

WSR 21-12-048
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed May 26, 2021, 10:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-08-058.

Title of Rule and Other Identifying Information: Chapter 388-828 WAC, DDA assessment.

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: September 11, 2021.

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

Assistance for Persons with Disabilities: Contact Katherine Vasquez, rules coordinator, phone 360-664-6097, fax 360-664-6185, 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: Developmental disabilities administration (DDA) is amending this chapter to update the DDA assessment rules to reflect the switch from a desktop application to a web-based application. These changes do not affect any algorithms in the assessment that determine eligibility for a service or a client's benefit level.

DDA also amended the definition of "contracted provider" to include both CDE-employed individual providers.

Additional amendments replace outdated terminology, such as "DDD," "ISP," "ADSA," "ICF/MR," "SSPS," etc., and update and clarify language that was inaccurate or ambiguous.

Reasons Supporting Proposal: These changes are necessary to: Remove concepts no longer applicable to the assessment after the switch to a web-based application, align with amendments to other rules establishing the consumer-directed employer, and replace, update, and clarify language that was inaccurate or ambiguous.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: Chapter 71A.16 RCW.

Rule is necessary because of federal law, 42 C.F.R. 441.725 for WAC 388-828-1500.

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: Erin Fatland, P.O. Box 45310, Olympia, WA 98504-5310, 253-372-5806.

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 26, 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.