

**WSR 21-22-082**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed November 1, 2021, 2:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-17-067.

Title of Rule and Other Identifying Information: WAC 388-845-2110  
Are there limits to the supported employment services you may receive?

Hearing Location(s): On December 7, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington [Street S.E.], 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 December 8, 2021.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, by 5:00 p.m., December 7, 2021.

Assistance for Persons with Disabilities: Contact Shelley Tencza, phone 360-664-6198, fax 360-664-6185, TTY 711 relay service, email [Shelley.Tencza@dshs.wa.gov](mailto:Shelley.Tencza@dshs.wa.gov), by November 23, 2021, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments adjust the criteria for who can receive supported employment services. Rather than requiring a person to be graduated from high school, the criteria in subsection (1)(b) has been broadened to "no longer eligible to enroll in high school."

Additional proposed amendments align with approved home and community-based services (HCBS) waivers by: Replacing "community access" with the service's new name "community inclusion"; and removing prevocational services, which are no longer available through developmental disabilities administration's (DDA) HCBS waivers.

Reasons Supporting Proposal: Broadening eligibility for supported employment is necessary because:

1. It will allow students who didn't graduate from high school to begin receiving services at age 21 rather than age 22; and

2. It will allow students participating in recovery services through the school system to access employment services. (Recovery services are available through office of superintendent of public instruction because of the impact of the COVID-19 public health emergency on educational services.)

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.

Name of Proponent: DSHS, DDA, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1575; Implementation and Enforcement: Rod Duncan, P.O. Box 45310, Olympia, WA 98504-5310, 360-791-9788.

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, phone 360-407-1589, 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.

November 1, 2021  
Katherine I. Vasquez  
Rules Coordinator

### SHS-4898.1

AMENDATORY SECTION (Amending WSR 18-03-174, filed 1/23/18, effective 2/23/18)

**WAC 388-845-2110 Are there limits to the supported employment services you may receive?** The following limits apply to your receipt of supported employment services:

- (1) To receive supported employment services, you must be age ((twenty)):
  - (a) 20 and graduating from high school before your July or August twenty-first birthday ((age twenty-one)):
  - (b) 21 and ((graduated from)) no longer eligible to enroll in high school ((age twenty-two))
  - (c) 22 or older ((to receive supported employment services;)).
- (2) Payment for individual supported employment services excludes the supervisory activities rendered as a normal part of the business setting ((;)).
- (3) You will not be authorized to receive supported employment services in addition to community ((access or prevocational)) inclusion services ((; and)).
- (4) Your service hours are determined by the assistance you need to reach your employment outcomes as described in WAC 388-828-9325 and might not equal the number of hours you spend on the job or in job related activities.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 2015 3rd sp.s. c 4, and 42 C.F.R. § 441.301 (c) (4)-(5). WSR 18-03-174, § 388-845-2110, filed 1/23/18, effective 2/23/18. Statutory Authority: RCW 71A.12.030 and 2012 c 49. WSR 13-24-045, § 388-845-2110, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and Title 71A RCW. WSR 08-20-033, § 388-845-2110, filed 9/22/08, effective 10/23/08. Statutory Authority: RCW 71A.12.030, 71A.12.12 [71A.12.120] and chapter 71A.12 RCW. WSR 06-01-024, § 388-845-2110, filed 12/13/05, effective 1/13/06.]