



PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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DATE: May 24, 2022

TIME: 2:27 PM

WSR 22-12-030

Agency: DSHS / Division of Vocational Rehabilitation

Subject of possible rule making:

References in WAC 388-891A-0610 and 388-891A-0890, and possible other sections in chapter 388-891A addressing Post-Employment Services (amend).

Statutes authorizing the agency to adopt rules on this subject: RCW 74.29.020(8) and 74.29.050

Reasons why rules on this subject may be needed and what they might accomplish: DVR received recent guidance from the Rehabilitation Services Administration (RSA) that clarifies RSA's interpretation of when vocational rehabilitation agencies may provide post-employment services under the Rehabilitation Act. RSA's interpretation is inconsistent with how Washington VR currently provides Post-Employment services and how it is defined in WAC. Provision of Post-Employment Services is subject to receipt of federal funding and continuing to apply Washington Administrative Codes as currently written will place DVR out of compliance with federal guidance and could jeopardize its ability to receive federal funding. If DVR chose not to pursue an emergency rule it could be interpreted to be in violation of RCW 74.29.050. The Attorney General's Office, Client Assistance Program, and the Washington State Rehabilitation Council have been consulted and support DVR's reasons for the rule making.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: DVR will continue to review guidance and information received from Rehabilitation Service Administration in order to coordinate the rule making.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The Division invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.


Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Terry Redmon
Address: 4565 7th Ave SE
Phone: 360-725-3636
Fax: 360-438-8007
TTY:
Email:
Web site: dshs.wa.gov/dvr
Other:

(If necessary)

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

Additional comments:

Date: May 21, 2022	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	