

Chapter 388-829C WAC

COMPANION HOMES

WAC

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PURPOSE

WAC 388-829C-005 What is the purpose of this chapter? This chapter establishes rules governing the division of developmental disabilities (DDD) companion home residential services program per chapter 71A.12 RCW for eligible clients of the division.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-005, filed 7/31/07, effective 9/1/07.]

DEFINITIONS

WAC 388-829C-010 What definitions apply to this chapter? The following definitions apply to this chapter:

"ADSA" means the aging and disability services administration within DSHS and its employees and authorized agents.

"Adult protective services" or "APS" means the investigative body designated by ADSA to investigate suspected cases of abandonment, abuse, financial exploitation and neglect as defined in 74.34 RCW.

"Calendar year" means the twelve month period that runs from January 1 through December 31.

"Case manager" means the DDD case resource manager or social worker assigned to a client.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(3) who also has been determined eligible to receive services by the division under chapter 71A.16 RCW.

"Competence" means the capacity to do what one needs and wants to do. There are two ways to be competent. A person may be self-reliant and able to do things for themselves or may have the power to identify and obtain the help needed from others.

"DDD" or "the division" means the division of developmental disabilities, a division within the DSHS aging and disabilities services administration, of the department of social and health services.

"DDD specialty training" means department approved curriculum to provide information and instruction to meet the special needs of people with developmental disabilities.

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

"Health and safety" means clients should live safely in environments common to other citizens with reasonable supports offered to simultaneously protect their health and safety while promoting community inclusion

"Individual support plan" or "ISP" is a document that authorizes and identifies the DDD paid services that meet a client's assessed needs.

"Integration" means clients being present and actively participating in the community using the same resources and doing the same activities as other citizens.

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

"NA-R" means nursing assistant-registered under chapter 18.88A RCW.

"NA-C" means nursing assistant-certified under chapter 18.88A RCW.

"Positive recognition by self and others" means a client being offered assistance in ways which promote the client's status and creditability. Providers offer assistance in ways that are appropriate to the age of the client, typical to other members of the community and contribute to the client's feelings of self worth and positive regard by others.

"Positive relationships" means clients having friends and family that offer essential support and protection. Friends and family lend continuity and meaning through life and open the way to new opportunities and experiences.

"Power and choice" means clients experiencing power, control and ownership of personal affairs. Expression of personal power and choice are essential elements in the lives of people. Such expressions help people gain autonomy, become self-governing and pursue their own interests and goals.

"Registered nurse delegation" means the process by which a registered nurse transfers the performance of selected nursing tasks to a registered or certified nursing assistant in selected situations. (For detailed information, please refer to chapter 18.79 RCW and WAC 388-840-910 through 388-840-970.)

"Regulation" means any federal, state, or local law, rule, ordinance or policy.

"Respite" means care that is intended to provide short-term intermittent relief for persons providing care for companion home clients.

"RCW" means the Revised Code of Washington, which contains all laws governing the state of Washington.

"Service episode record" or "SER" means documentation by DDD of all client related contacts including contacts during the assessment, service plan, coordination and monitoring of care and termination of services.

"Unusual incidents" means a change in circumstances or events that concern a client's safety or well-being. Examples include, an increased frequency, intensity, or duration of any medical conditions, adverse reactions to medication, hospitalization, death, severe behavioral incidents, severe injury, running away, physical or verbal abuse to themselves or others.

"WAC" means the Washington Administrative Code, which contains the rules for administering the state laws (RCW).

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-010, filed 7/31/07, effective 9/1/07.]

COMPANION HOME SERVICES

WAC 388-829C-020 What are companion home residential services? (1) A companion home is a DDD residential service offered in the provider's home to no more than one client.

(2) Companion home residential services provide twenty-four hour instruction and support services.

(3) Companion home residential services are based on the client's ISP.

