



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 adopting new WAC 388-106-0250, 388-106-0255, 388-106-0260, and 388-106-0265 under a new section entitled "Roads to Community Living". These rules describe the project, eligibility, and time-limited nature of demonstration project services under the "Money Follows the Person" grant.

Roads to Community Living (RCL) is a demonstration project, funded by a five-year "Money Follows the Person" grant authorized under section 6071 of the Deficit Reduction Act of 2005 (P.L. 109-171).

Citation of existing rules affected by this order:

Repealed: None
 Amended: None
 Suspended: None

Statutory authority for adoption: RCW 74.08.090; RCW 74.09.520

Other authority : Deficit Reduction Act of 2005 (P.L. 109-171)

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR **08-13-076** on 06-16-08
 Describe any changes other than editing from proposed to adopted version: N/A

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

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:

August 26, 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: August 29, 2008
TIME: 11:15 AM

WSR 08-18-046

**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	<u>4</u>	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	<u>4</u>	Amended	___	Repealed	___

NEW SECTION

WAC 388-106-0250 What is the roads to community living (RCL) demonstration project and who is eligible? (1) Roads to community living (RCL) is a demonstration project, funded by a five-year "money follows the person" grant authorized under section 6071 of the deficit reduction act of 2005 (P.L. 109-171). It is designed to test services and supports which help customers move from institutional settings into the community if they wish to.

(2) To be eligible, the department must assess your needs in CARE and you must:

(a) Have a continuous six months or longer stay in a qualified institutional setting (hospital, nursing home, residential habilitation center);

(b) Be Medicaid eligible for at least thirty days prior to discharge from the institutional setting;

(c) Intend to move to a qualified community setting (home, apartment, licensed residential setting with four or less unrelated individuals); and

(d) Not be able to move into a qualified community setting using available long-term care resources.

(3) When you are discharged to a qualified community setting, you are eligible for continuous Medicaid coverage until your RCL services end.

NEW SECTION

WAC 388-106-0255 How long are RCL services available to me? Roads to community living (RCL) can be authorized for no longer than three hundred sixty-five days in a qualified community setting. Day one of the demonstration year is the day you move from the institutional setting into the qualified community setting. Day three hundred sixty-five is the last day you can receive demonstration services.

NEW SECTION

WAC 388-106-0260 How do I pay for RCL services? Depending on your income and resources, you may be required to pay participation toward the cost of your care, as outlined in chapters 388-515 or 388-106 WAC.

NEW SECTION

WAC 388-106-0265 Do I have the right to a fair hearing while receiving RCL services? Yes, you may request a fair hearing based on the rules outlined in WAC 388-106-1305 to contest eligibility decisions made by the department. Once your three hundred sixty-five days of roads to community living (RCL) eligibility end, per WAC 388-106-0255, you may not request a fair hearing to contest the conclusion of RCL services or to request an extension.