



RULE-MAKING ORDER

CR-103E (May 2009)
(Implements RCW 34.05.360)

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

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 1, 2009

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

- Yes
 - No
- If Yes, explain:

Purpose:

To reduce by approximately four percent the rates of all levels of 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Repealed: None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 74.39A.030(3)(a)

Other authority: Chapter 564, Laws of 2009 § 206(4)

EMERGENCY RULE

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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Chapter 564, Laws of 2009 §1812. 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. On May 19, 2009, the department began the permanent rulemaking process by filing a CR 101 filed as WSR 09-11-100.

Date adopted:

June 19, 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: June 30, 2009

TIME: 8:03 AM

WSR 09-14-094

(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:

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 09-11-053, filed 5/13/09, effective 6/13/09)

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 Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
A Low	\$((69.22)) <u>66.45</u>	\$((74.64)) <u>71.87</u>	\$((48.95)) <u>46.99</u>	\$((48.95)) <u>46.99</u>	\$((48.32)) <u>46.39</u>
A Med	\$((74.95)) <u>71.95</u>	\$((80.37)) <u>77.37</u>	\$((55.54)) <u>53.32</u>	\$((55.54)) <u>53.32</u>	\$((54.83)) <u>52.64</u>
A High	\$((84.10)) <u>80.74</u>	\$((89.52)) <u>86.16</u>	\$((61.00)) <u>58.56</u>	\$((61.00)) <u>58.56</u>	\$((61.35)) <u>58.90</u>
B Low	\$((69.22)) <u>66.45</u>	\$((74.64)) <u>71.87</u>	\$((48.95)) <u>46.99</u>	\$((48.95)) <u>46.99</u>	\$((48.56)) <u>46.62</u>
B Med	\$((77.24)) <u>74.15</u>	\$((82.66)) <u>79.57</u>	\$((62.14)) <u>59.65</u>	\$((62.14)) <u>59.65</u>	\$((61.66)) <u>59.19</u>
B Med-High	\$((87.48)) <u>83.98</u>	\$((92.90)) <u>89.40</u>	\$((66.07)) <u>63.43</u>	\$((66.07)) <u>63.43</u>	\$((66.06)) <u>63.42</u>
B High	\$((92.09)) <u>88.41</u>	\$((97.51)) <u>93.83</u>	\$((75.53)) <u>72.51</u>	\$((75.53)) <u>72.51</u>	\$((75.53)) <u>72.51</u>
C Low	\$((74.95)) <u>71.95</u>	\$((80.37)) <u>77.37</u>	\$((55.54)) <u>53.32</u>	\$((55.54)) <u>53.32</u>	\$((54.83)) <u>52.64</u>
C Med	\$((84.10)) <u>80.74</u>	\$((89.52)) <u>86.16</u>	\$((69.72)) <u>66.93</u>	\$((69.72)) <u>66.93</u>	\$((70.02)) <u>67.22</u>
C Med-High	\$((104.70)) <u>100.51</u>	\$((110.12)) <u>105.93</u>	\$((92.94)) <u>89.22</u>	\$((92.94)) <u>89.22</u>	\$((91.73)) <u>88.06</u>
C High	\$((105.74)) <u>101.51</u>	\$((111.16)) <u>106.93</u>	\$((93.82)) <u>90.07</u>	\$((93.82)) <u>90.07</u>	\$((93.01)) <u>89.29</u>