(4) Companion home residential services are provided by an independent contractor.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-020, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-030 Who may receive companion home residential services? Clients who may receive companion home residential services must:

- (1) Be at least eighteen years old;
 - (2) Have an assessed need for companion home services;
- and

(3) Meet one of the following conditions:

(a) Be authorized by DDD to receive companion home residential services, as outlined in this chapter; or

(b) Have a written agreement with the provider to purchase companion home residential services using the client's own personal financial resources.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-030, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-040 Who is eligible to contract with DDD to provide companion home residential services? To be eligible to contract with DDD to provide companion home residential services, a person must:

(1) Be twenty-one years of age or older;

(2) Have a high school diploma or GED;

(3) Clear a background check conducted by DSHS as required by RCW 43.20A.710;

(4) Have an FBI fingerprint-based background check as required by RCW 43.20A.710, if the person has not lived in the state continuously for the previous three years;

(5) Have a business ID number, as an independent contractor; and

(6) Meet the minimum skills and abilities described in WAC 388-829C-080.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-040, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-050 Who may not provide companion home residential services? DDD may not contract with any of the following to provide companion home residential services:

(1) The client's spouse.

(2) The client's natural, step, or adoptive parents.

(3) The client's court-appointed legal representative.

(4) Any person providing department paid services to any other DSHS client.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-050, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-060 Where are companion home residential services provided? (1) Companion home residential services are offered to clients living in the provider's home.

(2) The provider's home must be approved by DDD, to assure client health, safety, and well-being consistent with the requirements in this chapter.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-060, filed 7/31/07, effective 9/1/07.]

PROVIDER QUALIFICATIONS AND RESPONSIBILITIES

WAC 388-829C-070 Who must have a background check in the companion home? (1) All individuals living in the household, except the client, must have a current DSHS background check if they:

(a) Are at least sixteen years old; and

(b) Reside in the companion home.

(2) Household residents who have not lived in Washington continuously for the previous three years must also have

an FBI fingerprint-based background check as required by RCW 43.20A.710.

(3) Background checks must be completed every two years or more frequently when requested by the department.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-070, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-080 What minimum skills and abilities must companion home providers demonstrate? Companion home providers must:

(1) Be able to read, understand, and provide services outlined in the ISP;

(2) Participate in the development of the ISP;

(3) Communicate in the language of the client served;

(4) Accommodate the client's individual preferences;

(5) Know the community resources, such as: Medical facilities, emergency resources, and recreational opportunities;

(6) Enable the client to keep in touch with family and friends in a way preferred by the client;

(7) Protect the client's financial interests;

(8) Fulfill reporting requirements as required in this chapter and the companion home contract;

(9) Know how and when to contact the client's representative and the client's case manager;

(10) Successfully complete the training required in this chapter;

(11) Maintain all necessary license, registration and certification required under this chapter, (see WAC 388-829C-110, 388-829C-130, 388-829C-190, and 388-829C-260); and

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

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-080, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-090 What values must companion home providers focus on when implementing the ISP? The companion home provider must focus on the following values when implementing the individual support plan (ISP):

(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: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-090, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-100 What rights do clients of DDD have? Clients of DDD have:

(1) The same legal rights and responsibilities guaranteed to all other individuals by the United States Constitution and federal and state law;

(2) The right to be free from discrimination because of race, color, national origin, gender, age, religion, creed, marital status, disabled or veteran status, use of a trained service animal or the presence of any physical, mental or sensory handicap;

- (3) The right to treatment and habilitation services to foster developmental potential and protect personal liberty in the least restrictive environment;
- (4) The right to dignity, privacy, and humane care;
- (5) The right to participate in an appropriate program of publicly supported education;
- (6) The right to prompt medical care and treatment;
- (7) The right to social interaction and participation in community activities;
- (8) The right to physical exercise and recreational opportunities;
- (9) The right to work and be paid for the work one does;
- (10) The right to be free from harm, including unnecessary physical restraint, isolation, excessive medication, abuse, neglect, or financial exploitation;
- (11) The right to be free from hazardous or experimental procedures;
- (12) The right to freedom of expression and to make decisions about one's life;
- (13) The right to complain, disagree with, and appeal decisions made by the provider or DDD; and
- (14) The right to be informed of these rights in a language that he or she understands.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-100, filed 7/31/07, effective 9/1/07.]

PROVIDER TRAINING

WAC 388-829C-110 What training must a person have before becoming a contracted companion home provider? Before DDD may issue a companion home contract, the prospective provider must:

- (1) Obtain CPR and first aid certification;
- (2) Successfully complete bloodborne pathogens training with HIV/AIDS information; and
- (3) Receive contract orientation and client specific training from DDD.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-110, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-120 What training must a companion home provider complete within the first ninety days of serving the client? The companion home provider must successfully complete the DDD specialty training within the first ninety days of serving the client. (See WAC 388-112-0120.)

