



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Social and Health Services, Aging and Disability Services Administration

- Preproposal Statement of Inquiry was filed as WSR 09-04-092
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)  
 The department is amending Chapter 388-825 WAC, DDD Service Rules  
 See attachment for specific sections.

**Hearing location(s):**  
 Blake Office Park East – Rose Room  
 4500 – 10<sup>th</sup> Ave. SE  
 Lacey, Washington 98503  
 (One block north of the intersection of Pacific Ave.  
 SE and Alhadeff Lane. A map or directions are  
 available at  
<http://www.dshs.wa.gov/msa/rpau/docket.html> or  
 by calling 360-664-6094)  
 Date: **August 25, 2009** Time: **10:00 a.m.**

**Submit written comments to:**  
 Name: DSHS Rules Coordinator  
 Address: PO Box 45850, Olympia WA, 98504-5850  
 Delivery: 4500 – 10<sup>th</sup> Ave. SE, Lacey, Washington 98503  
 E-mail: [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
 Fax: (360) 664-6185  
 by  
**5 p.m. on August 25, 2009**

**Assistance for persons with disabilities:** Contact Jennisha Johnson, DSHS Rules Consultant by August 11, 2009  
 TTY (360) 664-6178 or (360) 664-6094 or  
 by e-mail at [johnsjl4@dshs.wa.gov](mailto:johnsjl4@dshs.wa.gov)

**Date of intended adoption:** Not earlier than August 26, 2009  
 (Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
 These proposed rules amend chapter 388-825 WAC to repeal the Family Support program rules. The family Support rules have been adopted in chapter 388-832 WAC, the Individual and Family Services Program. These amendments also clarify existing language and update sections to maintain consistency with other WAC chapters.

**Statutory authority for adoption:**  
 RCW 71A.12.030, RCW 71A.12.040

**Statute being implemented:**  
 Title 71A RCW

**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:

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

DATE: July 06, 2009

TIME: 11:46 AM

**WSR 09-15-020**

**DATE**  
 June 23, 2009

**NAME** (type or print)  
 Stephanie Schiller

**SIGNATURE**

**TITLE**  
 DSHS Rules Coordinator

(COMPLETE REVERSE SIDE)

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

None

**Name of proponent:** (person or organization) Department of Social and Health Services

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Debbie Roberts	640 Woodland Square Loop SE Lacey, WA 98503-1045 PO Box 45310, Olympia, WA 98507-5310 E-mail roberdx@dshs.wa.gov	(360) 725-3400 FAX (360) 404-0955
Implementation.... Shannon Manion	640 Woodland Square Loop SE Lacey, WA 98503-1045 PO Box 45310, Olympia, WA 98507-5310 E-mail manionsk@dshs.wa.gov	(360) 725-3454 FAX (360) 404-0955
Enforcement..... Don Clintsman	640 Woodland Square Loop SE Lacey, WA 98503-1045 PO Box 45310, Olympia, WA 98507-5310 E-mail ClintDL@dshs.wa.gov	(360) 725-3452 FAX (360) 404-0955

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( )

fax ( )

e-mail

No. Explain why no statement was prepared. DDD has analyzed these rules and concluded that they do not impact small businesses or small non-profits

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( )

fax ( )

e-mail

No: Please explain: These rules are exempt from the preparation of a CBA pursuant to RCW 34.05.328(5)(b)(ii) and (vii) as they incorporate RCW 71A.12.161, clarify rules without changing their effect and relate only to client medical or financial eligibility

