



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

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

Permanent Rule
 Emergency Rule

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)

Effective date of rule:

Emergency Rules

Immediately upon filing.
 Later (specify) **October 28, 2008**

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

Yes No If Yes, explain:

Purpose:

The purpose of this rule change is to implement the 17 level Medicaid payment system for Adult Family Homes (AFH) and licensed boarding homes with contracts to provide Assisted Living (AL), Adult Residential Care (ARC), and Enhanced Adult Residential Care (EARC) services.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 388-105-0005
Suspended: None

Statutory authority for adoption: RCW 74.39.030 and 18.20.290

Other authority : Section 206 (16), Chapter 329 Laws of 2008

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR _____ on _____, (date)
Describe any changes other than editing from proposed to adopted version:

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

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This emergency rule implements Chapter 329, Laws of 2008. Sec. 929 states, "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." This second emergency supersedes the first emergency filed as WSR 08-14-100. The department has circulated the rules through internal and external stakeholders, incorporated comments, and plans to file the CR 102 in December 2008.

Date adopted:

October 20, 2008

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: October 27, 2008
TIME: 6:34 AM

WSR 08-22-015

**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	<u>1</u>	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 in 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	___	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	___

AMENDATORY SECTION (Amending WSR 06-19-017, filed 9/8/06, effective 10/9/06)

WAC 388-105-0005 The daily Medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services. For contracted AFH and boarding homes contracted to provide AL, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
KING COUNTY					
CARE CLASSIFICATION	AL Without	AL With	ARC	EARC	AFH
	Capital Add-on	Capital Add-on			
A Low ((1))	\$(65.30) <u>69.22</u>	\$(70.41) <u>74.64</u>	\$(46.18) <u>48.95</u>	\$(46.18) <u>48.95</u>	\$(46.82) <u>48.32</u>
A Med ((2))	\$(70.71) <u>74.95</u>	\$(75.82) <u>80.37</u>	\$(52.40) <u>55.54</u>	\$(52.40) <u>55.54</u>	\$(53.13) <u>54.83</u>
A High ((3))	\$(79.34) <u>84.10</u>	\$(84.45) <u>89.52</u>	\$(66.92) <u>61.00</u>	\$(66.92) <u>61.00</u>	\$(59.45) <u>61.35</u>
B Low ((4))	\$(65.30) <u>69.22</u>	\$(70.41) <u>74.64</u>	\$(46.18) <u>48.95</u>	\$(46.18) <u>48.95</u>	\$(46.82) <u>48.56</u>
B Med ((5))	\$(72.87) <u>77.24</u>	\$(77.98) <u>82.66</u>	\$(58.62) <u>62.14</u>	\$(58.62) <u>62.14</u>	\$(59.45) <u>61.66</u>
<u>B Med-High</u>	<u>\$87.48</u>	<u>\$92.90</u>	<u>\$66.07</u>	<u>\$66.07</u>	<u>\$66.06</u>
B High ((6))	\$(86.88) <u>92.09</u>	\$(91.99) <u>97.51</u>	\$(75.23) <u>75.53</u>	\$(75.23) <u>75.53</u>	\$(67.85) <u>75.53</u>
C Low ((7))	\$(70.71) <u>74.95</u>	\$(75.82) <u>80.37</u>	\$(52.40) <u>55.54</u>	\$(52.40) <u>55.54</u>	\$(53.13) <u>54.83</u>
C Med ((8))	\$(79.34) <u>84.10</u>	\$(84.45) <u>89.52</u>	\$(66.92) <u>69.72</u>	\$(66.92) <u>69.72</u>	\$(67.85) <u>70.02</u>
C (High (9)) <u>Med-High</u>	\$(98.77) <u>104.70</u>	\$(103.88) <u>110.12</u>	\$(87.68) <u>92.94</u>	\$(87.68) <u>92.94</u>	\$(88.89) <u>91.73</u>
<u>C High</u>	<u>\$105.74</u>	<u>\$111.16</u>	<u>\$93.82</u>	<u>\$93.82</u>	<u>\$93.01</u>

