

WSR 26-03-087
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)

(Developmental Disabilities Community Services)

[Filed January 20, 2026, 2:42 p.m., effective January 20, 2026, 2:42 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amending WAC 388-101D-0485 Community protection—Treatment plan, and 388-101D-0490 Community protection—Client records. The department of social and health services is revising this rule due to changes in what services may be provided under a 1915c waiver.

Citation of Rules Affected by this Order: Amending WAC 388-101D-0485 and 388-101D-0490.

Statutory Authority for Adoption: RCW 71A.12.030 and 71A.12.200.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: To comply with federal funding requirements as communicated by the Centers for Medicare and Medicaid Services. Developmental disabilities community services is coordinating with residential care services and the health care authority to remove certain therapies from the community protection waiver and therefore can no longer require waiver providers to maintain copies of care plans that are used only in therapeutic settings. This rule is necessary to permit waiver providers to serve clients in a way that does not conflict with federal rules for waiver funding.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.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: January 16, 2026.

Katherine I. Vasquez
Rules Coordinator

SHS-5123.2

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

WAC 388-101D-0485 ((Community protection—Treatment)) How does a provider use a treatment plan((-)) when developing restrictive procedures? ((The community protection service provider must implement the

client's)) A provider must use the treatment plan ((as written by a qualified professional/therapist in accordance with any procedures published by the department)), if available, when gathering information for a functional assessment related to a target behavior. To implement a restrictive procedure based on the recommendations in a treatment plan, the provider must still meet the requirements in WAC 388-101D-0430.

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

WAC 388-101D-0490 Community protection—Client records. In addition to all other client record requirements in this chapter, community protection service providers must include the following in the client's record:

- (1) Psychosexual (~~and/~~) or psychological evaluations or both and risk assessments;
- (2) Plans and assessments including:
 - (a) The written individual plan;
 - (b) The functional assessment;
 - (c) The positive behavior support plan; and
 - (d) A therapist approved treatment plan, if available.
- (3) The client's sex offender registration with law enforcement authorities when required by law;
- (4) Notice to the division of developmental disabilities of the client's sex offender registration; and
- (5) Agreements, requirements, and plans, including the chaperone agreement, with individuals who support the client.