal the initial order to the department's board of appeals; or

(c) The board of appeals issues a final order upholding the finding.

(2) The final finding is permanent and will only be removed from the department's records if it is rescinded following judicial review.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4330, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4330, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4340 Reporting final findings.** (1) The department will report a final finding of abandonment, abuse, neglect, or financial exploitation within ten working days to the following:

(a) The individual against whom the final finding was made;

(b) The service provider that was associated with the individual during the time of the incident;

(c) The service provider that is currently associated with the individual against whom the final finding was made, if known;

(d) The appropriate licensing, contracting, or certification authority; and

(e) Any federal or state registry or list of individuals found to have abandoned, abused, neglected, or financially exploited a vulnerable adult.

(2) The findings may be disclosed to the public upon request subject to applicable public disclosure laws.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4340, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4340, filed 12/21/07, effective 2/1/08.]

**WAC 388-101-4350 Notice—Service complete.** Service of the department notices is complete when:

(1) Personal service is made;

(2) The notice is addressed to the service provider or to the individual at his or her last known address, and deposited in the United States mail;

(3) The notice is faxed and the department receives evidence of transmission;

(4) Notice is delivered to a commercial delivery service with charges prepaid; or

(5) Notice is delivered to a legal messenger service with charges prepaid.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4350, filed 1/15/10, effective 2/15/10.]

**WAC 388-101-4360 Notice—Proof of service.** The department may establish proof of service by any of the following:

(1) A declaration of personal service;

(2) An affidavit or certificate of mailing to the service provider or to the individual to whom the notice is directed;

(3) A signed receipt from the person who accepted the certified mail, the commercial delivery service, or the legal messenger service package; or

(4) Proof of fax transmission.

[Statutory Authority: RCW 71A.12.080. 10-03-065, § 388-101-4360, filed 1/15/10, effective 2/15/10.]