

**WSR 22-18-011**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed August 25, 2022, 2:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-14-035.

Title of Rule and Other Identifying Information: WAC 388-828-9235 How does DDA determine your environmental support score?, 388-828-9340 How does your employment service type affect how your employment service hours are used?, 388-828-9360 What is short-term employment support?, 388-845-1035 Who are qualified providers of individualized technical assistance services?, and 388-845-2105 Who are qualified providers of supported employment services?

Hearing Location(s): On October 11, 2022, 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 virtually. Due to the COVID-19 pandemic, hearings are being held virtually. Please see DSHS website for the most current information.

Date of Intended Adoption: Not earlier than October 12, 2022.

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 360-664-6085, by 5:00 p.m. on October 11, 2022.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, fax 360-664-6036, TTY 711 relay service, email [tenczsa@dshs.wa.gov](mailto:tenczsa@dshs.wa.gov), by 5:00 p.m. on September 27, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The developmental disabilities administration (DDA) is amending these rules to align with changes to CARE, remove content about prevocational services, correct inaccurate cross references, and reformat sections about qualified providers.

Reasons Supporting Proposal: These amendments are intended to create consistency between DDA's rules and CARE website, reduce confusion by correcting inaccurate cross references, and clarify qualified provider requirements.

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, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1500; Implementation and Enforcement: Megan Burr, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1523.

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 360-407-1500, fax 360-407-0955, TTY 1-800-833-6388, email [chantelle.diaz@dshs.wa.gov](mailto: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(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: DDA's analysis revealed that there are no new costs imposed because amendments to:

- WAC 388-828-9235 updates are general housekeeping to align with the support score calculation in CARE and do not impact eligibility for services. Because the amendments do not impact eligibility for services, clients and providers should incur no costs as a result of the proposed changes.
- WAC 388-828-9340 impose no costs because prevocational services have not been open to referrals since 2014 and the service ended in 2019.
- WAC 388-828-9360 impose no costs because the amendments are corrections to cross references to other rules.
- WAC 388-845-1035 and 388-845-2105 impose no costs because the rules are not substantively different. These rules were rewritten for easier reading and to match the format of other rules about qualified providers in chapter 388-845 WAC.

Scope of exemption for rule proposal:  
Is fully exempt.

August 25, 2022  
Katherine I. Vasquez  
Rules Coordinator

**SHS-4940.2**

AMENDATORY SECTION (Amending WSR 21-19-093, filed 9/17/21, effective 10/18/21)

**WAC 388-828-9235 How does DDA determine your environmental support score?** DDA determines your environmental support score by adding the sum of your assessment responses to employment support limitations in the following table:

Response	Employment Support/ Limitations	Score
1	Behavior( <del>s impact workplace</del> ) <u>support</u>	1
2	(( <del>Employment goals too specific</del> ) <u>Adaptive equipment</u>	1
3	Fearful( <del>/</del> ) <u>or</u> scared of new situations	0
4	(( <del>Frequent job changes</del> ) <u>Communication tools</u>	1
5	(( <del>High turnover of natural supports</del> ) <u>Coordination with residential provider</u>	1

Response	Employment Support/ Limitations	Score
6	<del>((Hygiene issues unresolved))</del> <u>Technical assistance</u>	1
7	<del>((Lacks social skills))</del> <u>Unable to read</u>	1
8	<del>((Little work history))</del> <u>Personal care needs</u>	1
<del>((9</del>	<u>Narrow scope of job requirements</u>	<del>1</del>
10	<u>Needs support arranging childcare</u>	<del>1</del>
11	<u>Others not supportive of employment goals</u>	<del>1</del>
12	<u>Others unable to support employment goals</u>	<del>1</del> )
<del>((13))</del> <u>9</u>	<u>Transportation</u>	1
<del>((14</del>	<u>Unable to regularly get to work on time</u>	<del>1</del> )
<del>((15))</del> <u>10</u>	<u>Uncertain about work</u>	0
<del>((16))</del> <u>11</u>	<u>Uncooperative(<del>/</del>) or lacks motivation</u>	0
<u>12</u>	<u>None of these</u>	<u>0</u>
<b>Maximum employment support limitation score is:</b>		<del>((13))</del> <u>3</u>

Example: If you have selected responses 1, 3, 8, ~~((13,))~~ and ~~((15))~~ 9, the sum of your scores for employment support limitations would be 3, resulting in an environmental support score of 3 for WAC 388-828-9230.