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-120, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-130 What training must a companion home provider complete after the first year of service? After the first year of service, the companion home provider must:

- (1) Maintain current CPR and first-aid certification;
- (2) Receive bloodborne pathogens training with HIV/AIDS information at least annually and within one year of the previous training; and
- (3) Complete at least ten hours of continuing education each calendar year after the calendar year in which they successfully complete DDD approved specialty training.
 - (a) The continuing education must be on topics that will directly benefit the client being served.

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(b) One hour of completed classroom instruction or other form of training (such as a video or online course) equals one hour of continuing education.

(4) Documentation of training attendance must be kept in the provider's files and submitted to DDD upon completion of the training.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-130, filed 7/31/07, effective 9/1/07.]

ABUSE AND NEGLECT REPORTING

WAC 388-829C-140 Are companion home providers mandatory reporters? (1) Companion home providers are mandatory reporters. They must report all instances of suspected abandonment, abuse, financial exploitation or neglect of vulnerable adults as defined in chapter 74.34 RCW.

(2) Companion home providers must comply with DDD's residential reporting requirements specified in the companion home contract.

(3) Providers must retain a signed copy of the DDD policy on residential reporting requirements specified in the companion home contract and submit a signed copy of the policy to DDD.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-140, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-150 How must companion home providers report abuse and neglect? Companion home providers must immediately report suspected abandonment, abuse, financial exploitation or neglect of vulnerable adults to:

- (1) Adult protective services using the DSHS toll free telephone number, provided by the department. 1-866-END-HARM or 1-866-363-4276;
- (2) DDD in compliance with the DDD residential reporting requirements as specified in the companion home contract; and
- (3) Law enforcement agencies, as required under chapter 74.34 RCW, including when there is reason to suspect sexual or physical abuse.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-150, filed 7/31/07, effective 9/1/07.]

HEALTH CARE AND MEDICATIONS

WAC 388-829C-160 What health care assistance must a companion home provide a client? The companion home provider must provide the client necessary health care assistance by:

- (1) Arranging appointments and accessing health, mental health, and dental services;
- (2) Ensuring the client receives an annual physical and dental examination, unless the physician or dentist gives a written exemption. For client refusal of services, see WAC 388-829C-310;
- (3) Observing the client for changes(s) in health, taking appropriate action and responding to emergencies;
- (4) Managing medication assistance per chapter 246-888 WAC and administration per WAC 246-840-910 to 246-840-970 and per the DDD residential medication management requirements specified in the companion home contract;

(6/24/14)

(5) Maintaining health records (see WAC 388-829C-280);

(6) Assisting client with any medical treatment prescribed by health professionals that does not require registered nurse delegation or professionally licensed services;

(7) Communicating directly with health professionals when needed; and

(8) Providing a balanced, nutritional diet.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-160, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-170 How may a companion home provider assist a client with medications? (1) A companion home provider may provide medication assistance per chapter 246-888 WAC, if the client:

(a) Is able to put the medication into his or her mouth or apply or instill the medication; and

(b) Is aware that they are receiving medication.

(2) Some tasks that may be provided under the Medication assistance, chapter 246-888 WAC, are listed in the following chart. Medication assistance may only be provided if the client meets both criteria in (a) and (b) of this section.

Medication Assistance Task	May a companion home provider complete this task if the client meets both criteria in (a) and (b) of this section?
Remind or coach the client to take their medication.	Yes
Open the medication container.	Yes
Hand client the medication container.	Yes
Place medication in the client's hand;	Yes
Transfer medication from a container to another for the purpose of an individual dose (e.g., pouring liquid medication from a container to a calibrated spoon, medication cup or adaptive device).	Yes
Alter a medication by crushing, mixing, etc.	Yes, if the client is aware that the medication is being altered or added to food or beverage. A pharmacist or other qualified practitioner must determine it is safe to alter a medication and this must be documented on the prescription container or in the client's record.
Handing the client a pre-filled insulin syringe.	Yes, but the client must be able to inject the insulin by him or herself.

