

WSR 23-22-009
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed October 19, 2023, 9:05 a.m., effective October 24, 2023]

Effective Date of Rule: October 24, 2023.

Purpose: The developmental disabilities administration (DDA) is enacting these changes on an emergency basis in order to align with amendments to home and community-based services waivers as approved by the Centers for Medicare and Medicaid Services.

Citation of Rules Affected by this Order: Amending WAC 388-845-1105, 388-845-1505, and 388-845-3062.

Statutory Authority for Adoption: RCW 34.05.350, 71A.12.030, 71A.12.120.

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: Enacting these rules on an emergency basis is necessary to ensure federal compliance and maintain federal funding for the state. Aligning rules with approved waiver amendments provides assurances required under 42 C.F.R. 441.301. This is the second emergency filing on these sections and is necessary to keep the amendments in effect until DDA completes the permanent rule-making process. DDA is proceeding with permanent adoption and filed the CR-102 for these sections under WSR 23-22-001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: October 19, 2023.

Katherine I. Vasquez
Rules Coordinator

SHS-4988.1

AMENDATORY SECTION (Amending WSR 21-19-108, filed 9/20/21, effective 10/21/21)

WAC 388-845-1105 Who is a qualified provider of stabilization services - crisis diversion bed? Providers of stabilization services - crisis diversion beds must be:

(1) DDA certified residential agencies per chapter 388-101 WAC;

- (2) Other department licensed or certified agencies; ~~((or))~~
- (3) State-operated agencies ~~((-))~~; or
- (4) Other agencies licensed by the department of children, youth, and families under chapter 110-145 WAC and contracted with DDA to provide services under chapter 388-833 WAC.

AMENDATORY SECTION (Amending WSR 21-19-108, filed 9/20/21, effective 10/21/21)

WAC 388-845-1505 Who are qualified providers of residential habilitation services for the core waiver? Providers of residential habilitation services for participants in the core waiver must be one of the following:

- (1) Individuals contracted with DDA to provide residential support as a "companion home" provider;
- (2) Individuals and agencies contracted with DDA to provide ~~((training))~~ services as an ~~(("))~~ alternative living provider ~~(("))~~ under chapter 388-829A WAC;
- (3) Agencies contracted with DDA and certified per chapter 388-101 WAC;
- (4) State-operated living alternatives (SOLA); or
- (5) Licensed and contracted:
 - (a) Group care facilities and staffed residential homes under chapter 110-145 WAC;
 - (b) Child foster homes under chapter 110-148 WAC; or
 - (c) Child placing agencies under chapter 110-147 WAC.

AMENDATORY SECTION (Amending WSR 21-19-108, filed 9/20/21, effective 10/21/21)

WAC 388-845-3062 Who is required to sign the person-centered service plan and how can it be signed? (1) If you do not have a legal representative, you must sign the person-centered service plan.

(2) If you have a legal representative, your legal representative must sign the person-centered service plan.

(3) If you need assistance to understand your person-centered service plan, DDA will follow the steps outlined in WAC 388-845-3056 (1) and (3).

(4) You choose how to sign your person-centered service plan - with a pen, an electronic signature, or a voice signature.