

WSR 21-13-082
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed June 16, 2021, 10:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-09-085.

Title of Rule and Other Identifying Information: WAC

388-101D-0500 Community protection—Client home location.

Hearing Location(s): On July 27, 2021, at 10:00 a.m., virtually. Due to the COVID-19 pandemic, hearings are being held virtually. Please see the department of social and health services (DSHS) website for the most current information.

Date of Intended Adoption: July 28, 2021.

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

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

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The developmental disabilities administration (DDA) is amending this section primarily to require approval of a community protection (CP) client's home location by the CP provider's administrator. Other proposed amendments require documentation of: The administrator's approval; the client's new address; and the security precautions the provider will implement.

Reasons Supporting Proposal: To allow providers to act quickly when a lease signing opportunity arises, DDA is requiring home approval from the provider administrator rather than from DDA.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.280.

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

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: Jeff Green, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1580.

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.

June 16, 2021
Katherine I. Vasquez

SHS-4871.1

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

WAC 388-101D-0500 Community protection—(~~Program residential~~)

Client home location. (~~Before securing and using a residence to provide support to the community protection program~~) (1) When assisting a client in selecting a home, 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)~~ After selecting a home, and before the client moves into the home, the provider must document and provide to DDA:

(a) The address of the home;

(b) The reasons the home is appropriate considering the client's specific (~~offense patterns~~) risk factors;

~~((3) Determine appropriate and necessary)~~ (c) Restrictive procedures (~~, including security precautions~~) and security precautions the provider will implement; and

~~((4) Obtain written)~~ (d) Approval (~~for the residential site from the division of developmental disabilities~~) from the provider's administrator.

[WSR 16-14-058, recodified as § 388-101D-0500, filed 6/30/16, effective 8/1/16. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-4040, filed 12/21/07, effective 2/1/08.]