



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 22, 2021

TIME: 8:39 AM

WSR 22-01-216

**Agency:** Department of Social and Health Services, Developmental Disabilities Administration (DDA)

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

Yes  No If Yes, explain:

**Purpose:** DDA amended WAC 388-845-2110 to adjust the criteria for who can receive supported employment services. Additional amendments align with approved HCBS waivers by: replacing "community access" with the service's new name, "community inclusion"; and removing prevocational services, which are no longer available through DDA's HCBS waivers.

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

New:

Repealed:

Amended: WAC 388-845-2110

Suspended:

**Statutory authority for adoption:** RCW 71A.12.030

**Other authority:** 71A.12.040

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 21-22-082 on November 1, 2021 (date).

Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___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

New	___	Amended	<u>1</u>	Repealed	___
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**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>1</u>	Repealed	___

**Date Adopted:** December 21, 2021

**Name:** Donald Clintsman

**Title:** DSHS Acting Secretary

**Signature:**



**WAC 388-845-2110 Are there limits to the supported employment services you may receive?** The following limits apply to your receipt of supported employment services:

(1) To receive supported employment services, you must be age ~~((twenty))~~:

(a) 20 and graduating from high school before your July or August twenty-first birthday (~~((age twenty-one))~~):

(b) 21 and (~~((graduated from))~~) no longer eligible to enroll in high school (~~((r))~~); or (~~((age twenty-two))~~)

(c) 22 or older (~~((to receive supported employment services;))~~).

(2) Payment for individual supported employment services excludes the supervisory activities rendered as a normal part of the business setting (~~((r))~~).

(3) You will not be authorized to receive supported employment services in addition to community (~~((access or prevocational))~~) inclusion services (~~((r and))~~).

(4) Your service hours are determined by the assistance you need to reach your employment outcomes as described in WAC 388-828-9325 and might not equal the number of hours you spend on the job or in job related activities.