**Attachment to CR-102**  
**INDIVIDUAL AND FAMILY SERVICES PROGRAM**  
**SUMMARY OF RULES**  
**June 2009**

<b>Washington Administrative Code</b>	<b>Effect of Rule</b>
<b>388-825-020 – Definitions (Amended)</b>	Adds or amends definitions used in this chapter
<b>388-825-081 (Amended)</b>	Housekeeping changes
<b>388-825-083 (Amended)</b>	Housekeeping changes
<b>388-825-084 (Amended)</b>	Housekeeping change to remove the Family Support references that are now located in chapter 388-832 WAC
<b>388-825-089 (Amended)</b>	Corrects terminology to state operated instead of state-only
<b>388-825-100 (Amended)</b>	Removes the requirement to send mailings to both parents and under age children separately.
<b>388-825-103 (Amended)</b>	Updates WAC references and adds “denial or termination of the provider of your choice” as a reason you will receive notice from DDD.
<b>388-825-120 (Amended)</b>	Housekeeping changes and clarification of language.
<b>388-825-140 (Amended)</b>	Clarifies language.
<b>388-825-165 (Amended)</b>	Clarifies language.
<b>388-825-325 (Amended)</b>	Adds the CIIBS Waiver.
<b>388-825-330 (Amended)</b>	Changes “wait” list to “request” list
<b>388-825-365 (Amended)</b>	Changes “wait” list to “request” list and allows a client to remain on the request list if in a temporary placement with plans to return home
<b>388-825-375 (Amended)</b>	Changes “wait” list to “request” list
<b>388-825-160 (Repealed)</b>	Repealed
<b>388-825-200 (Repealed)</b>	Repealed
<b>388-825-205 (Repealed)</b>	Repealed
<b>388-825-210 (Repealed)</b>	Repealed
<b>388-825-220 (Repealed)</b>	Repealed
<b>388-825-222 (Repealed)</b>	Repealed
<b>388-825-224 (Repealed)</b>	Repealed
<b>388-825-226 (Repealed)</b>	Repealed
<b>388-825-228 (Repealed)</b>	Repealed
<b>388-825-230 (Repealed)</b>	Repealed
<b>388-825-232 (Repealed)</b>	Repealed
<b>388-825-234 (Repealed)</b>	Repealed
<b>388-825-236 (Repealed)</b>	Repealed
<b>388-825-238 (Repealed)</b>	Repealed
<b>388-825-240 (Repealed)</b>	Repealed
<b>388-825-242 (Repealed)</b>	Repealed

**Attachment to CR-102  
SUMMARY OF RULES  
June 2009**

<b>Washington Administrative Code</b>	<b>Effect of Rule</b>
<b>388-825-244 (Repealed)</b>	Repealed
<b>388-825-246 (Repealed)</b>	Repealed
<b>388-825-248 (Repealed)</b>	Repealed
<b>388-825-250 (Repealed)</b>	Repealed
<b>388-825-252 (Repealed)</b>	Repealed
<b>388-825-253 (Repealed)</b>	Repealed
<b>388-825-254 (Repealed)</b>	Repealed
<b>388-825-256 (Repealed)</b>	Repealed
<b>388-825-500 (Repealed)</b>	Repealed
<b>388-825-505 (Repealed)</b>	Repealed
<b>388-825-510 (Repealed)</b>	Repealed
<b>388-825-512 (Repealed)</b>	Repealed
<b>388-825-513 (Repealed)</b>	Repealed
<b>388-825-514 (Repealed)</b>	Repealed
<b>388-825-516 (Repealed)</b>	Repealed
<b>388-825-520 (Repealed)</b>	Repealed
<b>388-825-524 (Repealed)</b>	Repealed
<b>388-825-528 (Repealed)</b>	Repealed
<b>388-825-532 (Repealed)</b>	Repealed
<b>388-825-534 (Repealed)</b>	Repealed
<b>388-825-536 (Repealed)</b>	Repealed
<b>388-825-538 (Repealed)</b>	Repealed
<b>388-825-540 (Repealed)</b>	Repealed
<b>388-825-544 (Repealed)</b>	Repealed
<b>388-825-548 (Repealed)</b>	Repealed
<b>388-825-552 (Repealed)</b>	Repealed
<b>388-825-554 (Repealed)</b>	Repealed
<b>388-825-558 (Repealed)</b>	Repealed
<b>388-825-560 (Repealed)</b>	Repealed
<b>388-825-562 (Repealed)</b>	Repealed
<b>388-825-564 (Repealed)</b>	Repealed
<b>388-825-572 (Repealed)</b>	Repealed

