

WSR 22-23-120

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed November 18, 2022, 8:40 a.m., effective December 19, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments to these rules align with changes to the developmental disabilities administration assessment in CARE, remove content about prevocational services, correct inaccurate cross-references, and reformat sections about qualified providers.

Citation of Rules Affected by this Order: Amending WAC 388-828-9235, 388-828-9340, 388-828-9360, 388-845-1035, and 388-845-2105.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.12.040.

Adopted under notice filed as WSR 22-18-011 on August 25, 2022.

A final cost-benefit analysis is available 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: November 17, 2022.

Lisa N.H. Yanagida
Chief of Staff

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((s-impact workplace)) support	1

Response	Employment Support/ Limitations	Score
2	((Employment goals too specific)) <u>Adaptive equipment</u>	1
3	Fearful(/) or scared of new situations	0
4	((Frequent job changes)) <u>Communication tools</u>	1
5	((High turnover of natural supports)) <u>Coordination with residential provider</u>	1
6	((Hygiene issues unresolved)) <u>Technical assistance</u>	1
7	((Lacks social skills)) <u>Unable to read</u>	1
8	((Little work history)) <u>Personal care needs</u>	1
((9	Narrow scope of job requirements	1
10	Needs support arranging childcare	1
11	Others not supportive of employment goals	1
12	Others unable to support employment goals	1
((13) <u>9</u>	Transportation	1
((14	Unable to regularly get to work on time	1
((15) <u>10</u>	Uncertain about work	0
((16) <u>11</u>	Uncooperative(/) or lacks motivation	0
<u>12</u>	<u>None of these</u>	<u>0</u>
Maximum employment support limitation score is:		((13) <u>8</u>

Example: If you have selected responses 1, 3, 8, ((13~~7~~)) 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.]