D Low ((+10))	\$(72.87) <u>77.24</u>	\$(77.98) <u>82.66</u>	\$(58.62) <u>75.07</u>	\$(58.62) <u>75.07</u>	\$(67.85) <u>71.38</u>
D Med ((+11))	\$(79.34) <u>85.82</u>	\$(84.45) <u>91.24</u>	\$(66.92) <u>86.98</u>	\$(66.92) <u>86.98</u>	\$(76.28) <u>87.36</u>
<u>D Med-High</u>	<u>\$110.98</u>	<u>\$116.40</u>	<u>\$110.61</u>	<u>\$110.61</u>	<u>\$105.12</u>
D High ((+12))	\$(98.77) <u>119.59</u>	\$(103.88) <u>125.01</u>	\$(87.68) <u>119.59</u>	\$(87.68) <u>119.59</u>	\$(88.89) <u>119.69</u>
<u>E Med</u>	<u>\$144.53</u>	<u>\$149.95</u>	<u>\$144.53</u>	<u>\$144.53</u>	<u>\$144.63</u>
<u>E High</u>	<u>\$169.47</u>	<u>\$174.89</u>	<u>\$169.47</u>	<u>\$169.47</u>	<u>\$169.57</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
METROPOLITAN COUNTIES*					
			ARC	EARC	AFH
CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on			
A Low ((+1))	\$(59.90) <u>63.49</u>	\$(64.54) <u>68.41</u>	\$(46.18) <u>48.95</u>	\$(46.18) <u>48.95</u>	\$(46.82) <u>48.32</u>
A Med ((+2))	\$(63.15) <u>66.94</u>	\$(67.79) <u>71.86</u>	\$(50.32) <u>53.34</u>	\$(50.32) <u>53.34</u>	\$(51.03) <u>52.66</u>
A High ((+3))	\$(77.18) <u>81.81</u>	\$(81.82) <u>86.73</u>	\$(63.81) <u>58.17</u>	\$(63.81) <u>58.17</u>	\$(56.28) <u>58.08</u>
B Low ((+4))	\$(59.90) <u>63.49</u>	\$(64.54) <u>68.41</u>	\$(46.18) <u>48.95</u>	\$(46.18) <u>48.95</u>	\$(46.82) <u>48.56</u>
B Med ((+5))	\$(68.54) <u>72.65</u>	\$(73.18) <u>77.57</u>	\$(55.51) <u>58.84</u>	\$(55.51) <u>58.84</u>	\$(56.28) <u>58.37</u>
<u>B Med-High</u>	<u>\$82.29</u>	<u>\$87.21</u>	<u>\$62.57</u>	<u>\$62.57</u>	<u>\$62.60</u>
B High ((+6))	\$(84.73) <u>89.81</u>	\$(89.37) <u>94.73</u>	\$(71.08) <u>73.40</u>	\$(71.08) <u>73.40</u>	\$(64.70) <u>73.40</u>
C Low ((+7))	\$(63.15) <u>66.94</u>	\$(67.79) <u>71.86</u>	\$(50.32) <u>53.56</u>	\$(50.32) <u>53.56</u>	\$(51.03) <u>53.05</u>
C Med ((+8))	\$(77.18) <u>81.81</u>	\$(81.82) <u>86.73</u>	\$(63.81) <u>68.82</u>	\$(63.81) <u>68.82</u>	\$(64.70) <u>68.31</u>
C ((High +9)) <u>Med-High</u>	\$(95.52) <u>101.25</u>	\$(100.16) <u>106.17</u>	\$(81.45) <u>86.34</u>	\$(81.45) <u>86.34</u>	\$(82.59) <u>85.23</u>

<u>C High</u>	<u>\$102.26</u>	<u>\$107.18</u>	<u>\$91.84</u>	<u>\$91.84</u>	<u>\$90.43</u>
D Low ((+10))	\$(68.54) <u>72.65</u>	\$(73.18) <u>77.57</u>	\$(55.51) <u>74.04</u>	\$(55.51) <u>74.04</u>	\$(64.70) <u>69.80</u>
D Med ((+11))	\$(77.18) <u>83.48</u>	\$(81.82) <u>88.40</u>	\$(63.81) <u>85.24</u>	\$(63.81) <u>85.24</u>	\$(72.06) <u>85.01</u>
<u>D Med-High</u>	<u>\$107.33</u>	<u>\$112.25</u>	<u>\$107.87</u>	<u>\$107.87</u>	<u>\$101.92</u>
D High ((+12))	\$(95.52) <u>116.30</u>	\$(100.16) <u>121.22</u>	\$(81.45) <u>116.30</u>	\$(81.45) <u>116.30</u>	\$(82.59) <u>115.79</u>
<u>E Med</u>	<u>\$140.04</u>	<u>\$144.96</u>	<u>\$140.04</u>	<u>\$140.04</u>	<u>\$139.53</u>
<u>E High</u>	<u>\$163.78</u>	<u>\$168.70</u>	<u>\$163.78</u>	<u>\$163.78</u>	<u>\$163.27</u>