D Low	\$((77.24)) <u>74.15</u>	\$((82.66)) <u>79.57</u>	\$((75.07)) <u>72.07</u>	\$((75.07)) <u>72.07</u>	\$((71.38)) <u>68.52</u>
D Med	\$((85.82)) <u>82.39</u>	\$((91.24)) <u>87.81</u>	\$((86.98)) <u>83.50</u>	\$((86.98)) <u>83.50</u>	\$((87.36)) <u>83.87</u>
D Med-High	\$((110.98)) <u>106.54</u>	\$((116.40)) <u>111.96</u>	\$((110.61)) <u>106.19</u>	\$((110.61)) <u>106.19</u>	\$((105.12)) <u>100.92</u>
D High	\$((119.59)) <u>114.81</u>	\$((125.01)) <u>120.23</u>	\$((119.59)) <u>114.81</u>	\$((119.59)) <u>114.81</u>	\$((119.69)) <u>114.90</u>
E Med	\$((144.53)) <u>138.75</u>	\$((149.95)) <u>144.17</u>	\$((144.53)) <u>138.75</u>	\$((144.53)) <u>138.75</u>	\$((144.63)) <u>138.84</u>
E High	\$((169.47)) <u>162.69</u>	\$((174.89)) <u>168.11</u>	\$((169.47)) <u>162.69</u>	\$((169.47)) <u>162.69</u>	\$((169.57)) <u>162.79</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
METROPOLITAN COUNTIES*					
CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
A Low	\$((63.49)) <u>60.95</u>	\$((68.41)) <u>65.87</u>	\$((48.95)) <u>46.99</u>	\$((48.95)) <u>46.99</u>	\$((48.32)) <u>46.39</u>
A Med	\$((66.94)) <u>64.26</u>	\$((71.86)) <u>69.18</u>	\$((53.34)) <u>51.21</u>	\$((53.34)) <u>51.21</u>	\$((52.66)) <u>50.55</u>
A High	\$((81.81)) <u>78.54</u>	\$((86.73)) <u>83.46</u>	\$((58.17)) <u>55.84</u>	\$((58.17)) <u>55.84</u>	\$((58.08)) <u>55.76</u>
B Low	\$((63.49)) <u>60.95</u>	\$((68.41)) <u>65.87</u>	\$((48.95)) <u>46.99</u>	\$((48.95)) <u>46.99</u>	\$((48.56)) <u>46.62</u>
B Med	\$((72.65)) <u>69.74</u>	\$((77.57)) <u>74.66</u>	\$((58.84)) <u>56.49</u>	\$((58.84)) <u>56.49</u>	\$((58.37)) <u>56.04</u>
B Med-High	\$((82.29)) <u>79.00</u>	\$((87.21)) <u>83.92</u>	\$((62.57)) <u>60.07</u>	\$((62.57)) <u>60.07</u>	\$((62.60)) <u>60.10</u>
B High	\$((89.81)) <u>86.22</u>	\$((94.73)) <u>91.14</u>	\$((73.40)) <u>70.46</u>	\$((73.40)) <u>70.46</u>	\$((73.40)) <u>70.46</u>
C Low	\$((66.94)) <u>64.26</u>	\$((71.86)) <u>69.18</u>	\$((53.56)) <u>51.42</u>	\$((53.56)) <u>51.42</u>	\$((53.05)) <u>50.93</u>
C Med	\$((81.81)) <u>78.54</u>	\$((86.73)) <u>83.46</u>	\$((68.82)) <u>66.07</u>	\$((68.82)) <u>66.07</u>	\$((68.31)) <u>65.58</u>

