



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,

- Preproposal Statement of Inquiry was filed as WSR 09-13-029; or
- 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 plans to amend Chapter 388-828 WAC – Division of Developmental Disabilities, to ensure that it reflects changes that have been approved in Chapter 388-829C WAC “Companion homes”; Chapter 388-826 WAC “Voluntary Placement Services;” and Chapter 388-845 WAC “DDD home and Community Based Waivers” regarding the process DDD uses to determine respite.

Hearing location(s):

Blake Office Park East – Rose Room
4500 – 10th 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: **September 8, 2009** Time: **10:00 a.m.**

Submit written comments to:

Name: DSHS Rules Coordinator
Address: PO Box 45850, Olympia WA, 98504-5850
Delivery: 4500 – 10th Ave. SE, Lacey, Washington 98503
E-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
Fax: (360) 664-6185

by
5 p.m. on September 8, 2009

Assistance for persons with disabilities: Contact Jennisha Johnson, DSHS Rules Consultant by August 25, 2009
TTY (360) 664-6178 or (360) 664-6094 or
by e-mail at johnsjl4@dshs.wa.gov

Date of intended adoption: Not earlier than September 9, 2009 (Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of these rules is to amend Chapter 388-828 WAC “DDD Assessment Rules;” to ensure that they are consistent with rules

Reasons supporting proposal:

Implementation of a standardized tool for determining annual respite allocations will provide clients, providers and the public in general with information that explains how DDD determines the number of respite hours companion home clients may receive annually. The standardized tool will promote consistency in services determination so that clients with similar assessed support needs receive similar levels of service

Statutory authority for adoption:

RCW 71A.12.010 and RCW 71A.12.030

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:

DATE

July 23, 2009

NAME (type or print)

Stephanie Schiller

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 03, 2009

TIME: 8:48 AM

WSR 09-16-087

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..... Mark Eliason	640 Woodland Square Loop SE, Lacey, WA 98504	(360) 725-2517
Implementation.... Shaw Seaman	640 Woodland Square Loop SE, Lacey, WA 98504	(360) 725-3443
Enforcement..... Don Clintsman	640 Woodland Square Loop SE, Lacey, WA 98504	(360) 725-3426

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 identified 53 clients who receive companion home services. DDD has analyzed the proposed new rules and amendments and has determined that overall costs to companion home providers will be minor, if at all. This is based on a cost neutral approach to determining annual respite levels that is fair and equitable for all clients receiving companion home services. In addition, DDD is unable to determine if there is a disproportionate impact to companion home providers as all are considered small business. Based on this information, DDD has concluded that preparation of a SBEIS is not required.

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: Mark Eliason

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

phone (360) 725-2517

fax (360) 407-0955

e-mail eliasmr@dshs.wa.gov

No: Please explain:

NEW SECTION

WAC 388-828-5990 How does DDD determine your unadjusted respite assessment level if DDD has authorized you to receive companion home services per chapter 388-829C WAC? DDD determines your unadjusted respite assessment level for companion home services using the following table:

If your Protective Supervision Support Level is:	And your behavioral acuity level is:	Then your unadjusted respite assessment level is:
0	None	1
0	Low	1
0	Medium	2
0	High	2
1	None	1
1	Low	1
1	Medium	2
1	High	3
2 or 3	None	2
2 or 3	Low	2
2 or 3	Medium	2
2 or 3	High	4
4	None	2
4	Low	2
4	Medium	3
4	High	4
5	None	3
5	Low	3
5	Medium	4
5	High	5
6	None	3
6	Low	3

If your Protective Supervision Support Level is:	And your behavioral acuity level is:	Then your unadjusted respite assessment level is:
6	Medium	4
6	High	5

NEW SECTION

WAC 388-828-6010 How does DDD determine your companion home services support score per chapter 388-829C WAC?

If your unadjusted respite assessment level for companion home services in WAC 388-828-5990 is:	Then your companion home services support score is:
1	98
2	98
3	267
4	436
5	605

NEW SECTION

WAC 388-828-6011 How does DDD determine the number to use in the adjustment of your companion home services support score? DDD determines the amount of the adjustment for your companion home services support score using the following table:

If you are authorized to receive companion home services per chapter 388-829C and		Your ADL support needs level for the SIS per WAC 388-828-5480			
		None	Low	Medium	High
Your medical acuity level per WAC 388-828-5700	None	288	288	321	337
	Low	288	288	321	337

	Medium	288	343	402	443
	High	288	443	619	693

Example: If your ADL support needs level is "medium" and your medical acuity level is "medium," the amount of your adjustment is 402.

NEW SECTION

WAC 388-828-6012 How does DDD determine the number of respite hours you may receive annually if you are receiving companion home services? DDD determines the number of respite hours you may receive annually by adding your companion home services support score in WAC 388-828-6010 to your adjusted companion home services support score in WAC 388-828-6011.

Example: If your companion home services support score is 267 and adjusted companion home services support rating is 343, the number of respite hours you may receive annually is 610.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-230 Are companion home clients eligible to receive respite? Companion home clients are eligible to receive respite care to provide intermittent relief to the companion home provider. ~~((The level of respite available to the companion home must be identified in the companion home contract))~~ The DDD assessment will determine how much respite you can receive per chapter 388-828 WAC.