

WSR 25-16-094

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)

(Developmental Disabilities Community Services)

[Filed August 5, 2025, 10:53 a.m., effective September 5, 2025]

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

Purpose: Amend 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? These amendments add cross-references to the certification chapter recently adopted by the home and community living administration (HCLA) under chapter 388-825A WAC, and require contracted providers to be certified under the same chapter 388-825A WAC as state-operated providers.

Effective May 1, 2025, developmental disabilities administration (DDA) moved under HCLA. The former DDA will be known as the developmental disabilities community services division within HCLA.

Citation of Rules Affected by this Order: Amending WAC 388-833-0017 and 388-833-0019.

Statutory Authority for Adoption: RCW 71A.12.030.

Adopted under notice filed as WSR 25-13-019 on June 6, 2025.

A final cost-benefit analysis is available by contacting Melanie Ingram, P.O. Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email melanie.ingram@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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: August 5, 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 re-view 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.