

## WSR 23-07-130

## PERMANENT RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed March 22, 2023, 7:47 a.m., effective April 22, 2023]

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

Purpose: Amendments to WAC 388-101D-0065 replace details about background checks in WAC 388-101D-0065 with cross-references to chapters 388-113 and 388-825 WAC for consistency. Amendments to chapter 388-825 WAC: Replace inaccurate cross references; add, remove, and amend definitions; clarify service eligibility for state-only funded services and medicaid state plan services; update rules about home care agencies and individual providers to align with chapters 388-71, 388-113, and 388-115 WAC; amend appeal-related rules; add exemptions allowable under statute for enrolled members of federally recognized Indian tribes; amend background check rules, particularly those for residential habilitation center employees; and create comprehensive lists of developmental disabilities administration (DDA)-authorized services.

Citation of Rules Affected by this Order: New WAC 388-825-0581 and 388-825-621; repealing WAC 388-825-073, 388-825-079, 388-825-081, 388-825-325 and 388-825-395; and amending WAC 388-101D-0065, 388-825-020, 388-825-058, 388-825-059, 388-825-067, 388-825-068, 388-825-072, 388-825-074, 388-825-082, 388-825-120, 388-825-150, 388-825-300, 388-825-305, 388-825-310, 388-825-315, 388-825-330, 388-825-340, 388-825-375, 388-825-385, 388-825-396, 388-825-600, 388-825-605, 388-825-610, 388-825-615, 388-825-620, 388-825-625, 388-825-630, 388-825-635, 388-825-650, 388-825-655, 388-825-660, 388-825-670, and 388-845-1615.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.12.020, 71A.12.040, 71A.12.050, 71A.12.110, 71A.12.161, 43.20A.710, 43.43.837.

Adopted under notice filed as WSR 23-03-013 on January 6, 2023.

Changes Other than Editing from Proposed to Adopted Version: In WAC 388-825-615(4), an effective date was changed from January 1, 2023, to July 1, 2023. The date was mistakenly left in the proposed rule text. DDA cannot implement that change retroactively, so the rule text was updated to include an implementation date in the future.

DDA is not proceeding with amendments to WAC 388-825-0571 at this time and the rule was removed from the final rule text. Whether DDA will proceed with amendments to WAC 388-825-0571 is to be determined.

A final cost-benefit analysis is available by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, 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 2, Amended 33, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 33, Repealed 5.

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 2, Amended 33, Repealed 5.

Date Adopted: March 21, 2023.

Lisa N. H. Yanagida  
Chief of Staff

**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 [23-08](#) issue of the Register.