

WSR 21-18-014

EMERGENCY RULES

HEALTH CARE AUTHORITY

[Filed August 20, 2021, 8:44 a.m., effective August 20, 2021, 8:44 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The agency is amending WAC 182-559-100 (within the foundational community supports program chapter) to remove the community support services benefit exclusion for institutes for mental diseases (IMD).

Citation of Rules Affected by this Order: Amending WAC 182-559-100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This filing is necessary to comply with changes made by the Centers for Medicare and Medicaid Services to the foundational community supports program protocol. These changes permit implementation of supportive housing services in approved IMD facilities under Washington state's 1115 Medicaid Transformation Waiver.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 20, 2021.

Wendy Barcus
Rules Coordinator

OTS-3005.1

AMENDATORY SECTION (Amending WSR 18-15-007, filed 7/6/18, effective 8/6/18)

WAC 182-559-100 General. (1) Under the authority of the medic-aid transformation project, RCW 71.24.385, and subject to available funds, the medicaid agency covers targeted foundational community supports to eligible medicaid beneficiaries, which include the following benefits:

- (a) Community support services; and
- (b) Supported employment services.
- (2) Community support services include:
 - (a) Pretenancy supports:
 - (i) Conducting a functional needs assessment to:

- (A) Identify the participant's preferences related to housing (type, location, living alone or with someone else, identifying a roommate, accommodations needed, or other important preferences); and
- (B) Identify the participant's needs for support to maintain community integration. This includes what type of setting works best for the client, assistance in budgeting for housing/living expenses, assistance in connecting the client with social services to assist with filling out applications and submitting appropriate documentation in order to obtain sources of income necessary for community living and establishing credit, and in understanding and meeting obligations of tenancy.
- (ii) Assisting clients to connect with social services to help with finding and applying for housing necessary to support the clients in meeting their medical care needs;
- (iii) Developing an individualized community integration plan based upon the assessment as part of the overall person-centered plan;
- (iv) Identifying and establishing short and long-term measurable goal(s), and establishing how goals will be achieved and how concerns will be addressed;
- (v) Participating in person-centered plan meetings at redetermination and revision plan meetings, as needed;
- (vi) Providing supports and interventions according to the person-centered plan.
- (b) Tenancy-sustaining services:
- (i) Service planning support and participating in person-centered plan meetings at redetermination and revision plan meetings as needed;
- (ii) Coordinating and linking the client to services including:
- (A) Primary care and health homes;
- (B) Substance use treatment providers;
- (C) Mental health providers;
- (D) Medical, vision, nutritional and dental providers;
- (E) Vocational, education, employment and volunteer supports;
- (F) Hospitals and emergency rooms;
- (G) Probation and parole;
- (H) Crisis services;
- (I) End of life planning; and
- (J) Other support groups and natural supports.
- (iii) Entitlement assistance including assisting clients in obtaining documentation, navigating and monitoring application process and coordinating with the entitlement agency;
- (iv) Assistance in accessing supports to preserve the most independent living, including skills coaching, financing counseling, anger management, individual and family counseling, support groups, and natural supports;
- (v) Providing supports to assist the client in communicating with the landlord and/or property manager regarding the participant's disability (if authorized and appropriate), detailing accommodations needed, and addressing components of emergency procedures involving the landlord and/or property manager;
- (vi) Coordinating with the client to review, update and modify their housing support and crisis plan on a regular basis to reflect current needs and address existing or recurring housing retention barriers; and
- (vii) Connecting the client to training and resources that will assist the client in being a good tenant and lease compliance, including ongoing support with activities related to household management.
- (c) The community support services benefit does not include:

- (i) Payment of rent or other room and board costs;
 - (ii) Capital costs related to the development or modification of housing;
 - (iii) Expenses for utilities or other regular occurring bills;
 - (iv) Goods or services intended for leisure or recreation;
 - (v) Duplicative services from other state or federal programs;
- and
- (vi) Services to clients in a correctional institution (~~or an institute for mental disease (IMD)~~).
- (d) Community support services must be provided:
 - (i) In an integrated setting of the client's choice; and
 - (ii) In a manner that ensures the client's individual right of privacy, dignity, respect, and freedom from coercion and restraint;
 - (iii) Post tenancy, in settings consistent with home and community-based services, as defined in 42 C.F.R. Sec. 441.530, such as those that:
 - (A) Do not have the qualities of an institution;
 - (B) Are not located in a building that is also a publicly or privately operated facility providing inpatient institutional treatment;
 - (C) Are not on the grounds of, or immediately adjacent to a public institution;
 - (D) Do not have the effect of isolating the client from community members who are not receiving medicaid services; and
 - (E) Are not a licensed residential care facility such as an adult family home or assisted living facility.
 - (3) Supported employment, such as individual placement and support (IPS) services, is individualized and includes one or more of the following services:
 - (a) Preemployment services:
 - (i) Prevocational/job-related discovery or assessment;
 - (ii) Person-centered employment planning;
 - (iii) Individualized job development and placement;
 - (iv) Job carving;
 - (v) Benefits education and planning; or
 - (vi) Transportation (only in conjunction with the delivery of an authorized service).
 - (b) Employment sustaining services:
 - (i) Career advancement services;
 - (ii) Negotiation with employers;
 - (iii) Job analysis;
 - (iv) Job coaching;
 - (v) Benefits education and planning;
 - (vi) Transportation (only in conjunction with the delivery of an authorized service);
 - (vii) Asset development; or
 - (viii) Follow-along supports.
 - (c) The IPS benefit does not include:
 - (i) Generalized employer contacts that are not connected to a specific enrolled individual or an authorized service;
 - (ii) Employment support for individuals in subminimum wage, or sheltered workshop settings; and
 - (iii) Facility-based habilitation or personal care services.
 - (d) Supported employment services must be provided in settings consistent with settings defined in 42 C.F.R. 441.530 (a) (1) (i) through (v) and (a) (2).
 - (4) Clients who meet the eligibility criteria for both community support services and supported employment services are able to receive

both services concurrently. See WAC 182-559-300 for community support services eligibility criteria and WAC 182-559-350 for supported employment eligibility criteria.

(5) In order to ensure the demand for services remains within available funds, the agency may impose enrollment wait lists for services. The wait list for foundational community supports services is considered on a first-come first-serve basis using the date the client requests community support services.

(6) Services described in this chapter must be approved under the explicit authority of the medicaid transformation project.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 18-15-007, § 182-559-100, filed 7/6/18, effective 8/6/18. Statutory Authority: RCW 41.05.021, 41.05.160, 2014 c 225 § 9 (1)(i) and 2016 1st sp.s c 36 § 213 (1)(f) and (g). WSR 17-11-136, § 182-559-100, filed 5/24/17, effective 7/1/17.]