**Attachment to CR-102  
SUMMARY OF RULES  
June 2009**

<b>Washington Administrative Code</b>	<b>Effect of Rule</b>
<b>388-825-575 (Repealed)</b>	Repealed
<b>388-825-576 (Repealed)</b>	Repealed
<b>388-825-578 (Repealed)</b>	Repealed
<b>388-825-581 (Repealed)</b>	Repealed
<b>388-825-584 (Repealed)</b>	Repealed
<b>388-825-586 (Repealed)</b>	Repealed
<b>388-825-588 (Repealed)</b>	Repealed
<b>388-825-591 (Repealed)</b>	Repealed
<b>388-825-595 (Repealed)</b>	Repealed

AMENDATORY SECTION (Amending WSR 08-11-072, filed 5/19/08, effective 6/19/08)

**WAC 388-825-020 Definitions.** "Authorization" means DDD approval of funding for a service as identified in the individual support plan or evidence of payment for a service.

**"Client or person"** 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 division under chapter 71A.16 RCW.

**"Department"** means the department of social and health services of the state of Washington.

**"Director"** means the director of the division of developmental disabilities.

**"Division or DDD"** means the division of developmental disabilities within the aging and disability services administration of the department of social and health services.

**"Family"** means relatives who live in the same home with the eligible client. Relatives include spouse or registered domestic partner; natural, adoptive or step parent((s)); grandparent((s)); ((brother; sister; stepbrother; stepsister)) child; stepchild; sibling; stepsibling; uncle; aunt; first cousin; niece; or nephew.

**"ICF/MR"** means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide diagnosis, treatment and rehabilitation services to the mentally retarded or persons with related conditions.

**"ICF/MR eligible"** for admission to an ICF/MR means a person is determined by DDD as needing active treatment as defined in CFR 483.440. Active treatment requires:

- (1) Twenty-four hour supervision; and
- (2) Continuous training and physical assistance in order to function on a daily basis due to deficits in the following areas: Toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication.

**"Individual support plan (ISP)"** is a document that authorizes and identifies the DDD paid services to meet a client's assessed needs.

**"Medicaid personal care"** is the provision of medically necessary personal care tasks as defined in chapter 388-106 WAC.

**"Residential habilitation center" or "RHC"** means a state-operated facility certified to provide ICF/MR and/or nursing facility level of care for persons with developmental disabilities.

**"Residential programs"** means provision of support for persons in community living situations. Residential programs include DDD certified community residential services and support, both facility-based such as licensed group homes, and nonfacility based, such as supported living and state-operated living alternatives (SOLA). Other residential programs include alternative living (as described in chapter 388-829A WAC, companion homes (as described in chapter 388-829C WAC), adult family homes, adult residential care services, children's foster homes, group care and staffed

residential homes.

**"Respite care"** means short-term intermittent relief for persons normally providing care for the individuals.

**"Secretary"** means the secretary of the department of social and health services or the secretary's designee.

**"State supplementary payment (SSP)"** is the state paid cash assistance program for certain DDD eligible SSI clients.

AMENDATORY SECTION (Amending WSR 08-11-072, filed 5/19/08, effective 6/19/08)

**WAC 388-825-081 Can I receive state-only funded services that are not available in a DDD HCBS waiver?** You may be authorized to receive state-only funded services that are available in other DSHS rules as defined below:

- (1) Adult day care (WAC 388-106-0800);
- (2) Attendant care (WAC 388-825-082);
- (3) Childcare for foster children (chapter 388-826 WAC);
- (4) Chore services (chapter 388-106 WAC);
- (5) ~~((Supported living allowance (chapter 388-101 WAC);~~
- ~~(6))~~ Individual and family assistance by the county (WAC 388-825-082);
- ~~((7))~~ (6) Information and education by the county (WAC 388-825-082);
- ~~((8))~~ (7) Medical and dental services (WAC 388-825-082);
- ~~((9))~~ (8) Psychological counseling (WAC 388-825-082);
- ~~((10))~~ (9) Reimbursement through ~~((a))~~ the individual and family support program to families for the purchase of approved items or service ((WAC 388-825-242)) (chapter 388-832 WAC);
- ~~((11))~~ (10) State supplementary payments (chapter 388-827 WAC); and
- ~~((12))~~ (11) Transportation reimbursement for an escort (WAC 388-825-082).

