

WSR 24-18-099
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 3, 2024, 10:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-18-016.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing to amend WAC 388-60B-0015 What definitions apply to this chapter?, 388-60B-0025 What is the purpose of this chapter?, 388-60B-0105 Application process—How must a program apply for certification or recertification to provide domestic violence assessments or intervention treatment services?, 388-60B-0110 Required documentation for certification and recertification—What must be included in an application to provide domestic violence assessments or treatment?, 388-60B-0120 Facility requirements—What facility requirements must a program meet for the space where domestic violence intervention assessments or treatment services are provided?, 388-60B-0125 Quality management—What are the minimum treatment outcomes for participants and how must a program measure staff and treatment effectiveness?, 388-60B-0130 Adding to existing certification—How must a program add assessments or a level of treatment to an existing certification?, 388-60B-0140 Change of address—What must be sent to the department when a program changes the physical location of where they provide assessments or groups?, 388-60B-0210 Minimum staff qualifications—What staff qualifications must a program document for direct service staff?, 388-60B-0260 Supervisor responsibilities—What responsibilities must the supervisor document for the program?, 388-60B-0280 Adding direct treatment staff—What documentation must a program submit to the department to add a new direct service staff person, or request designation as a staff or supervisor for existing direct service staff during a certification period?, 388-60B-0315 Group treatment—What standards must programs follow regarding the provision of group treatment?, 388-60B-0320 Treatment practices—How must a program approach treatment and what must happen if it is determined that a participant should move into a different level of treatment?, 388-60B-0325 Victim safety—What steps must programs take in order to help increase victim safety?, 388-60B-0345 Participant requirements—What must the program require of participants accepted into a domestic violence intervention treatment program?, 388-60B-0400 Behavioral assessment and interview criteria—Who may conduct the interview and assessment and what must it include?, 388-60B-0500 On-site reviews and plans of correction—How does the department review certified programs for compliance with the regulations of this chapter?, and 388-60B-0510 Complaint investigations—How must an investigation get initiated and what is the process of the investigation?

Hearing Location(s): On October 22, 2024, at 10:00 a.m., virtually via Microsoft Teams or call in. See the DSHS website <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than October 23, 2024.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax

360-664-6185, beginning noon on September 4, 2024, by 5:00 p.m. on October 22, 2024.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email Tencza@dshs.wa.gov, by 5:00 p.m. on October 8, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These amendments will allow domestic violence intervention treatment (DVIT) programs to provide services via Health Insurance Portability and Accountability Act (HIPAA) compliant live video sessions when certain standards are met. This filing is in response to a rule-making petition received from a consortium of DVIT providers seeking to preserve the ability to provide treatment through virtual platforms, which began during pandemic-related shut-downs. As applicable, these amendments make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 43.20A.735.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Amie Roberts, P.O. Box 45470, Olympia, WA 98504-5470, 360-790-1483.

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 Amie Roberts, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-790-1483, email amie.roberts@dshs.wa.gov.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. DSHS' domestic violence perpetrator treatment program analyzed the probable costs and probable benefits of the proposed amendments, taking into account both the qualitative and quantitative benefits and costs:

- The consideration of starting or continuing to use HIPPA compliant web-based software to conduct assessments and DVIT treatment online.
- The consideration of allowing DVIT programs to serve participants of treatment in all counties of the state.
- The consideration of DVIT programs needing to be informed of the DV coalitions and procedures in each of the areas where they serve participants.
- The consideration of the costs and savings of providing these services online.

DSHS solicited input from DVIT programs through an email inquiry and a survey. Out of 60 currently certified DVIT programs, 27 responded to the survey.

Costs: Domestic violence perpetrator treatment program analysis revealed that any new costs imposed by the proposed amendments would only be minor.

The cost of maintaining software to provide HIPAA compliant DVIT services online, and the cost to attend one to three meetings online, per month, of domestic violence coalitions in the areas where programs provide services, are considered to be minor costs when taken collectively.

Benefits: Many DVIT programs express a financial benefit to providing DVIT services online, and a savings in their brick and mortar costs of doing business. Additionally, online services allow DVIT programs to reach more participants throughout the state, and could increase their participant numbers substantially.

Conclusion: DSHS' domestic violence perpetrator treatment program concludes that the benefits of these regulations exceed any possible costs.

DSHS has complied with the appropriate sections of the Administrative Procedure Act and is prepared to proceed with the rule filing.

A copy of the detailed cost calculations may be obtained by contacting Amie Roberts, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-790-1483, email amie.roberts@dshs.wa.gov.

August 29, 2024
Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 24-19 issue of the Register.