

**WSR 25-04-058**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed January 30, 2025, 4:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-13-015.

Title of Rule and Other Identifying Information: WAC 388-829A-010

What definitions apply to this chapter?, 388-829A-020 What services does an alternative living provider deliver?, 388-829A-040 Who is eligible to receive residential habilitation services from an alternative living provider and what service limits apply?, 388-829A-050 Who may become an alternative living provider?, 388-829A-060 Who may not be contracted as an alternative living provider?, 388-829A-070 Where must the provider deliver services?, 388-829A-080 How many hours of residential habilitation services may a client receive from an alternative living provider?, 388-829A-090 May an alternative living provider claim reimbursement for more than one client at a time?, 388-829A-095 Can a provider care for a dependent while delivering services?, 388-829A-110 What minimum skills and abilities must an alternative living provider demonstrate?, 388-829A-115 What are the responsibilities of an alternative living provider?, 388-829A-130 How must providers treat clients of DDA?, 388-829A-140 What are the provider training requirements?, 388-829A-145 How much are alternative living providers paid?, 388-829A-170 What client records must an alternative living provider maintain?, 388-829A-175 What provider records must the provider maintain?, 388-829A-190 What are the requirements for client record entries?, 388-829A-200 How long must an alternative living provider keep client and provider records?, 388-829A-210 May a provider share information about a client?, 388-829A-220 Is an alternative living provider a mandated reporter?, 388-829A-240 What must an alternative living provider do in an emergency?, 388-829A-260 When does DDA reimburse an alternative living provider for transporting a client?, 388-829A-280 Must an alternative living provider be certified?, 388-829A-290 When may DDA deny or withhold payment to an alternative living provider?, 388-829A-300 When does DDA reject a client's choice of alternative living provider? and 388-829A-310 When may a provider terminate services to a client?; and repealing WAC 388-829A-005 What is the purpose of this chapter?, 388-829A-030 What type of training and support may the alternative living service provider offer?, 388-829A-100 May an alternative living provider offer personal care or respite services?, 388-829A-120 What values must alternative living providers focus on when implementing the ISP?, 388-829A-150 What training must an alternative living provider complete within the first ninety days of serving the client?, 388-829A-160 What training must an alternative living provider complete after the first year of service?, 388-829A-180 What reports must be submitted to DDD?, 388-829A-230 How must alternative living providers report abuse and neglect?, 388-829A-250 What is an individual support plan (ISP)?, 388-829A-270 What requirements must be met before an alternative living provider transports a client?, 388-829A-320 What are the client's rights if DDD denies, or terminates an alternative living services contract?, and 388-829A-330 Does the provider of alternative living services have a right to an administrative hearing?

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](mailto: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](mailto: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: The primary purpose of the proposed changes is to add agencies as a provider type for alternative living and to create a connection to the new certification rules under development at the developmental disabilities administration (DDA), which will be codified as new chapter 388-825A WAC. Other changes have been made to update procedures and provider requirements, repeal unnecessary sections, clarify the six-month service limit for clients living with a parent, and more.

Reasons Supporting Proposal: These changes are necessary to establish DDA-contracted agencies as alternative living providers, update certification requirements, and update other provider requirements because many sections in chapter 388-829A WAC have not been updated in several years.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.110.

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, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, TTY 711 relay service, email [chantelle.diaz@dshs.wa.gov](mailto:chantelle.diaz@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. While the rules do impact small businesses (alternative living providers), the proposed amendments are primarily clarifications that should impose no costs.

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.