



# 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: June 02, 2023

TIME: 10:39 AM

WSR 23-12-061

**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 is amending these rules to: add and revise definitions for the chapter; add options for how an assessment is completed; clarify when and where home visits occur; and require case managers to request to view the living quarters of all clients receiving a paid service.

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

New:

Repealed:

Amended: WAC 388-828-1020 and 388-828-1520

Suspended:

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

**Other authority:** RCW 71A.16.050 and 71A.12.310

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

Adopted under notice filed as WSR 23-05-064 on February 13, 2023 (date).

Describe any changes other than editing from proposed to adopted version: In WAC 388-828-1520 (2), DDA changed "must conduct a home visit" to "must ask permission to view your living quarters during a home visit."

This change was made to clarify that RCW 71A.12.310 does not require the home visit to occur, and instead, requires the case manager to ask permission to view the client's living quarters.

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

Name: Chantelle Diaz

Address: P.O Box 45310, Olympia, WA 98504-5310

Phone:

Fax: 360-407-0955

TTY: 1-800-833-6388

Email: [Chantelle.Diaz@dshs.wa.gov](mailto:Chantelle.Diaz@dshs.wa.gov)

Web site:

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	<u>2</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>2</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>2</u>	Repealed	___

**Date Adopted:** June 2, 2023

**Name:** Lisa Yanagida

**Title:** DSHS Chief of Staff

**Signature:**



**WAC 388-828-1020 What definitions apply to this chapter?** The following definitions apply to this chapter:

"AAIDD" means the American Association on Intellectual and Developmental Disabilities.

"Acuity Scale" refers to an assessment tool that is intended to provide a framework for documenting important assessment elements and for standardizing the key questions that should be asked as part of a professional assessment. The design helps provide consistency from client to client by minimizing subjective bias and assists in promoting objective assessment of a person's support needs.

"Administration" means the developmental disabilities administration of the department of social and health services.

"Adult family home" or "AFH" means a residential home in which a person or ~~((persons))~~ entity is licensed to provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood, adoption, or marriage to ((the person or persons providing the services per chapter 388-76 WAC)) a provider, entity representative, resident manager, or caregiver who resides in the home. An adult family home may be licensed to provide care to up to eight adults if the home receives approval under chapter 388-76 WAC.

"Agency provider" means a business that is licensed, certified, or both, and that is contracted with the department or a county to provide DDA services.

"Algorithm" means a numerical formula used by the DDA assessment for one or more of the following:

- (1) Calculation of assessed information to identify a client's relative level of need; and
- (2) Assignment of a service level to support a client's assessed need.

"Authorization" means DDA approval of funding for a service as identified in the person-centered service plan or evidence of payment for a service.

"CARE" refers to the comprehensive assessment reporting evaluation assessment per chapter 388-106 WAC.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(~~((+3))~~) who also has been determined eligible to receive services by the administration under chapter 71A.16 RCW.

"Collateral contact" means a person or agency that is involved in the client's life such as legal guardian, family member, care provider, or friend.

"Companion home" is a DDA contracted residential service that provides ~~((twenty-four))~~ 24 hour training, support, and supervision, to one adult living with a paid provider.

"Contracted provider" means an individual provider contracted with the department, individual provider employed by the consumer directed employer, or an individual or agency who is one or more of the following: Licensed, certified, or contracted by the department to provide services to DDA clients.

"DDA" means the developmental disabilities administration of the department of social and health services.

"Department" means the department of social and health services (DSHS).

"Group home" or "GH" means a licensed adult family home or assisted living facility contracted and certified to provide residential services and support to adults with developmental disabilities.

"Home visit" means viewing a client's living quarters with the client present.

~~"ICF/IID" means a ((facility)) medicaid-certified ((as an intermediate care)) facility ((for individuals with intellectual disabilities)) operating under Title XIX of the Social Security Act in 42 C.F.R. 440-150 to ((provide)) furnish health or rehabilitation services ((to DDA clients)).~~

"ICF/IID level of care" is a standardized assessment of a client's need for ICF/IID level of care per 42 C.F.R. Sec. 440 and 42 C.F.R. Sec. 483. In addition, ICF/IID level of care refers to one of the standards used by DDA to determine whether a client meets minimum eligibility criteria for one of the DDA HCBS waivers or the community first choice program.