AMENDATORY SECTION (Amending WSR 08-11-072, filed 5/19/08, effective 6/19/08)

**WAC 388-825-083 Is there a comprehensive list of waiver and state-only DDD services?** For medicaid state plan services authorized by DDD, see WAC 388-825-068. The following is a list of waiver and state-only services that DDD can authorize and those services that can be either a waiver or a state-only service:

- (1) **Waiver personal care services that are not available with state-only funds include:**
  - (a) In-home services;
  - (b) Adult family home; and
  - (c) Adult residential care.
- (2) **Waiver services that can be funded as state-only services:**

- (a) Behavior management and consultation;
- (b) Community transition;
- (c) Environmental accessibility adaptations;
- (d) Medical equipment and supplies;
- (e) Occupational therapy;
- (f) Physical therapy;
- (g) Respite care;
- (h) Sexual deviancy evaluation;
- (i) Skilled nursing;
- (j) Specialized medical equipment or supplies;
- (k) Specialized psychiatric services;
- (l) Speech, hearing and language therapy;
- (m) Staff/family consultation and training;
- (n) Transportation/mileage;
- (o) Residential habilitation services (RHS), including:
  - (i) Alternative living;
  - (ii) Companion homes;
  - (iii) Supported living;
  - (iv) Group home;
  - (v) Child foster care;
  - (vi) Child group care;
  - (vii) Staffed residential; and
  - (viii) State operated ((~~SL~~)) living alternative (SOLA);
- (p) Employment/day programs, including:
  - (i) Community access;
  - (ii) Community guide;
  - (iii) Person-to-person;
  - (iv) Prevocational services; and
  - (v) Supported employment;
- (q) ITEIP/County programs, including child development services;
- (r) Mental health stabilization services, including:
  - (i) Behavior management and consultation;
  - (ii) Mental health crisis; and
  - (iii) Skilled nursing; and
- (s) Specialized psychiatric services.
- (3) **State-only services that are not available as a waiver service:**
  - (a) Adult day care;
  - (b) Architectural and vehicle modification;
  - (c) Attendant care;
  - (d) Child care for foster children;
  - (e) Chore services;
  - (f) Community services grant;
  - (g) Individual and family assistance;
  - (h) Information/education;
  - (i) Medical and dental services;
  - (j) Medical insurance copays and costs exceeding other coverage;
  - (k) Parent and sibling education;
  - (l) Parent training and counseling;
  - (m) Psychological counseling;
  - (n) Recreational opportunities;
  - (o) State supplementary payments;
  - (p) Specialized clothing;
  - (q) Specialized nutrition;

(r) (~~(s)~~) Supported living;  
(s)) Training of the client;  
(~~(t)~~) (s) Transportation - cost of escort service or travel time; and  
(~~(u)~~) (t) Reimbursement to families for the purchase of approved items or services.

AMENDATORY SECTION (Amending 08-11-072, filed 5/19/08, effective 6/19/08)

**WAC 388-825-084 What are the limitations of state-only funded services or programs?** In addition to any limitations for state-only funded services or programs that are contained in the program specific rules, the following limitations apply to state-only funded services and programs.

(1) All state-only funded services are limited by available funding.

(2) The following programs are closed to new admissions:

(a) Adult day care; and

(b) Attendant care.

(3) Chore services are limited to persons who were receiving the service in 1998 and who have continued to receive this service monthly.

~~((4) Traditional family support (TFS) is limited to persons enrolled in the program as of May 31, 1996. This program ends on June 30, 2008.~~

~~(5) Family support opportunity (FSO) is limited to persons enrolled in the program from June 1, 1996 through March 27, 2006. This program ends on June 30, 2008.~~

~~(6) Family support pilot (FSP) is limited to persons enrolled in the program March 28, 2006 or later. This program ends on June 30, 2008.)~~

AMENDATORY SECTION (Amending WSR 08-11-072, filed 5/19/08, effective 6/19/08)

**WAC 388-825-089 What is a residential habilitation center (RHC)?** A residential habilitation center or RHC is a ~~((state-only))~~ state-operated facility certified to provide ICF/MR services (see chapter 388-837 WAC) and/or nursing facility services (chapter 388-97 WAC) for persons who are eligible clients of DDD. RHCs include:

(1) Rainier School in Buckley, Washington;

(2) Francis Hadden Morgan Center in Bremerton, Washington;

(3) Fircrest School in Shoreline, Washington;

(4) Yakima Valley School in Selah, Washington; and

(5) Lakeland Village in Medical Lake, Washington.

