

**WSR 25-13-019**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Home and Community Living Administration)  
(Developmental Disabilities Community Services)  
[Filed June 6, 2025, 12:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-02-021.

Title of Rule and Other Identifying Information: WAC 388-833-0017  
Who may become an intensive habilitation services provider? and  
388-833-0019 Is a site visit required and what does DDA review during  
a site visit?

Effective May 1, 2025, the developmental disabilities administration (DDA) will move under the home and community living administration (HCLA). The former DDA will be known as the developmental disabilities community service division within HCLA.

Hearing Location(s): On July 22, 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 July 23, 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 June 18, 2025, by 5:00 p.m. on July 22, 2025.

Assistance for Persons with Disabilities: 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 July 8, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Add cross-references to the certification chapter proposed for adoption by HCLA under chapter 388-825A WAC and require contracted providers to be certified under the same chapter 388-825A WAC as state-operated providers.

Reasons Supporting Proposal: The purpose of these amendments is to standardize certification and requirements between state-operated and contracted intensive habilitation services (IHS) 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: Melanie Ingram, P.O. Box 45310, Olympia, WA 98504-5310, 360-764-6915.

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 Melanie Ingram, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-764-6915, TTY 711 relay service, email [melanie.ingram@dshs.wa.gov](mailto:melanie.ingram@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).

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

June 3, 2025  
Katherine I. Vasquez  
Rules Coordinator

### SHS-5088.1

AMENDATORY SECTION (Amending WSR 24-19-101, filed 9/18/24, effective 10/19/24)

**WAC 388-833-0017 Who may become an intensive habilitation services provider?** The following entities may become an intensive habilitation services provider:

(1) A staffed residential home licensed under chapter 110-145 WAC and certified under chapter 388-825A WAC; or

(2) A ((DDA-certified)) state-operated provider certified under chapter 388-825A WAC.

AMENDATORY SECTION (Amending WSR 24-19-101, filed 9/18/24, effective 10/19/24)

**WAC 388-833-0019 Is a site visit required and what does DDA review during a site visit?** (1) To be certified, a ((state-operated)) provider must participate in site visits in accordance with certification requirements under chapter 388-825A WAC.

(2) During a site visit, DDA reviews the ((state-operated)) provider's service site for the following safety requirements:

(a) The common areas of the home are unrestricted.

(b) All entrances and exits are unblocked.

(c) The home is maintained in a safe and healthy manner.

(d) The home has a storage area for flammable and combustible materials.

(e) Every floor of the home has working smoke and carbon monoxide detectors.

(f) The home has a fire extinguisher that meets requirements for the residence type. There must be a fire extinguisher in the kitchen and at least one on every floor of the home.

(g) The home has a stocked first-aid kit.

(h) The home has a working and accessible telephone.

(i) The home has a working and accessible flashlight or alternative light source.

(j) Emergency contact information is available and accessible in the home (e.g., 911, poison control, nonemergency 911, adult protective services, child protective services).

(k) The contact information for the developmental disabilities ombuds is available and accessible in the home.

(l) The water temperature at the home is 120 degrees Fahrenheit or less.

(m) There is a safety plan for any body of water more than 24 inches deep at the home.

(n) The home has an evacuation plan and an emergency food and water supply.

(o) The home meets integrated setting requirements under WAC 388-823-1096.

(p) The home has a backup power source (e.g., generator, battery pack) if the provider supports a client who uses life sustaining medical equipment.