

**WSR 24-07-044  
EMERGENCY RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Developmental Disabilities Administration)

[Filed March 13, 2024, 3:35 p.m., effective March 13, 2024, 3:35 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The developmental disabilities administration is adopting new sections of rule on an emergency basis to implement E2SSB 5440 (2023), which directs the department of social and health services to develop a process for connecting individuals who have been found not competent to stand trial due to an intellectual or developmental disability to available wraparound services and supports in community-based settings.

Citation of Rules Affected by this Order: New WAC 388-848-0010, 388-848-0020, 388-848-0030, 388-848-0040, 388-848-0050, 388-848-0060, 388-848-0070, 388-848-0080, 388-848-0090, and 388-848-0100.

Statutory Authority for Adoption: RCW 34.05.350 (1)(a).

Other Authority: RCW 10.77.060 (see ESSSB [E2SSB] 5440).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Enacting these rules on an emergency basis is necessary in order to implement the program established under ESSSB [E2SSB] 5440, which is intended for people in need of immediate support after being deemed incompetent or nonreformable in order to inform those individuals of services available and ensure preservation of their health and safety by providing necessary services as quickly as possible.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 10, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 10, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 10, Amended 0, Repealed 0.

Date Adopted: March 13, 2024.

Katherine I. Vasquez  
Rules Coordinator

**SHS-5019.3**

**Chapter 388-848 WAC**

NEW SECTION

**WAC 388-848-0010 What is the civil transitions program?** The civil transitions program is a voluntary program for people referred to the developmental disabilities administration by the behavioral health administration as a result of a determination that the person is not competent to stand trial under RCW 10.77.084 and not likely restorable due to a diagnosis of intellectual or developmental disability.

NEW SECTION

**WAC 388-848-0020 What definitions apply to this chapter?** The following definitions apply to this chapter:

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020 and who has been determined eligible by DDA to receive services under chapter 388-823 WAC.

"Community first choice" or "CFC" is a Medicaid state plan program as defined in chapter 388-106 WAC.

"Conditional services" means supportive housing services that may be available to a participant on an interim basis while awaiting a DDA-eligibility determination. Conditional services are limited to funds allocated for the program's purpose.

"Developmental disability" is defined in RCW 71A.10.020.

"DDA" means the developmental disabilities administration within the department of social and health services.

"Participant" means a person receiving services through the civil transitions program.

"Supportive housing" means a combination of rental assistance and wraparound services administered by DDA and intended to stabilize and support participants to live successfully in the community.

"Termination" means an action taken by DDA that ends DDA eligibility, DDA services, or both.

"Wraparound services" means support that helps a participant by:

- (1) Preparing for and transitioning to housing;
- (2) Providing guidance to help the participant maintain tenancy once housing is secured; and
- (3) Navigating community resources.

NEW SECTION

**WAC 388-848-0030 Who is eligible to enroll in the civil transitions program?** To be eligible for enrollment in the civil transitions program, a person must:

- (1) Be determined not competent to stand trial and not likely restorable under RCW 10.77.084 due to an intellectual or developmental disability;

(2) Be referred to the developmental disabilities administration by the behavioral health administration; and

(3) Either:

(a) Not be a current DDA client and agree to apply for a DDA eligibility determination under chapter 388-823 WAC no more than 30 days after enrolling in the civil transitions program; or

(b) Be a current DDA client who is not eligible for residential habilitation services under chapter 388-845 WAC.

#### NEW SECTION

**WAC 388-848-0040 What services are available to a civil transitions program participant?** (1) A participant who is not a DDA client upon program enrollment may request supportive housing services while awaiting an eligibility determination under chapter 388-823 WAC.

(2) A participant who is a DDA client will be referred to DDA services for which the client may be eligible. If the client is unable to access residential habilitation services, the client may request supportive housing.

(3) A participant may request community first choice services under chapter 388-106 WAC.

#### NEW SECTION

**WAC 388-848-0050 Are supportive housing services available everywhere in Washington state?** Supportive housing services are limited to areas of Washington state with contracted providers and support services available. A participant does not have a right to supportive housing services through the civil transitions program in any area of their choosing.

#### NEW SECTION

**WAC 388-848-0060 When will DDA authorize my supportive housing services?** Within available funds, DDA may authorize supportive housing services when an eligible participant signs a supportive housing agreement.

#### NEW SECTION

**WAC 388-848-0070 When may DDA terminate a participant's supportive housing services?** DDA may terminate a participant's supportive housing services if:

(1) The participant has acquired housing or is receiving residential habilitation services through DDA;

(2) The participant no longer needs the service;

(3) The participant does not follow conditions of the supportive housing admittance agreement;

(4) The participant fails to follow applicable rules, laws, or court orders; or

(5) Legislative funding for the civil transitions program is no longer available.

NEW SECTION

**WAC 388-848-0080 Are there limits to how long a participant may receive supportive housing services?** (1) If a participant is found ineligible for DDA services, the participant may continue to receive supportive housing services up to 90 days after the date the participant is found ineligible.

(2) If the participant has not acquired housing during the 90 days under subsection (1) of this section, DDA may approve an additional 90 days of supportive housing services.

(3) A participant who is a DDA client may receive supportive housing services through the civil transition program for up to one year.

NEW SECTION

**WAC 388-848-0090 Who can apply to become a wraparound services provider?** To apply to become a wraparound services provider, a person or entity must be one of the following DDA-contracted providers in good standing:

(1) An alternative living provider under chapter 388-829A WAC;

(2) A community engagement provider under WAC 388-845-0655;

(3) A foundational community supports provider under chapter 182-559 WAC; or

(4) A supported living, group home, or group training home provider under chapters 388-101 and 388-101D WAC.

NEW SECTION

**WAC 388-848-0100 Does a participant have a right to an administrative hearing?** A participant has a right to an administrative hearing in accordance with chapter 388-02 WAC and WAC 388-825-120 through 388-825-165.