



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 Division of Developmental Disabilities (DDD) renumbered the rule sections for the Residential Algorithm rules previously filed as WAC 388-828-10000 through 10380 because the numbering was not compatible with the Office of the Code Reviser's computer publishing system. This expedited rule making action corrects cross references so that they now refer to the new section numbers.

Citation of existing rules affected by this order:

Repealed: None
 Amended: WAC 388-828-5020,388-828-5520,388-828-8020,388-828-9520,388-828-9530,388-828-9540,388-828-9700
 Suspended: None

Statutory authority for adoption: RCW 71A.12.030;

Other authority : Title 71A RCW

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 08-17-113 on 08-20-2008 (date)
 Describe any changes other than editing from proposed to adopted version:

No changes we made from the proposed version to the adopted version.

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

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:

February 23, 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 25, 2009

TIME: 2:52 PM

WSR 09-06-047

**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>7</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>7</u>	Repealed	___

AMENDATORY SECTION (Amending WSR 08-12-037, filed 5/30/08, effective 7/1/08)

WAC 388-828-5020 How is information in the protective supervision acuity scale used by DDD? (1) Information obtained in the protective supervision acuity scale is one of the factors used by DDD to determine:

(a) The amount of waiver respite, if any, that you are authorized to receive;

(b) Your individual and family services level, if you are authorized to receive individual and family services per chapter 388-832 WAC; and

(c) Your residential service level of support, if you are authorized to receive a residential service listed in WAC ((~~388-828-10020~~ [~~WAC 388-828-9510~~])) 388-828-9510.

(2) The protective supervision acuity scale is not used when determining your Medicaid personal care or waiver personal care; and

(3) The information is used for reporting purposes to the legislature and the department.

AMENDATORY SECTION (Amending WSR 08-12-037, filed 5/30/08, effective 7/1/08)

WAC 388-828-5520 How is information in the DDD behavioral acuity scale used by DDD? (1) Information obtained in the DDD behavioral acuity scale is one of the factors used by DDD to determine:

(a) The amount of waiver respite, if any, that you are authorized to receive;

(b) Your individual and family services level, if you are authorized to receive individual and family services per chapter 388-832 WAC; and

(c) Your residential service level of support, if you are authorized to receive a residential service listed in WAC ((~~388-828-10020~~ [~~WAC 388-828-9510~~])) 388-828-9510.

(2) The DDD behavioral acuity scale does not affect service determination for the Medicaid personal care or waiver personal care assessment.

(3) The information is used for reporting purposes to the legislature and the department.

AMENDATORY SECTION (Amending WSR 08-12-037, filed 5/30/08, effective 7/1/08)

WAC 388-828-8020 What components contained in the individual support plan module determine a service level and/or number of hours? The following components of the individual support plan module determine a service level and/or number of hours:

(1) The foster care rate assessment, as defined in chapter 388-826 WAC;

(2) The individual and family services algorithm, as defined in WAC 388-828-9000 through 388-828-9140; and

(3) The residential algorithm, as defined in WAC ((~~388-828-10000~~ [WAC ~~388-828-9500~~])) 388-828-9500 through ((~~388-828-10380~~ [~~388-828-9700~~])) 388-828-9700.

AMENDATORY SECTION (Amending WSR Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 08-12-037, filed 7/17/08, effective 7/17/08)

WAC 388-828-9520 Where does the residential algorithm obtain your support needs information? The residential algorithm obtains your support needs information from the following components of your current DDD assessment:

(1) The supports intensity scale assessment (SIS) per WAC 388-828-4000 through 388-828-4320;

(2) The DDD protective supervision acuity scale per WAC 388-828-5000 through 388-828-5100;

(3) The DDD behavioral acuity scale per WAC 388-828-5500 through 388-828-5640;

(4) The DDD medical acuity scale per WAC 388-828-5660 through 388-828-5700;

(5) The program and services panel per WAC 388-828-6020;

(6) The DDD seizure acuity scale per WAC 388-828-7040 through 388-828-7080; and

(7) The DDD sleep panel per WAC ((~~388-828-10260~~ [WAC ~~388-828-9640~~])) 388-828-9640.