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
NONMETROPOLITAN COUNTIES**					
			ARC	EARC	AFH
CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on			
A Low ((+1))	\$(58.83) <u>62.36</u>	\$(63.77) <u>67.60</u>	\$(46.18) <u>48.95</u>	\$(46.18) <u>48.95</u>	\$(46.82) <u>48.32</u>
A Med ((+2))	\$(63.15) <u>66.94</u>	\$(68.09) <u>72.18</u>	\$(49.29) <u>52.25</u>	\$(49.29) <u>52.25</u>	\$(49.98) <u>51.58</u>
A High ((+3))	\$(77.18) <u>81.81</u>	\$(82.12) <u>87.05</u>	\$(62.78) <u>57.23</u>	\$(62.78) <u>57.23</u>	\$(55.24) <u>57.01</u>
B Low ((+4))	\$(58.83) <u>62.36</u>	\$(63.77) <u>67.60</u>	\$(46.18) <u>48.95</u>	\$(46.18) <u>48.95</u>	\$(46.82) <u>48.56</u>
B Med ((+5))	\$(68.54) <u>72.65</u>	\$(73.48) <u>77.89</u>	\$(54.48) <u>57.75</u>	\$(54.48) <u>57.75</u>	\$(55.24) <u>57.29</u>
<u>B Med-High</u>	<u>\$82.29</u>	<u>\$87.53</u>	<u>\$61.40</u>	<u>\$61.40</u>	<u>\$61.38</u>
B High ((+6))	\$(84.73) <u>89.81</u>	\$(89.67) <u>95.05</u>	\$(69.00) <u>69.42</u>	\$(69.00) <u>69.42</u>	\$(63.66) <u>69.42</u>
C Low ((+7))	\$(63.15) <u>66.94</u>	\$(68.09) <u>72.18</u>	\$(49.29) <u>52.25</u>	\$(49.29) <u>52.25</u>	\$(49.98) <u>51.58</u>
C Med ((+8))	\$(77.18) <u>81.81</u>	\$(82.12) <u>87.05</u>	\$(62.78) <u>65.05</u>	\$(62.78) <u>65.05</u>	\$(63.66) <u>65.70</u>

C ((High(9))) <u>Med-High</u>	\$((95.52)) <u>101.25</u>	\$((100.46)) <u>106.49</u>	\$((78.34)) <u>83.04</u>	\$((78.34)) <u>83.04</u>	\$((79.44)) <u>81.98</u>
<u>C High</u>	<u>\$102.26</u>	<u>\$107.50</u>	<u>\$86.81</u>	<u>\$86.81</u>	<u>\$85.52</u>
D Low ((10))	\$((68.54)) <u>72.65</u>	\$((73.48)) <u>77.89</u>	\$((54.48)) <u>69.99</u>	\$((54.48)) <u>69.99</u>	\$((63.66)) <u>66.01</u>
D Med ((11))	\$((77.18)) <u>83.48</u>	\$((82.12)) <u>88.72</u>	\$((62.78)) <u>80.57</u>	\$((62.78)) <u>80.57</u>	\$((69.96)) <u>80.39</u>
<u>D Med-High</u>	<u>\$107.33</u>	<u>\$112.57</u>	<u>\$101.96</u>	<u>\$101.96</u>	<u>\$96.37</u>
D High ((12))	\$((95.52)) <u>109.93</u>	\$((100.46)) <u>115.17</u>	\$((78.34)) <u>109.93</u>	\$((78.34)) <u>109.93</u>	\$((79.44)) <u>109.48</u>
<u>E Med</u>	<u>\$132.36</u>	<u>\$137.60</u>	<u>\$132.36</u>	<u>\$132.36</u>	<u>\$131.92</u>
<u>E High</u>	<u>\$154.80</u>	<u>\$160.04</u>	<u>\$154.80</u>	<u>\$154.80</u>	<u>\$154.36</u>

** Nonmetropolitan counties: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Orielle, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla and Whitman.