AMENDATORY SECTION (Amending WSR 08-16-122, filed 8/5/08, effective 9/5/08)

**WAC 388-825-100 How will I be notified of decisions made by DDD?** (1) Whenever possible, DDD will notify all parties affected by the decision by phone or in person.

(2) If you are under the age of eighteen, written notifications will be mailed to:

(a) ~~((You, and~~

~~(b)))~~ Your parent; or

~~((c)))~~ (b) Your guardian or other legal representative.

(3) If you are age eighteen or older, written notifications will be mailed to you and:

(a) Your guardian or other legal representative; or

(b) A person identified by you to receive these notices in addition to yourself if you do not have a guardian or legal representative. Unless the person identified by you is a relative of yours, he or she cannot be an employee of DDD, a contractor with DDD or an employee of a contractor with DDD.

AMENDATORY SECTION (Amending WSR 08-04-072, filed 2/4/08, effective 3/6/08)

**WAC 388-825-103 When will I receive written notice of decisions made by DDD?** You will receive written notice from DDD of the following decisions:

(1) The denial or termination of eligibility for services under WAC ~~((388-825-030 and 388-825-035))~~ 388-825-057;

(2) Denial or termination of the provider of your choice for any reason listed in WAC 388-825-375 through 388-825-390;

(3) The authorization, denial, reduction, or termination of services or the payment of SSP set forth in chapter 388-827 WAC that are authorized by DDD;

~~((3)))~~ (4) The admission or readmission to, or discharge from a residential habilitation center~~((r))~~ set forth in WAC 388-825-155; or

~~((4)))~~ (5) Disenrollment from a DDD home and community based services waiver under WAC 388-845-0060, including a disenrollment from a waiver and enrollment in a different waiver.

AMENDATORY SECTION (Amending 06-19-037, filed 9/13/06, effective 10/14/06)

**WAC 388-825-120 When can I appeal department decisions through an administrative hearing process?** (1) Administrative hearings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter and by chapter 388-02 WAC. If any provision in this chapter conflicts

with chapter 388-02 WAC or WAC 388-440-0001(3), the provision in this chapter shall prevail.

(2) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to an administrative hearing.

(3) You have the right to an administrative hearing to dispute the following department actions:

(a) Authorization, denial, reduction, or termination of services;

(b) Reduction or termination of a service that was initially approved through an exception to rule;

(c) Authorization, denial, or termination of eligibility;

(d) Authorization, denial, reduction, or termination of payment of SSP authorized by DDD set forth in chapter 388-827 WAC;

(e) Admission or readmission to, or discharge from, a residential habilitation center set forth in WAC 388-825-155;

(f) Refusal to abide by your request not to send notices to any other person;

(g) Refusal to comply with your request to consult only with you;

(h) A decision to move you to a different type of residential service;

(i) Denial or termination of the provider of your choice or the denial of payment for any reason listed in WAC 388-825-375 through 388-825-390;

(j) An unreasonable delay to act on an application for eligibility or service;

(k) A claim the client, former client, or applicant owes an overpayment debt.

(4) If you are not enrolled in a waiver and your request to be enrolled in a waiver is denied, your appeal rights are limited to the decision that you are not eligible to have your request documented in a statewide data base because you do not need ICF/MR level of care per WAC 388-845-0070, 388-828-8040 or 388-828-8060.

AMENDATORY SECTION (Amending WSR 05-17-135, filed 8/19/05, effective 9/19/05)

**WAC 388-825-140 Who else can help me appeal a department decision?** Department staff may assist you in requesting an administrative hearing. ~~((However, you can))~~ You may authorize anyone except an employee of the department to represent you at an administrative hearing.