"Legal guardian" means a person/agency, appointed by a court, who is authorized to make some or all decisions for a person determined by the court to be incapacitated. In the absence of court intervention, parents remain the legal guardians for their child until the child reaches the age of ~~((eighteen))~~ 18.

"Living quarters" means the client's bedroom and main living area(s).

"LOC score" means a level of care score for answers to questions in the support needs assessment for children that are used in determining if a client meets eligibility requirements for ICF/IID level of care.

"Panel" refers to the visual user-interface in the DDA assessment computer application where assessment questions are typically organized by topic and you and your respondents' answers are recorded.

"Person-centered service plan (PCSP)" is a document that identifies your goals and assessed health and welfare needs. Your person-centered service plan also indicates the paid services and natural supports that will assist you to achieve your goals and address your assessed needs.

"Raw score" means the numerical value when adding a person's "frequency of support," "daily support time," and "type of support" scores for each activity in the support needs and supplemental protection and advocacy scales of the supports intensity scale (SIS) assessment.

~~"Residential habilitation center" or "RHC" is a state-operated facility ((certified to provide ICF/IID or nursing facility level of care for persons with developmental disabilities per chapter 71A.20 RCW)) under RCW 71A.20.020.~~

"Respondent" means the adult client or another person familiar with the client who participates in the client's DDA assessment by answering questions and providing information. Respondents may include DDA contracted providers.

~~((("SIS" means the supports intensity scale developed by the American Association of Intellectual and Developmental Disabilities (AAIDD).))~~

"Service provider" refers to a department contracted agency or person who provides services to DDA clients. Also refers to state operated living alternative programs (SOLA).

"Significant change assessment" means a DDA assessment completed any time a change is reported in a client's support needs, such as an increased need for medical or behavioral supports.

"SIS" means the supports intensity scale developed by the American Association of Intellectual and Developmental Disabilities (AAIDD).

"SOLA" means a state operated living alternative program for adults that is operated by DDA.

"State supplementary payment" or "SSP" is the state paid cash assistance program for certain DDA eligible Social Security income clients per chapter 388-827 WAC.

"Supported living" or "SL" refers to residential services provided by DDA certified residential agencies to clients living in homes that are owned, rented, or leased by the clients or their legal representatives.

"Waiver respite care" means short-term intermittent relief for persons normally providing care to individuals who are authorized to receive services available in the individual and family services (IFS), children's intensive in-home behavioral support (CIIBS), basic plus, and core waivers per chapter 388-845 WAC.

"You" and "your" means the client.

AMENDATORY SECTION (Amending WSR 17-12-012, filed 5/26/17, effective 6/26/17)

**WAC 388-828-1520 Where is the DDA assessment ((and reassessment)) administered and when do home visits occur?** (1) ((DDA)) Initial, annual, and significant change assessments ((and reassessments)) are administered at a location and in a way that is convenient to you, such as:

- (a) In-person at your home ((or place of residence.));
- (b) In-person in another setting;
- (c) Remotely using approved technology; or
- (d) A combination of in-person and remote.

~~((2))~~ If you receive or plan to receive a DDA-paid service in your home or place of residence and the DDA assessment is not administered in your home or place of residence, DDA will conduct a follow-up home visit to ensure your person-centered service plan/individual support plan can be implemented in your living environment.)

~~((3))~~ (2) If your initial, annual, or significant change assessment is not completed face-to-face in your home, DDA must still see you in person. ((receive or plan to receive a DDA-paid service in your home or place of residence,)) DDA must ((ask permission to)) ask permission to view your living quarters during ((the DDA assessment or follow-up)) a home visit.

(3) DDA may conduct a home visit:

- (a) During your assessment;
- (b) Up to 30 days before or after your assessment;
- (c) Up to 30 days after you move from an institutional setting to

a community-based setting.