AMENDATORY SECTION (Amending WSR Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 08-12-037, filed 7/17/08, effective 7/17/08)

WAC 388-828-9530 How does the residential algorithm identify your residential support needs score? The residential algorithm uses the support needs information from your current DDD assessment to identify the following residential support needs scores:

(1) Community protection program enrollment as defined in WAC ((~~388-828-10100~~ [WAC ~~388-828-9590~~])) 388-828-9590;

- (2) Daily support needs score as defined in WAC ((~~388-828-10120~~ [~~388-828-9560~~])) 388-828-9560;
- (3) Mid-frequency support needs score as defined in WAC ((~~388-828-10140~~ [~~WAC 388-828-9580~~])) 388-828-9580;
- (4) Behavior support needs score as defined in WAC ((~~388-828-10160~~ [~~WAC 388-828-9530~~])) 388-828-9590;
- (5) Medical support needs score as defined in WAC ((~~388-828-10180~~ [~~WAC 388-828-9600~~])) 388-828-9600;
- (6) Seizure support needs score as defined in WAC ((~~388-828-10200~~ [~~WAC 388-828-9610~~])) 388-828-9610;
- (7) Protective supervision support needs score as defined in WAC ((~~388-828-10220~~ [~~WAC 388-828-9620~~])) 388-828-9620;
- (8) Ability to seek help score as defined in WAC ((~~388-828-10240~~ [~~WAC 388-828-9630~~])) 388-828-9630;
- (9) Nighttime support needs score as defined in WAC ((~~388-828-10260~~ [~~WAC 388-828-9640~~])) 388-828-9640;
- (10) Toileting support needs score as defined in WAC ((~~388-828-10280~~ [~~WAC 388-828-9650~~])) 388-828-9650; and
- (11) Total critical support time as defined in WAC ((~~388-828-10300~~ [~~WAC 388-828-9660~~])) 388-828-9660 through ((~~388-828-10360~~ [~~388-828-9690~~])) 388-828-9690.

AMENDATORY SECTION (Amending WSR Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 08-12-037, filed 7/17/08, effective 7/17/08)

WAC 388-828-9540 What residential service levels of support does DDD use? DDD uses the following residential service levels of support which correspond with your assessed support needs (see WAC ((~~388-828-10060~~ [~~WAC 388-828-9530~~])) 388-828-9530):

Support Need Level	Typical Support Need Characteristics from the DDD Assessment	Expected Level of Support*
Weekly or less Support Level 1	Client requires supervision, training, or physical assistance in areas that typically occur weekly or less often, such as shopping, paying bills, or medical appointments. Client is generally independent in support areas that typically occur daily or every couple of days.	Clients assessed to need this level receive support on a weekly basis or less frequently.
Multiple times per week Support Level 2	Client is able to maintain health and safety for a full day or more at a time AND needs supervision, training, or physical assistance with tasks that typically occur every few days, such as light housekeeping, menu planning, or guidance and support with relationships. Client is generally independent in support areas that must occur daily.	Clients assessed to need this level receive support multiple times per week.

Support Need Level	Typical Support Need Characteristics from the DDD Assessment	Expected Level of Support*
Intermittent daily - Low Support Level 3A	Client is able to maintain health and safety for short periods of time (i.e., hours, but not days) OR needs supervision, training, or physical assistance with activities that typically occur daily, such as bathing, dressing, or taking medications.	Clients assessed to need this level receive daily support.
Intermittent daily -Moderate Support Level 3B	Client requires supervision, training, or physical assistance with multiple tasks that typically occur daily OR requires frequent checks for health and safety or due to disruptions in routines.	Clients assessed to need this level receive daily support and may receive checks during nighttime hours as needed.
Close proximity Support Level 4	Client requires support with a large number of activities that typically occur daily OR is able to maintain health and safety for very short periods of time (i.e., less than 2 hours, if at all) AND requires occasional health and safety checks or support during overnight hours.	Clients assessed to need this level receive supports in close proximity 24 hours per day. Support hours may be shared with neighboring households.
Continuous day and continuous night Support Level 5	Client is generally unable to maintain health and safety OR requires support with a large number of activities that occur daily or almost every day AND requires nighttime staff typically within the household.	Clients assessed to need this level receive support 24 hours per day.
Community Protection Support Level 6	Client is enrolled in the community protection program.	Clients assessed to need this level of support will receive 24 hour per day supervision per community protection program policy.
*Emergency access to residential staff is available to all clients, 24-hours per day, regardless of the residential service level of support the assessment indicates.		