[Statutory Authority: RCW 71A.12.030 and 71A.16.050. WSR 21-19-093, § 388-828-9235, filed 9/17/21, effective 10/18/21. Statutory Authority: RCW 71A.12.030, 71A.12.020(3), 71A.12.040(4), and 2009 c 564 §§ 103(7) and 205(c). WSR 11-13-039, § 388-828-9235, filed 6/8/11, effective 7/9/11.]

AMENDATORY SECTION (Amending WSR 13-01-076, filed 12/18/12, effective 1/18/13)

**WAC 388-828-9340 How does your employment service type affect how your employment service hours are used?** Your employment service type determines where and how your service hours are provided.

(1) Individual supported employment:

(a) Your employment services are provided in typical community-based settings;

(b) The focus of employment services is on obtaining ~~((and/))~~ or maintaining integrated employment at or above the state's minimum wage in the general workforce; and

(c) Your employment services are not shared with others.

(2) Group supported employment:

(a) Your employment services are provided in typical community-based settings;

(b) The focus of employment services is on providing ongoing supervised employment that will lead to greater opportunities for competitive and integrated employment and career advancement at or above minimum wage; and

(c) Your employment service provider works with you and others in a group setting.

~~((3) Prevocational services:~~

~~(a) Your employment services are:~~

~~(i) Provided in specialized or segregated settings for individuals with developmental disabilities; and~~

~~(ii) Include monthly employment related activities in the community.~~

~~(b) Service and supports are designed to further habilitation goals that will lead to greater opportunities for competitive and integrated employment and career advancement at or above the state's minimum wage; and~~

~~(c) Your employment service provider works with you and others in a group setting.))~~

[Statutory Authority: RCW 71A.12.030 and 2012 c 49. WSR 13-01-076, § 388-828-9340, filed 12/18/12, effective 1/18/13.]

AMENDATORY SECTION (Amending WSR 19-15-008, filed 7/8/19, effective 8/8/19)

**WAC 388-828-9360 What is short-term employment support? (1)**

Short-term employment support is a service that allows DDA to approve service hours in addition to the amount of your employment service base hours under WAC 388-828-9335 and add-on hours under WAC

~~((388-828-9345))~~ 388-828-9350 and 388-828-9355 when:

(a) You are beginning a new job;

(b) There is a planned or unexpected change in your job or job duties;

(c) Your current employment is at risk and short-term supports are needed to assist you in maintaining your current job; or

(d) You are stuck on your pathway to employment and need individualized technical assistance.

(2) Short-term employment support may be authorized for a maximum of six months at a time and may be reauthorized when:

(a) The circumstances identified in subsection (1) of this section continue as evidenced by receipt of a current employment work plan or review describing the need; and

(b) Both your employment provider and county recommend continuing the use of short-term employment support.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 19-15-008, § 388-828-9360, filed 7/8/19, effective 8/8/19. Statutory Authority: RCW 71A.12.030 and 2012 c 49. WSR 13-01-076, § 388-828-9360, filed 12/18/12, effective 1/18/13.]

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

**WAC 388-845-1035 Who are qualified providers of individualized technical assistance services?** (~~Providers of individualized technical assistance service must be a county or an individual or agency contracted with a county or DDA.~~) To be a qualified provider of individualized technical assistance services, an entity must be:

(1) A county contracted with DDA to provide individualized technical assistance services; or

(2) An individual or agency contracted with a county that is contracted with DDA to provide individualized technical assistance services.

[Statutory Authority: RCW 71A.12.030 and 2012 c 49. WSR 13-24-045, § 388-845-1035, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 74.08.090, 74.09.520, and 2012 c 49. WSR 12-16-095, § 388-845-1035, filed 8/1/12, effective 9/1/12.]

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

**WAC 388-845-2105 Who are qualified providers of supported employment services?** (~~Providers of supported employment services must be a county, or agency or an individual contracted with a county or DDA.~~) To be a qualified provider of supported employment services, an entity must be:

(1) A county contracted with DDA to provide supported employment services; or

(2) An individual or agency contracted with a county that is contracted with DDA to provide supported employment services.

[Statutory Authority: RCW 71A.12.030 and 2012 c 49. WSR 13-24-045, § 388-845-2105, 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, § 388-845-2105, 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, § 388-845-2105, filed 12/13/05, effective 1/13/06.]