(6/24/14)

Medication Assistance Task	May a companion home provider complete this task if the client meets both criteria in (a) and (b) of this section?
Guide or assist client to apply or instill skin, nose, eye and ear preparations.	Yes, but hand-over-hand administration is not allowed.
Assistance with injectable or IV medications.	No, this is not allowed.
Hand-over-hand assistance with medication.	No, may only be done under registered nurse delegation.
Assistance with medication beyond the examples provided above.	No, may only be done under registered nurse delegation.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-170, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-180 What is required for a companion home provider to administer medications and provide delegated nursing tasks? Companion home providers must meet the following requirements before administering medications and providing nursing tasks for their clients. The companion home provider must either:

(1) Be a registered nurse (RN) or licensed practical nurse (LPN); or

(2) Be delegated to perform nursing care tasks by a registered nurse as described in WAC 388-829C-190.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-180, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-190 What is required for a companion home provider to perform nursing tasks under the registered nurse delegation program? In order to be delegated to perform nursing tasks, a companion home provider must:

(1) Verify with the delegating registered nurse that they have complied with chapters 18.79 and 18.88 RCW and WAC 246-840-910 through 246-840-990 by presenting:

(a) A current NA-R or NA-C registration without restriction;

(b) Certification showing completion of the "nurse delegation for nursing assistants" class; and

(c) Certification showing completion of "fundamentals of caregiving" if the companion home provider is an NA-R.

(2) Receive client-specific training from the delegating registered nurse; and

(3) Renew nursing assistant registration/certification annually.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-190, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-200 When must a companion home provider become delegated to perform nursing tasks? (1) If a client needs registered nurse delegation, the companion home provider must comply with the requirements necessary to perform delegated nursing tasks before offering services to the client. (Note: A companion home provider may not offer support to a client whose needs they are unable to meet.)

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(2) If the companion home provider is not eligible to perform nursing tasks, the task must be provided by a person legally authorized to do so such as an RN or LPN.

(3) The companion home provider must become eligible to perform nursing tasks within thirty days of the client being assessed to need medication administration.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-200, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-210 What records must the companion home provider keep regarding registered nurse delegation? (1) The companion home provider must keep the following records when participating in registered nurse delegation:

- (a) Written instructions for performing the delegated task from the delegating RN;
 - (b) The most recent six months of documentation showing that the task was performed; and
 - (c) Validation of their current nursing assistant registration or certification.
- (2) These records must be kept in the companion home and be accessible to the delegating nurse at all times.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-210, filed 7/31/07, effective 9/1/07.]

INDIVIDUAL SUPPORT PLAN

WAC 388-829C-220 What is an individual support plan (ISP)? (1) The individual support plan (ISP) is the primary tool DDD uses to:

- (a) Determine and document the client's needs; and
 - (b) Identify the services to meet those needs.
- (2) The existing plan of care (POC) for the client remains in effect until a new ISP is developed.
- (3) The ISP must include (see chapter 388-828 WAC):
- (a) The client's identified health and welfare needs;
 - (b) Both paid and unpaid services approved to meet the identified health and welfare needs;
 - (c) How often the client will receive each service;
 - (d) How long the client will need each service; and
 - (e) Who will provide each service.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-220, filed 7/31/07, effective 9/1/07.]

RESPIRE

WAC 388-829C-230 Are companion home clients eligible to receive respite? Companion home clients are eligible to receive respite care to provide intermittent relief to the companion home provider. The DDD assessment will determine how much respite you can receive per chapter 388-828 WAC.

[Statutory Authority: RCW 71A.12.010, 71A.12.030, and Title 71A RCW. WSR 09-20-004, § 388-829C-230, filed 9/24/09, effective 10/25/09. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-230, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-240 Where may respite care be provided? Respite care may be provided in the following location(s):

- (1) The companion home where the client resides;

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- (2) Other places as designated in WAC 388-845-1610.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-240, filed 7/31/07, effective 9/1/07.]

TRANSPORTATION

WAC 388-829C-250 Are companion home providers responsible to transport a client? The companion home provider must ensure that all of the client's transportation needs are met, as identified in the client's ISP.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-250, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-260 What requirements must be met before a companion home provider transports a client? Before transporting a client, companion home providers must:

- (1) Carry automobile insurance per chapters 46.29 and 46.30 RCW; and
- (2) Have a valid driver's license per chapter 46.20 RCW.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-260, filed 7/31/07, effective 9/1/07.]