C Med-High	\$ ((101.25)) <u>97.20</u>	\$ ((106.17)) <u>102.12</u>	\$ ((86.34)) <u>82.89</u>	\$ ((86.34)) <u>82.89</u>	\$ ((85.23)) <u>81.82</u>
C High	\$ ((102.26)) <u>98.17</u>	\$ ((107.18)) <u>103.09</u>	\$ ((91.84)) <u>88.17</u>	\$ ((91.84)) <u>88.17</u>	\$ ((90.43)) <u>86.81</u>
D Low	\$ ((72.65)) <u>69.74</u>	\$ ((77.57)) <u>74.66</u>	\$ ((74.04)) <u>71.08</u>	\$ ((74.04)) <u>71.08</u>	\$ ((69.80)) <u>67.01</u>
D Med	\$ ((83.48)) <u>80.14</u>	\$ ((88.40)) <u>85.06</u>	\$ ((85.24)) <u>81.83</u>	\$ ((85.24)) <u>81.83</u>	\$ ((85.01)) <u>81.61</u>
D Med-High	\$ ((107.33)) <u>103.04</u>	\$ ((112.25)) <u>107.96</u>	\$ ((107.87)) <u>103.56</u>	\$ ((107.87)) <u>103.56</u>	\$ ((101.92)) <u>97.84</u>
D High	\$ ((116.30)) <u>111.65</u>	\$ ((121.22)) <u>116.57</u>	\$ ((116.30)) <u>111.65</u>	\$ ((116.30)) <u>111.65</u>	\$ ((115.79)) <u>111.16</u>
E Med	\$ ((140.04)) <u>134.44</u>	\$ ((144.96)) <u>139.36</u>	\$ ((140.04)) <u>134.44</u>	\$ ((140.04)) <u>134.44</u>	\$ ((139.53)) <u>133.95</u>
E High	\$ ((163.78)) <u>157.23</u>	\$ ((168.70)) <u>162.15</u>	\$ ((163.78)) <u>157.23</u>	\$ ((163.78)) <u>157.23</u>	\$ ((163.27)) <u>156.74</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**					
CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
A Low	\$ ((62.36)) <u>59.87</u>	\$ ((67.60)) <u>65.11</u>	\$ ((48.95)) <u>46.99</u>	\$ ((48.95)) <u>46.99</u>	\$ ((48.32)) <u>46.39</u>
A Med	\$ ((66.94)) <u>64.26</u>	\$ ((72.18)) <u>69.50</u>	\$ ((52.25)) <u>50.16</u>	\$ ((52.25)) <u>50.16</u>	\$ ((51.58)) <u>49.52</u>
A High	\$ ((81.81)) <u>78.54</u>	\$ ((87.05)) <u>83.78</u>	\$ ((57.23)) <u>54.94</u>	\$ ((57.23)) <u>54.94</u>	\$ ((57.01)) <u>54.73</u>
B Low	\$ ((62.36)) <u>59.87</u>	\$ ((67.60)) <u>65.11</u>	\$ ((48.95)) <u>46.99</u>	\$ ((48.95)) <u>46.99</u>	\$ ((48.56)) <u>46.62</u>
B Med	\$ ((72.65)) <u>69.74</u>	\$ ((77.89)) <u>74.98</u>	\$ ((57.75)) <u>55.44</u>	\$ ((57.75)) <u>55.44</u>	\$ ((57.29)) <u>55.00</u>
B Med-High	\$ ((82.29)) <u>79.00</u>	\$ ((87.53)) <u>84.24</u>	\$ ((61.40)) <u>58.94</u>	\$ ((61.40)) <u>58.94</u>	\$ ((61.38)) <u>58.92</u>
B High	\$ ((89.81)) <u>86.22</u>	\$ ((95.05)) <u>91.46</u>	\$ ((69.42)) <u>66.64</u>	\$ ((69.42)) <u>66.64</u>	\$ ((69.42)) <u>66.64</u>

C Low	\$((66.94)) <u>64.26</u>	\$((72.18)) <u>69.50</u>	\$((52.25)) <u>50.16</u>	\$((52.25)) <u>50.16</u>	\$((51.58)) <u>49.52</u>
C Med	\$((81.81)) <u>78.54</u>	\$((87.05)) <u>83.78</u>	\$((65.05)) <u>62.45</u>	\$((65.05)) <u>62.45</u>	\$((65.70)) <u>63.07</u>
C Med-High	\$((101.25)) <u>97.20</u>	\$((106.49)) <u>102.44</u>	\$((83.04)) <u>79.72</u>	\$((83.04)) <u>79.72</u>	\$((81.98)) <u>78.70</u>
C High	\$((102.26)) <u>98.17</u>	\$((107.50)) <u>103.41</u>	\$((86.81)) <u>83.34</u>	\$((86.81)) <u>83.34</u>	\$((85.52)) <u>82.10</u>
D Low	\$((72.65)) <u>69.74</u>	\$((77.89)) <u>74.98</u>	\$((69.99)) <u>67.19</u>	\$((69.99)) <u>67.19</u>	\$((66.01)) <u>63.37</u>
D Med	\$((83.48)) <u>80.14</u>	\$((88.72)) <u>85.38</u>	\$((80.57)) <u>77.35</u>	\$((80.57)) <u>77.35</u>	\$((80.39)) <u>77.17</u>
D Med-High	\$((107.33)) <u>103.04</u>	\$((112.57)) <u>108.28</u>	\$((101.96)) <u>97.88</u>	\$((101.96)) <u>97.88</u>	\$((96.37)) <u>92.52</u>
D High	\$((109.93)) <u>105.53</u>	\$((115.17)) <u>110.77</u>	\$((109.93)) <u>105.53</u>	\$((109.93)) <u>105.53</u>	\$((109.48)) <u>105.10</u>
E Med	\$((132.36)) <u>127.07</u>	\$((137.60)) <u>132.31</u>	\$((132.36)) <u>127.07</u>	\$((132.36)) <u>127.07</u>	\$((131.92)) <u>126.64</u>
E High	\$((154.80)) <u>148.61</u>	\$((160.04)) <u>153.85</u>	\$((154.80)) <u>148.61</u>	\$((154.80)) <u>148.61</u>	\$((154.36)) <u>148.19</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.