



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 department is amending these rules to clarify who will be notified of decisions made by the Division of Developmental Disabilities and to specify that both notices and correspondence will be sent to the appropriate parties.

Citation of existing rules affected by this order:

Repealed: None
 Amended: WAC 388-825-100, 388-825-101 and 388-825-102
 Suspended: None

Statutory authority for adoption: RCW 71.10.060, RCW 71A.12.030

Other authority: Title 71A RCW

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 08-13-077 on June 16, 2008

Describe any changes other than editing from proposed to adopted version:

WAC 388-825-100 (3) (b) has been modified to indicate that a relative may receive notices even if that relative is an employee of DDD, a contractor with DDD or an employee of a contractor with DDD. Subsection (3) (b) now reads: "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."

The changes were made because many relatives of persons with developmental disabilities also provide services to the person. The exclusion of relatives to receive notices was an oversight and has been corrected.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A. These amendments are not considered significant rules as defined in RCW 34.05.328(5)(c)(iii).

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:

Date adopted:

July 23, 2008

NAME (TYPE OR PRINT)

Katherine Iyall Vasquez

SIGNATURE

TITLE

Manager, Rules and Policies Assistance Unit

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 05, 2008
TIME: 4:07 PM

WSR 08-16-122

**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	___	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	<u>3</u>	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>3</u>	Repealed	___

AMENDATORY SECTION (Amending WSR 04-15-093, filed 7/16/04, effective 8/16/04)

WAC 388-825-100 How will I be notified of ((department)) 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 ((at least one other person in the following priority:~~

~~(a)) (b) Your parent ((if you are under the age of eighteen)); or~~

~~((b)) (c) Your guardian or other legal representative((7~~

~~(c) Other relatives;~~

~~(d) An advocacy agency such as Washington Protection and Advocacy System;~~

~~(e) A person who is not an employee of the department or to a person who contracts with the department)).~~

(3) If you are ((an adult and do not have a legal guardian, the department will ask you to identify someone else)) 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 04-15-093, filed 7/16/04, effective 8/16/04)

WAC 388-825-101 Why does ((the department)) DDD need to send my notices and correspondence to someone else? ((The department)) DDD sends your notices and correspondence to someone else((, if needed,)) to ((have others)) assist you to understand the information and your appeal rights to department decisions.

AMENDATORY SECTION (Amending WSR 04-15-093, filed 7/16/04, effective 8/16/04)

WAC 388-825-102 What if I do not want my DDD notices and correspondence sent to anyone else? (1) If you are ((an adult)) age eighteen or older and do not have a legal guardian, you may

request in writing that your DDD notices and correspondence be given only to you.

(2) (~~The department~~) DDD will review your request and comply with your request unless it determines there to be a risk of your losing rights.

(3) You (~~will be given~~) have the right to appeal (~~rights to~~) a denial of this request.