MANAGEMENT OF CLIENT FUNDS

WAC 388-829C-270 May a companion home provider manage a client's funds? A companion home provider may manage, disperse, and limit access to a client's funds if:

- (1) There is written consent from the client, when the client has no court appointed legal representative; or
- (2) There is written consent from the client's court appointed legal representative for making financial decisions for the client; or
- (3) The companion home provider is the designated payee for the client's earned and unearned income.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-270, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-280 What are the companion home provider's responsibilities when managing client funds? When managing the client's funds, the companion home provider must:

- (1) Keep the client's accounts current by maintaining a running balance;
- (2) Reconcile the client's accounts, including cash accounts, on a monthly basis;
- (3) Prevent the client's account from becoming overdrawn;
- (4) Keep receipts for purchases over twenty-five dollars;
- (5) Assist the client with any checks, if applicable;
- (6) Protect the client's financial interests; and
- (7) Ensure that the client is informed regarding how his or her money is being spent and that the client participates to the maximum extent possible in the decision making regarding his or her funds, consistent with responsible management of funds.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-280, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-290 What happens if a companion home provider mismanages a client's funds? (1) The companion home provider must reimburse the client, when responsible for mismanagement of client funds. The reimbursement includes any fees incurred as a result of the mismanagement, such as fees due to late payments.

(2) DDD may terminate the companion home contract if the provider has mismanaged client funds.

(3) Suspected exploitation of client finances must be reported to law enforcement and adult protective services.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-290, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-300 What documents must companion home providers keep to protect a client's financial interests? To protect the client's financial interests, companion home providers must keep documents for the funds they manage for clients.

(1) All accounts must include the following documents:

(a) Monthly bank statements and reconciliations initialed by the provider;

(b) Checkbook registers and bankbooks;

(c) Deposit receipts; and

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

(2) If the companion home provider manages the client's funds or is the payee, they must notify DDD when they are aware that the client's funds reach one thousand seven hundred dollars.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-300, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-310 Must clients pay for room and board in the companion home? (1) Clients who receive companion home residential services must pay monthly room and board directly to the companion home provider from their personal financial resources.

(2) The monthly room and board the client pays to the provider is specified in a room and board agreement and includes rent, utilities, and food.

(3) The room and board agreement must be:

(a) Developed by the client and the provider before the client moves into the companion home;

(b) Signed by the client, the client's legal representative and the provider; and

(c) Submitted to DDD for approval.

(4) Changes to the room and board agreement must be submitted to DDD for approval.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-310, filed 7/31/07, effective 9/1/07.]

SAFETY

WAC 388-829C-320 What physical and safety requirements exist for companion homes? (1) Companion home providers must ensure that the following physical and safety requirements are met for the client:

(a) A safe and healthy environment;

(b) A separate bedroom;

(c) Accessible telephone equipment with local 911 access;

(d) A list of emergency contact numbers accessible to the client;

(e) An evacuation plan developed, posted, and practiced monthly with the client;

(f) An entrance and/or exit that does not rely solely upon windows, ladders, folding stairs, or trap doors;

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

(h) Unblocked exits;

(i) Working smoke detectors which are located close to the client's room and meet the specific needs of the client;

(j) A flashlight or other non electrical light source in working condition;

(k) Fire extinguisher meeting the fire department standards; and

(1) Basic first-aid supplies.

(2) The companion home must be accessible to meet the client's needs.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-320, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-330 How must companion home providers regulate the water temperature at their residence? Companion home providers must regulate the water temperature at their residence.

(1) The water temperature in the household must be kept between 105 degrees and 120 degrees Fahrenheit.

(2) The provider must check the water temperature when the client first moves into the household and at least every six months from then on. (Note: The water temperature is best measured two hours after substantial hot water usage.)

(3) The companion home provider must document compliance with this requirement.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-330, filed 7/31/07, effective 9/1/07.]

