



**STATE OF WASHINGTON**  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
*Aging and Long-Term Support Administration*  
*PO Box 45600, Olympia, WA 98504-5600*

July 20, 2016

**AL TSA: ESF #2016-007**  
**CR-103P PERMANENT RULE FILING 388-107 WAC**  
**ENHANCED SERVICES FACILITIES**

Dear Enhanced Services Facilities, Interested Parties and/or Stakeholders:

In May 2015, the department informed you that in order to qualify for federal matching funds, the Enhanced Services Facilities (ESF) program must conform to federal CMS Home and Community Based Services (HCBS) requirements. These federal requirements became effective after the initial ESF rules were adopted, necessitating a change to the rules in order to ensure that payments for ESF services will qualify for federal funding. Additional rule changes were needed to align the rules with recently passed legislation, align resident rights and person-centered services plans to Home and Community Based Services waiver, and revise minimum staffing requirements and building requirements.

The department initially revised the licensing rules using the Emergency Rule-Making process and then eventually filed the formal proposed rule. RCS involved potential ESF providers, Department of Health Construction Review Services (CRS) and Home and Community Services (HCS) to discuss these rule changes. During the rule making process some rules were edited due to rule formatting needs. Some minor edits were made to the proposed rules as a result of comments received indicating a few rules lacked clarity with the current language or the language of the rule was inaccurate. These edits include:

- WAC 388-107-0110 Wording change needed to ensure the responsibility of development of the initial person-centered service plan is that of the enhanced services facility, not the person-centered service team.
- WAC 388-107-0120 Wording change needed to ensure the responsibility of development of the individual comprehensive service plan is that of the enhanced services facility, not the person-centered service team.
- WAC 388-107-0130 Wording change needed to ensure the responsibility of development of the ongoing comprehensive person-centered service plan is that of the enhanced services facility, not the person-centered service team.
- WAC 388-107-0140 Wording change needed to ensure the responsibility of implementing of the person-centered service plan is that of the enhanced services facility, not the person-centered service team.
- WAC 388-107-0150 Wording change to streamline the responsibilities of the facility and the department case manager.
- WAC 388-107-0160 Wording change needed to ensure the responsibility of development and implementation of the behavioral support plan is that of the enhanced services facility, not the person-centered service team.
- WAC 388-107-0190(7) Rights of residents was reworded to help simplify the understanding of modification need when addressing 42 C.F.R. Sec 441.301(c)(4)(vi)(A) through (D).

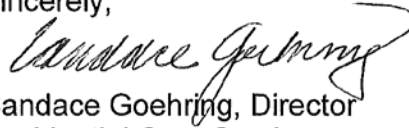
Dear ESF Provider  
July 20, 2014  
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A CR-103P (permanent rule) was filed on July 1, 2016 and this rule will take effect on August 1, 2016. The CR-103P is available on the AL TSA website at <https://www.dshs.wa.gov/altsa/residential-care-services/enhanced-services-facilities> under the heading, "ESF Rule Filings".

Please allow at least two weeks after the full text of the rule is published in the Washington State Register (WSR 16-14-078) for the permanent rule online to reflect these changes.

If you have questions about the proposed rules, please contact [Penny Rarick](#), ESF Program Manager, at (360) 725-3210.

Sincerely,



Candace Goehring, Director  
Residential Care Services

*"Transforming Lives"*