



# 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) \_\_\_\_\_

**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 effective July 1, 2008.

**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Repealed: None  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, 18.20.290

**Other authority:** 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 third emergency supersedes the previous emergency filed as WSR 08-22-015. The department has filed the CR 102 as WSR 09-04-065 and is holding a hearing on March 10, 2009.

**Date adopted:**

February 17, 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: February 24, 2009  
TIME: 8:42 AM

**WSR 09-06-032**

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	___	Amended	___	Repealed	___
<b>Federal rules or standards:</b>	New	___	Amended	___	Repealed	___
<b>Recently enacted state statutes:</b>	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:**

<b>Negotiated rule making:</b>	New	___	Amended	___	Repealed	___
<b>Pilot rule making:</b>	New	___	Amended	___	Repealed	___
<b>Other alternative rule making:</b>	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 <del>((1))</del>	<del>\$(65.30)</del> <u>69.22</u>	<del>\$(70.41)</del> <u>74.64</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.82)</del> <u>48.32</u>
A Med <del>((2))</del>	<del>\$(70.71)</del> <u>74.95</u>	<del>\$(75.82)</del> <u>80.37</u>	<del>\$(52.40)</del> <u>55.54</u>	<del>\$(52.40)</del> <u>55.54</u>	<del>\$(53.13)</del> <u>54.83</u>
A High <del>((3))</del>	<del>\$(79.34)</del> <u>84.10</u>	<del>\$(84.45)</del> <u>89.52</u>	<del>\$(66.92)</del> <u>61.00</u>	<del>\$(66.92)</del> <u>61.00</u>	<del>\$(59.45)</del> <u>61.35</u>
B Low <del>((4))</del>	<del>\$(65.30)</del> <u>69.22</u>	<del>\$(70.41)</del> <u>74.64</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.82)</del> <u>48.56</u>
B Med <del>((5))</del>	<del>\$(72.87)</del> <u>77.24</u>	<del>\$(77.98)</del> <u>82.66</u>	<del>\$(58.62)</del> <u>62.14</u>	<del>\$(58.62)</del> <u>62.14</u>	<del>\$(59.45)</del> <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 <del>((6))</del>	<del>\$(86.88)</del> <u>92.09</u>	<del>\$(91.99)</del> <u>97.51</u>	<del>\$(75.23)</del> <u>75.53</u>	<del>\$(75.23)</del> <u>75.53</u>	<del>\$(67.85)</del> <u>75.53</u>
C Low <del>((7))</del>	<del>\$(70.71)</del> <u>74.95</u>	<del>\$(75.82)</del> <u>80.37</u>	<del>\$(52.40)</del> <u>55.54</u>	<del>\$(52.40)</del> <u>55.54</u>	<del>\$(53.13)</del> <u>54.83</u>
C Med <del>((8))</del>	<del>\$(79.34)</del> <u>84.10</u>	<del>\$(84.45)</del> <u>89.52</u>	<del>\$(66.92)</del> <u>69.72</u>	<del>\$(66.92)</del> <u>69.72</u>	<del>\$(67.85)</del> <u>70.02</u>
C <del>(High (9))</del> <u>Med-High</u>	<del>\$(98.77)</del> <u>104.70</u>	<del>\$(103.88)</del> <u>110.12</u>	<del>\$(87.68)</del> <u>92.94</u>	<del>\$(87.68)</del> <u>92.94</u>	<del>\$(88.89)</del> <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))	<del>\$(72.87)</del> <u>77.24</u>	<del>\$(77.98)</del> <u>82.66</u>	<del>\$(58.62)</del> <u>75.07</u>	<del>\$(58.62)</del> <u>75.07</u>	<del>\$(67.85)</del> <u>71.38</u>
D Med ((+11))	<del>\$(79.34)</del> <u>85.82</u>	<del>\$(84.45)</del> <u>91.24</u>	<del>\$(66.92)</del> <u>86.98</u>	<del>\$(66.92)</del> <u>86.98</u>	<del>\$(76.28)</del> <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))	<del>\$(98.77)</del> <u>119.59</u>	<del>\$(103.88)</del> <u>125.01</u>	<del>\$(87.68)</del> <u>119.59</u>	<del>\$(87.68)</del> <u>119.59</u>	<del>\$(88.89)</del> <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))	<del>\$(59.90)</del> <u>63.49</u>	<del>\$(64.54)</del> <u>68.41</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.82)</del> <u>48.32</u>
