



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: June 29, 2021

TIME: 3:45 PM

WSR 21-14-036

**Agency:** DSHS / Division of Vocational Rehabilitation

**Title of rule and other identifying information:** (describe subject) WAC 388-891A-0220, What is the client assistance program (CAP)?

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The current proposal would update the contact information for the Client Assistance Program (CAP).

**Reasons supporting proposal:** Staff at CAP are making a change in the form of contact that they use to receive inquiries from recipients of vocational rehabilitation services. The changes will ensure there is no delay or loss of support and access for recipients of vocational rehabilitation services who need assistance from CAP.

**Statutory authority for adoption:** RCW 74.29.020(8)

**Statute being implemented:** NA

**Is rule necessary because of a:**

|                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Name of proponent:** (person or organization) DSHS / Division of Vocational Rehabilitation

Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

|                 | Name                | Office Location                   | Phone        |
|-----------------|---------------------|-----------------------------------|--------------|
| Drafting:       | Robert St. Lawrence | 4565 7th Ave SE, Lacey, WA. 98503 | 360-725-3620 |
| Implementation: | DVR Policy          | 4565 7th Ave SE, Lacey, WA. 98503 | 360-725-3636 |
| Enforcement:    | NA                  |                                   |              |

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** NA

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.


**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** This change solely updates the contact information by which a customer can reach the client assistance program, a significant policy stakeholder for the Division of Vocational Rehabilitation and provider for recipients of vocational rehabilitation services. While the language also includes a change from a TTY toll-free number to a phone number that can receive text messages, this does not represent a substantive change in the mode of contact and has been requested by the client assistance program.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: DSHS Rules Coordinator  
Agency: Department of Social and Health Services  
Address: PO Box 45850, Olympia WA 98504-5850  
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Other:

**AND RECEIVED BY** (date) September 7, 2021

|                                      |   |
|--------------------------------------|---|
| <b>Date:</b> 6/29/2021               | <b>Signature:</b><br> |
| <b>Name:</b> Katherine I. Vasquez    |   |
| <b>Title:</b> DSHS Rules Coordinator |   |

**WAC 388-891A-0220 What is the client assistance program (CAP)?**

(1) The client assistance program (CAP) is a program independent of DVR that offers information and advocacy regarding your rights as a DVR customer and offers assistance to help you receive services.

(2) You may ask for help or information from CAP at any time during the rehabilitation process by asking a DVR staff person for information about how to contact CAP ~~((or))~~, by calling or texting CAP at ~~((206-721-5999 or toll free at 1-800-544-2121 voice/TTY))~~ 206-849-2939, or by accessing the CAP website at <http://www.washingtoncap.org>.

(3) A CAP representative may represent you with DVR if a disagreement occurs that you cannot resolve on your own. CAP attempts to resolve disagreements informally through discussions with the DVR employee(s) involved as a first step. If informal efforts are not successful, CAP may represent you in mediation and in a fair hearing.

(4) CAP services are available at no cost to you.