

WSR 25-04-057
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed January 30, 2025, 4:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-13-016.

Title of Rule and Other Identifying Information: WAC 388-829C-010
What definitions apply to this chapter?, 388-829C-020 How does a companion home provider provide residential habilitation services?, 388-829C-040 Who may become a companion home provider?, 388-829C-042 Must a companion home provider be certified?, 388-829C-043 What does DDA review during a site visit?, 388-829C-070 Who must have a background check?, 388-829C-080 What minimum skills and abilities must companion home providers demonstrate?, 388-829C-085 Must the provider disclose information about other people living in the home and other obligations?, 388-829C-110 When must a companion home provider complete their training requirements?, 388-829C-234 Will DDA reduce the companion home daily rate if additional waiver-funded respite hours are approved?, 388-829C-280 What are the companion home provider's responsibilities when managing client funds?, 388-829C-305 When must the companion home provider transfer the client's funds?, 388-829C-310 Must a client pay for room and board in the companion home?, 388-829C-320 What are the physical and safety requirements for companion homes?, 388-829C-340 What client records must the companion home provider maintain?, 388-829C-345 What records must the companion home provider maintain?, 388-829C-370 Must a companion home provider document when a client declines to participate in services?, 388-829C-371 Must a provider document when a client declines to take a prescribed medication?, 388-829C-460 When must DDA deny payment to a companion home provider? and 388-829C-461 When may DDA withhold payment to a companion home provider?; and repealing WAC 388-829C-044 What is the application process for a potential companion home provider?, 388-829C-061 What is initial certification?, 388-829C-062 What is standard certification?, 388-829C-063 What is provisional certification?, 388-829C-064 What must a companion home provider comply with to maintain certification?, 388-829C-065 How does DDA monitor companion homes?, 388-829C-233 May the client or companion home provider request additional waiver-funded respite hours?, 388-829C-325 How must a companion home provider protect a client from risks associated with bodies of water?, 388-829C-492 What if the companion home provider disagrees with a certification evaluation or certification decision?, and 388-829C-494 What if the companion home provider disagrees with a certification action or the outcome of an informal dispute resolution?

Hearing Location(s): On March 25, 2025, at 10:00 a.m., virtually via Teams or call in. See the department of social and health services (DSHS) website at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: No earlier than March 26, 2025.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, beginning noon on February 5, 2025, by 5:00 p.m. on March 25, 2025.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay

service, email shelley.tencza@dshs.wa.gov, by 5:00 p.m. on March 11, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules are being updated primarily to: Establish a connection to the new certification rules under development at the developmental disabilities administration (DDA), which will be adopted as a new chapter 388-825A WAC; and update the methodology for adjusting a provider's daily rate when approved for more than the allowed amount of waiver-funded respite.

Reasons Supporting Proposal: These amendments are intended to improve the methodology for reducing provider daily rates when approved for more than the allowed amount of waiver-funded respite. The updated safety requirements around bodies of water are more person-centered, rather than a rigid limit across all clients.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.040, 71A.12.110, and 71A.12.120.

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-790-4732; Implementation and Enforcement: Olga Lutsyk, P.O. Box 45310, Olympia, WA 98504-5310, 360-764-6155.

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 Chantelle Diaz, phone 360-790-4732, TTY 711 relay service, email chantelle.diaz@dshs.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(5).

Explanation of exemptions: DDA prepared a combined cost-benefit analysis small business economic impact statement that explains why no costs are imposed by the rules.

Scope of exemption for rule proposal:

Is fully exempt.

January 30, 2025
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 25-05 issue of the Register.