

WSR 21-17-047

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed August 10, 2021, 9:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-11-022.

Title of Rule and Other Identifying Information: WAC 388-106-0275

Are there limits to the community transition services I may receive?

Hearing Location(s): On September 21, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or virtual. Due to the COVID-19 pandemic, hearings are being held virtually. Please see the DSHS website for the most up-to-date information.

Date of Intended Adoption: Not earlier than September 22, 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.

Assistance for Persons with Disabilities: Contact DSHS rules coordinator, phone 360-664-6097, fax 360-664-6185, TTY 711 relay service, by September 7, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend WAC 388-106-0275 to enable budgetary flexibilities related to funding availability, and to clarify items that may not be purchased under this rule.

Reasons Supporting Proposal: See purpose statement.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.39A.400; and 42 C.F.R. § 441.500-590.

Statute Being Implemented: RCW 74.08.090 and 74.09.520.

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Victoria Nuesca, P.O. Box 45600, Olympia, WA 98504-5600, 360-725-2393.

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

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not a significant legislative rule pursuant to RCW 34.05.328.

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 proposed amendments do not impact small businesses and impose no new or disproportionate costs on small businesses so a small business economic impact statement is not required.

August 10, 2021
Katherine I. Vasquez
Rules Coordinator

SHS-4881.3

AMENDATORY SECTION (Amending WSR 16-04-020, filed 1/22/16, effective 2/22/16)

WAC 388-106-0275 Are there limits to the community transition services I may receive? Community transition services:

(1) Do not include recreational or diverting items, such as a television, cable or VCR;

(2) Do not include room and board; ((and))

(3) ~~((May not exceed eight hundred fifty dollars per discharge))~~

Do not include residential unit furnishings, as outlined in WAC 388-78A-3011 for assisted living facilities and WAC 388-76-10685 for adult family homes;

(4) Do not include items that would otherwise be covered under other payment sources, including but not limited to, medicare, medic-aid, and private insurance; and

(5) May not exceed twenty-five hundred dollars per discharge for items and services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.400 and 42 C.F.R. § 441.500-590. WSR 16-04-020, § 388-106-0275, filed 1/22/16, effective 2/22/16.]