



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 19, 2023

TIME: 9:05 AM

WSR 23-22-009

**Agency:** Department of Social and Health Services' Developmental Disabilities Administration

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) October 24, 2023

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** DDA is enacting these changes on an emergency basis in order to align with amendments to home and community-based services waivers as approved by the Centers for Medicare and Medicaid Services.

**Citation of rules affected by this order:**

New:  
 Repealed:  
 Amended: WAC 388-845-1105, 388-845-1505, and 388-845-3062  
 Suspended:

**Statutory authority for adoption:** RCW 34.05.350, RCW 71A.12.030, RCW 71A.12.120

**Other authority:**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- 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:** Enacting these rules on an emergency basis is necessary to ensure federal compliance and maintain federal funding for the state. Aligning rules with approved waiver amendments provides assurances required under 42 CFR 441.301. This is the second emergency filing on these sections and is necessary to keep the amendments in effect until DDA completes the permanent rulemaking process. DDA is proceeding with permanent adoption and filed the CR-102 for these sections under WSR 23-22-001.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended 3 Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	<u>3</u>	Repealed	____

<b>Date Adopted:</b> October 19, 2023	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

AMENDATORY SECTION (Amending WSR 21-19-108, filed 9/20/21, effective 10/21/21)

**WAC 388-845-1105 Who is a qualified provider of stabilization services - crisis diversion bed?** Providers of stabilization services - crisis diversion beds must be:

- (1) DDA certified residential agencies per chapter 388-101 WAC;
- (2) Other department licensed or certified agencies; ~~((~~o~~))~~
- (3) State-operated agencies ~~((~~o~~))~~; or
- (4) Other agencies licensed by the department of children, youth, and families under chapter 110-145 WAC and contracted with DDA to provide services under chapter 388-833 WAC.

AMENDATORY SECTION (Amending WSR 21-19-108, filed 9/20/21, effective 10/21/21)

**WAC 388-845-1505 Who are qualified providers of residential habilitation services for the core waiver?** Providers of residential habilitation services for participants in the core waiver must be one of the following:

- (1) Individuals contracted with DDA to provide residential support as a "companion home" provider;
- (2) Individuals and agencies contracted with DDA to provide ~~((training))~~ services as an ~~((~~u~~))~~ alternative living provider ~~((~~u~~))~~ under chapter 388-829A WAC;
- (3) Agencies contracted with DDA and certified per chapter 388-101 WAC;
- (4) State-operated living alternatives (SOLA); or
- (5) Licensed and contracted:
  - (a) Group care facilities and staffed residential homes under chapter 110-145 WAC;
  - (b) Child foster homes under chapter 110-148 WAC; or
  - (c) Child placing agencies under chapter 110-147 WAC.

AMENDATORY SECTION (Amending WSR 21-19-108, filed 9/20/21, effective 10/21/21)

**WAC 388-845-3062 Who is required to sign the person-centered service plan and how can it be signed?** (1) If you do not have a legal representative, you must sign the person-centered service plan.

(2) If you have a legal representative, your legal representative must sign the person-centered service plan.

(3) If you need assistance to understand your person-centered service plan, DDA will follow the steps outlined in WAC 388-845-3056(1) and (3).

(4) You choose how to sign your person-centered service plan - with a pen, an electronic signature, or a voice signature.