A Med ((+2))	<del>\$(63.15)</del> <u>66.94</u>	<del>\$(67.79)</del> <u>71.86</u>	<del>\$(50.32)</del> <u>53.34</u>	<del>\$(50.32)</del> <u>53.34</u>	<del>\$(51.03)</del> <u>52.66</u>
A High ((+3))	<del>\$(77.18)</del> <u>81.81</u>	<del>\$(81.82)</del> <u>86.73</u>	<del>\$(63.81)</del> <u>58.17</u>	<del>\$(63.81)</del> <u>58.17</u>	<del>\$(56.28)</del> <u>58.08</u>
B Low ((+4))	<del>\$(59.90)</del> <u>63.49</u>	<del>\$(64.54)</del> <u>68.41</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.82)</del> <u>48.56</u>
B Med ((+5))	<del>\$(68.54)</del> <u>72.65</u>	<del>\$(73.18)</del> <u>77.57</u>	<del>\$(55.51)</del> <u>58.84</u>	<del>\$(55.51)</del> <u>58.84</u>	<del>\$(56.28)</del> <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))	<del>\$(84.73)</del> <u>89.81</u>	<del>\$(89.37)</del> <u>94.73</u>	<del>\$(71.08)</del> <u>73.40</u>	<del>\$(71.08)</del> <u>73.40</u>	<del>\$(64.70)</del> <u>73.40</u>
C Low ((+7))	<del>\$(63.15)</del> <u>66.94</u>	<del>\$(67.79)</del> <u>71.86</u>	<del>\$(50.32)</del> <u>53.56</u>	<del>\$(50.32)</del> <u>53.56</u>	<del>\$(51.03)</del> <u>53.05</u>
C Med ((+8))	<del>\$(77.18)</del> <u>81.81</u>	<del>\$(81.82)</del> <u>86.73</u>	<del>\$(63.81)</del> <u>68.82</u>	<del>\$(63.81)</del> <u>68.82</u>	<del>\$(64.70)</del> <u>68.31</u>
C ((High +9)) <u>Med-High</u>	<del>\$(95.52)</del> <u>101.25</u>	<del>\$(100.16)</del> <u>106.17</u>	<del>\$(81.45)</del> <u>86.34</u>	<del>\$(81.45)</del> <u>86.34</u>	<del>\$(82.59)</del> <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))	<del>\$(68.54)</del> <u>72.65</u>	<del>\$(73.18)</del> <u>77.57</u>	<del>\$(55.51)</del> <u>74.04</u>	<del>\$(55.51)</del> <u>74.04</u>	<del>\$(64.70)</del> <u>69.80</u>
D Med ((+11))	<del>\$(77.18)</del> <u>83.48</u>	<del>\$(81.82)</del> <u>88.40</u>	<del>\$(63.81)</del> <u>85.24</u>	<del>\$(63.81)</del> <u>85.24</u>	<del>\$(72.06)</del> <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))	<del>\$(95.52)</del> <u>116.30</u>	<del>\$(100.16)</del> <u>121.22</u>	<del>\$(81.45)</del> <u>116.30</u>	<del>\$(81.45)</del> <u>116.30</u>	<del>\$(82.59)</del> <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))	<del>\$(58.83)</del> <u>62.36</u>	<del>\$(63.77)</del> <u>67.60</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.82)</del> <u>48.32</u>
A Med ((+2))	<del>\$(63.15)</del> <u>66.94</u>	<del>\$(68.09)</del> <u>72.18</u>	<del>\$(49.29)</del> <u>52.25</u>	<del>\$(49.29)</del> <u>52.25</u>	<del>\$(49.98)</del> <u>51.58</u>
A High ((+3))	<del>\$(77.18)</del> <u>81.81</u>	<del>\$(82.12)</del> <u>87.05</u>	<del>\$(62.78)</del> <u>57.23</u>	<del>\$(62.78)</del> <u>57.23</u>	<del>\$(55.24)</del> <u>57.01</u>
B Low ((+4))	<del>\$(58.83)</del> <u>62.36</u>	<del>\$(63.77)</del> <u>67.60</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.18)</del> <u>48.95</u>	<del>\$(46.82)</del> <u>48.56</u>
B Med ((+5))	<del>\$(68.54)</del> <u>72.65</u>	<del>\$(73.48)</del> <u>77.89</u>	<del>\$(54.48)</del> <u>57.75</u>	<del>\$(54.48)</del> <u>57.75</u>	<del>\$(55.24)</del> <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))	<del>\$(84.73)</del> <u>89.81</u>	<del>\$(89.67)</del> <u>95.05</u>	<del>\$(69.00)</del> <u>69.42</u>	<del>\$(69.00)</del> <u>69.42</u>	<del>\$(63.66)</del> <u>69.42</u>
C Low ((+7))	<del>\$(63.15)</del> <u>66.94</u>	<del>\$(68.09)</del> <u>72.18</u>	<del>\$(49.29)</del> <u>52.25</u>	<del>\$(49.29)</del> <u>52.25</u>	<del>\$(49.98)</del> <u>51.58</u>
C Med ((+8))	<del>\$(77.18)</del> <u>81.81</u>	<del>\$(82.12)</del> <u>87.05</u>	<del>\$(62.78)</del> <u>65.05</u>	<del>\$(62.78)</del> <u>65.05</u>	<del>\$(63.66)</del> <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.