PROVIDER RECORDS

WAC 388-829C-340 What information must companion home providers keep in their records? Companion home providers must keep the following information in their records:

(1) Client information:

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

(b) The name, address, and telephone number of the client's legal representative and any of the client's relatives that the client chooses to include;

(c) Client health records, including:

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

(ii) Instructions from health care service providers about necessary health care, including appointment dates;

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

(iv) Medication, health, and surgery records; and

(v) A record of known surgeries and major health events;

(d) Copies of legal guardianship papers;

(e) A copy of the client's most recent ISP;

- (f) Copies of any positive behavior support plan or cross systems crisis plan, if applicable;
 - (g) Financial records, if managing client funds (see WAC 388-829C-300);
 - (h) Client property records (see WAC 388-829C-380);
 - (i) Signed release of information forms; and
 - (j) Burial plans and wills.
- (2) Provider information:
- (a) Water temperature monitoring records (see WAC 388-829C-330);
 - (b) Provider training records (see WAC 388-829C-110 through 388-829C-130);
 - (c) Evacuation plan and practice records;
 - (d) Emergency response plan (see WAC 388-829C-410);
 - (e) All written reports submitted to DDD (see WAC 388-829C-350);
 - (f) Signed DDD policy on residential reporting requirements (see WAC 388-829C-140);
 - (g) Nurse delegation records (see WAC 388-829C-210); and
 - (h) Payment records.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-340, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-350 What written reports must be submitted to DDD? The companion home provider must submit the following written reports to DDD:

- (a) Reports that describe the instruction and support activities performed as identified in the ISP. These reports must be submitted every six months or more frequently upon request of DDD.
- (b) Reports on unusual incidents and emergencies as required in the DDD residential reporting requirements specified in the companion home contract.
- (c) Reports on client refusal of services as described in this chapter (WAC 388-829C-370).

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-350, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-360 What are the requirements for record entries? (1) The companion home provider must

- (a) Note all record entries in ink or electronically;
 - (b) Make entries at the time of or immediately following the occurrence of the event recorded;
 - (c) Make entries in legible writing; and
 - (d) Initial and date entries in ink.
- (2) If a provider makes a mistake on the record, the provider must show both the original and corrected entries.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-360, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-370 Must a companion home provider document a client's refusal to participate in services? (1) A companion home provider must document a client's refusal to participate in:

- (a) Physical and safety requirements as outlined in WAC 388-829C-320; and
 - (b) Health services as outlined in WAC 388-829C-160.
- (2) When a client refuses to participate in these services, companion home providers must:

- (a) Record a description of events relating to the client's refusal to participate in these services;
 - (b) Inform the client of the benefits of these services; and
 - (c) Provide the client or the client's legal representative and DDD with:
 - (i) A description of the service provider's efforts to give the services to the client; and
 - (ii) Any health or safety concerns that the refusal may pose.
- (3) Companion home providers must submit this information to DDD in a written report as soon as possible following the client's refusal.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-370, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-380 Must companion home providers keep client's property records? The companion home provider must assist clients in maintaining current, written property records. The record must include:

- (1) A list of items including a description, and serial numbers of items that are valued at seventy-five dollars or over; and were owned by the client when moving into the program.
- (2) A list of items including a description, date of purchase and cost of items that are valued at seventy-five dollars or over and have been acquired by the client while living with the companion home provider.
- (3) The record must contain dates and reasons for all items removed from the client's property record.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-380, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-390 Are clients' records considered confidential? The companion home provider must consider all client record information privileged and confidential.

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

- (a) Specifically gives information about the transfer or inspection; and
 - (b) Is signed by the client or the client's legal representative.
- (2) A signed release of information is valid for up to one year and must be renewed annually from the signature date.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-390, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-400 How long must a companion home provider keep client records? A companion home provider must keep a client's records for a period of six years.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-400, filed 7/31/07, effective 9/1/07.]

EMERGENCY PLANNING

WAC 388-829C-410 What must companion home providers do when emergencies occur? (1) The companion home provider must develop an emergency response plan to address natural and other disasters and practice it with the client.

(2) In an emergency, the companion home provider must:

- (a) Immediately call 911, in a life threatening emergency;
- (b) Provide emergency services, then notify:
 - (i) The client's legal representative; and
 - (ii) The division of developmental disabilities.
- (c) Submit a written report to DDD, as required by the DDD residential reporting requirements specified in the companion home contract.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-410, filed 7/31/07, effective 9/1/07.]

