

WSR 25-04-060  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Developmental Disabilities Administration)  
[Filed January 30, 2025, 4:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-02-088.

Title of Rule and Other Identifying Information: Chapter 388-826 WAC, Out-of-home services (OHS) program.

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: Not 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 chapter has been amended primarily to: Establish a connection with the new certification rules under development at the developmental disabilities administration (DDA), which will be codified as chapter 388-825A WAC; and standardize provider requirements to create consistency across provider types licensed: State-operated providers and DDA-contracted.

Reasons Supporting Proposal: The purpose of these amendments is to standardize certification and requirements between state-operated and contracted OHS providers.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.040.

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: Kim Calkins, P.O. Box 45310, Olympia, WA 98504-5310, 360-764-6812.

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, email [chantelle.diaz@dshs.wa.gov](mailto: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 has analyzed the proposed rules and there is no indication of costs for compliance. The rules do not require small businesses, OHS providers, to purchase any goods, services, licenses, etc., which are typical ways providers incur costs during compliance.

Scope of exemption for rule proposal:

Is fully 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. DDA has analyzed the proposed rules and there is no indication of costs for compliance. The rules do not require small businesses, OHS providers, to purchase any goods, services, licenses, etc.

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.