AMENDATORY SECTION (Amending 05-17-135, filed 8/19/05, effective 9/19/05)

**WAC 388-825-165** ~~((Can I appeal the initial order of the~~

~~administrative law judge)) Where can I find additional information about the appeal process? You may ((file a petition for administrative review, pursuant to)) find additional information governing the appeal process in chapter 388-02 WAC.~~

AMENDATORY SECTION (Amending 07-23-062, filed 11/16/07, effective 12/17/07)

**WAC 388-825-325** What are required skills and abilities for individuals and agencies contracted to provide respite care, personal care services through the medicaid personal care program or the DDD HCBS Basic, Basic Plus, CIIBS, or ((~~CORE~~))Core waivers, or attendant care services? (1) As a provider of respite care, personal care services through the medicaid personal care program or the DDD HCBS Basic, Basic Plus, CIIBS, or ((~~CORE~~))Core waivers, or attendant care services, you must be able to:

(a) Adequately maintain records of services performed and payments received;

(b) Read and understand the person's service plan. Translation services may be used if needed;

(c) Be kind and caring to the DSHS client for whom services are authorized;

(d) Identify problem situations and take the necessary action;

(e) Respond to emergencies without direct supervision;

(f) Understand the way your employer wants you to do things and carry out instructions;

(g) Work independently;

(h) Be dependable and responsible;

(i) Know when and how to contact the client's representative and the client's case resource manager;

(j) Participate in any quality assurance reviews required by DSHS;

(2) If you are working with an adult client of DSHS as a provider of attendant care, you must also:

(a) Be knowledgeable about the person's preferences regarding the care provided;

(b) Know the resources in the community the person prefers to use and enable the person to use them;

(c) Know who the person's friends are and enable the person to see those friends; and

(d) Enable the person to keep in touch with his/her family as preferred by the person.

AMENDATORY SECTION (Amending 05-17-135, filed 8/19/05, effective 9/19/05)

**WAC 388-825-330** What is required for agencies wanting to provide care in the home of a person with developmental

**disabilities?** (1) Agencies providing personal care or respite services must be licensed as a home care agency or a home health agency through the department of health per chapter 246-335 WAC.

(2) If a residential agency certified per (~~chapter 388-820 WAC~~) chapter 388-101 WAC wishes to provide medicaid personal care or respite care in the client's home, the agency must have home care agency certification or a home health license.

AMENDATORY SECTION (Amending 05-17-135, filed 8/19/05, effective 9/19/05)

**WAC 388-825-365 Are providers expected to report abuse, neglect, exploitation or financial exploitation?** Providers (~~are expected to~~) must report any abuse or suspected abuse immediately to child protective services, adult protective services or local law enforcement and make a follow-up call to the person's case manager.

AMENDATORY SECTION (Amending 07-23-062, filed 11/16/07, effective 12/17/07)

**WAC 388-825-375 When will the department deny payment for services of an individual or home care agency providing respite care, attendant care, or personal care services?** (1) The department will deny payment for the services of an individual or home care agency providing respite care, attendant care, or personal care who:

(a) Is the client's spouse, per 42 C.F.R. 441.360(g), except in the case of an individual provider for a chore services client. Note: For chore spousal providers, the department pays a rate not to exceed the amount of a one-person standard for a continuing general assistance grant, per WAC 388-478-0030;

(b) Is providing services under this chapter to their natural/step/adoptive minor client aged seventeen or younger;

(c) Has been convicted of a disqualifying crime, under RCW 43.43.830 and 43.43.842 or of a crime relating to drugs as defined in RCW 43.43.830;

(d) Has abused, neglected, abandoned, or exploited a minor or vulnerable adult, as defined in chapter 74.34 RCW;

(e) Has had a license, certification, or a contract for the care of children or vulnerable adults denied, suspended, revoked, or terminated for noncompliance with state and/or federal regulations;

(f) Does not successfully complete the training requirements within the time limits required in WAC 388-71-05665 through 388-71-05909; or

(g) Is terminated by the client (in the case of an individual provider) or by the home care agency (in the case of an agency

provider).

(2) In addition, the department may deny payment to or terminate the contract of an individual provider as provided under WAC 388-825-380, (~~388-825-381,~~) 388-825-385 and 388-825-390.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-825-160	When will a decision on my appeal be made?
WAC 388-825-200	What is the purpose of the family support opportunity program?
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