

WSR 21-12-031
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed May 24, 2021, 5:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-20-100.

Title of Rule and Other Identifying Information: Chapter 388-845 WAC, Home and community-based services waivers.

Hearing Location(s): On July 27, 2021, at 10:00 a.m. Due to the COVID[-19] pandemic, the hearing will be virtual. Please see the department of social and health services (DSHS) website for the most current information on how to connect.

Date of Intended Adoption: Not earlier than July 28, 2021.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., July 27, 2021.

Assistance for Persons with Disabilities: Contact Katherine Vasquez, rules coordinator, phone 360-664-6097, fax 360-663-6185, TTY 711 relay, email DSHSRPAURulesCoordinator@dshs.wa.gov, by July 13, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amendments to chapter 388-845 WAC align rules with the amendments approved by the Centers for Medicare and Medicaid Services (CMS). The amendments affect all five of developmental disabilities administration's (DDA) home and community-based services (HCBS) waivers and: Update service definitions and service names; change some service limits; add services to various waivers; remove services from various waivers; change eligibility criteria for specific services; change qualified provider criteria for various services; and repeal several sections.

Reasons Supporting Proposal: DDA must comply with federal medic-aid rules to continue to receive federal funding. When CMS approves DDA's waiver applications, DDA's rules must align with those approved waiver applications. To enforce federal waiver application requirements, service definitions, service limits, and explanations must be codified in Washington Administrative Code.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.040.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

Name of Proponent: DSHS, DDA, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1589; Implementation and Enforcement: Ann Vasilev, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1551.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4) because the rules do not affect small businesses.

Explanation of exemptions: The proposed amendments impose no new or disproportionate costs on small businesses so a small business economic impact statement is not required.

May 21, 2021
Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the [21-13](#) issue of the Register.