EVALUATION OF COMPANION HOMES

WAC 388-829C-420 How must DDD monitor and provide oversight for companion home services? DDD must provide oversight and monitoring of the companion home provider through an annual review and evaluation, to ensure that the client's needs are being met. The evaluation will be conducted in the home where the client and provider live.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-420, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-430 How often must the companion home be evaluated? (1) An initial evaluation must be completed with the first ninety days after the companion home provider begins serving the client.

(2) Following the initial evaluation, the companion home provider must be evaluated at least every twelve months.

(3) DDD may conduct additional reviews at its discretion.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-430, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-440 How must the companion home provider participate in the evaluation process? The companion home provider must participate in the evaluation process by:

(1) Allowing scheduled and unscheduled home visits by DDD staff and the DDD contracted evaluators;

(2) Providing information and documentation as requested by the DDD and the DDD contracted evaluators; and

(3) Cooperating in setting up appointments with DDD and the DDD contracted evaluators.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-440, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-445 What occurs during the review and evaluation process? During the review and evaluation process, DDD contracted evaluators will review compliance with this chapter, and the DDD companion home contract.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-445, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-450 What happens if the companion home provider is found to be out of compliance? If an evaluation finds the companion home provider out of compli-

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ance with any part of this chapter or the DDD contract, the provider and DDD must develop a corrective action plan.

(1) The corrective action plan must:

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

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

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-450, filed 7/31/07, effective 9/1/07.]

TERMINATION AND DENIAL OF A COMPANION HOME CONTRACT

WAC 388-829C-460 When may DDA stop the authorization for payment or terminate a contract for companion home services? DDA may stop the authorization for payment or terminate a contract for the services of a companion home provider, when that provider:

(1) Is no longer the client's choice of provider;

(2) Demonstrates inadequate performance or inability to deliver quality care which is jeopardizing the client's health, safety, or well-being. DDD may terminate the contract based on a reasonable, good faith belief that the client's health, safety, or well-being is in imminent jeopardy;

(3) Is unable to clear a background check or other individuals living in the companion home are unable to clear a background check required by RCW 43.20A.710;

(4) Has been convicted of, or has a pending charge for a crime that is disqualifying under chapter 388-113 WAC;

(5) Has been subject to a negative action described in WAC 388-825-0640;

(6) Does not successfully complete the training requirements within the time limits required in this chapter;

(7) Does not complete the corrective actions within the agreed upon time frame; or

(8) Fails to comply with the requirements of this chapter or the companion home contract.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-829C-460, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-460, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-470 When may DDA deny the client's choice of a companion home provider? DDA must deny a client's request to have a certain provider and must not enter into a contract with the person when any of the following exist:

(1) The person is the client's spouse, as required by 42 C.F.R. 441.360(g);

(2) The person is the client's natural/step/adoptive parent;

(3) The person is the client's court-appointed legal representative, unless the provider was contracted and paid to provide companion home services before February 2005; or

(4) DDA has a reasonable, good faith belief that the provider will be unable to meet the client's needs. Examples of a provider's inability to meet the client's needs may include:

(a) Evidence of alcohol or drug abuse;

(b) Evidence of a conviction, pending charges, or negative actions described in WAC 388-825-0640;

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

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

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

(f) A reported history of mismanagement of client funds or DSHS contract violations.

[Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-829C-470, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-470, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-480 What if the companion home provider no longer wants to provide services to a client?

(1) When a companion home provider no longer wants to provide services to a client, they must:

(a) Give at least thirty days written notice to:

(i) The client;

(ii) The client's legal representative; and

(iii) DDD.

(2) If an emergency occurs and services must be terminated immediately, the provider must give immediate notice to DDD, the client, and the client's representative.

(3) The companion home provider will be expected to continue working for thirty days unless otherwise determined by DDD.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-480, filed 7/31/07, effective 9/1/07.]

APPEAL RIGHTS

WAC 388-829C-490 What are the client's appeal rights if DDD denies, or terminates a companion home services contract? If DDD denies, or terminates a companion home services contract, the client has the right to an administrative hearing to appeal the decision, per chapter 388-02 WAC and WAC 388-825-120.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-490, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-500 Does the provider of companion home services have a right to an administrative hearing?

The provider of companion home services does not have a right to an administrative hearing.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-500, filed 7/31/07, effective 9/1/07.]