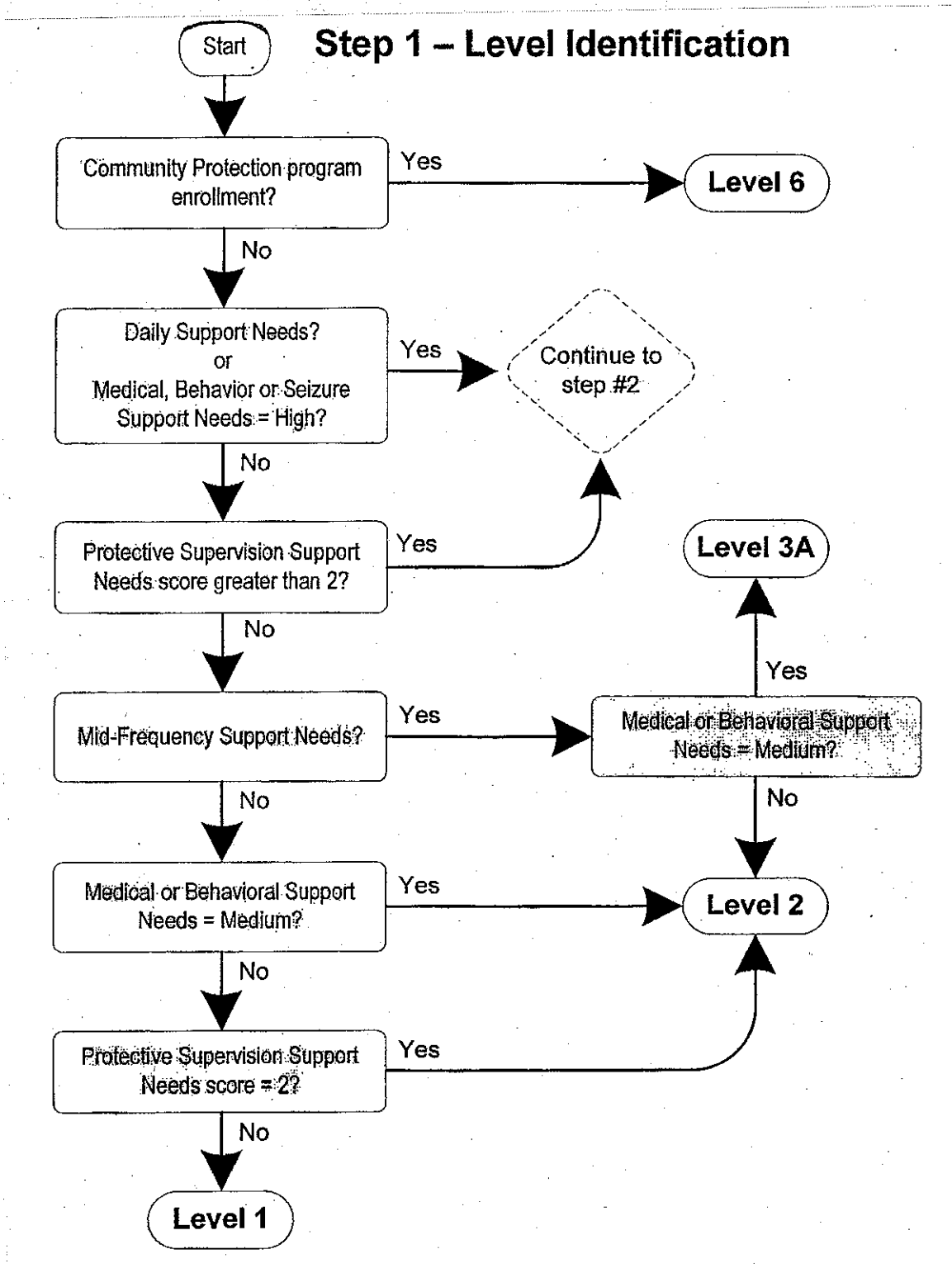
AMENDATORY SECTION (Amending WSR Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 08-12-037, filed 7/17/08, effective 7/17/08)

WAC 388-828-9700 How does the residential algorithm use your assessed support needs scores to determine your residential service level of support? (1) The residential algorithm uses your assessed support needs scores (as defined in WAC ((~~388-828-10100~~ [WAC ~~388-828-9550~~])) 388-828-9550 through ((~~388-828-10300~~ [~~388-828-9660~~])) 388-828-9690) to answer questions in a decision tree.

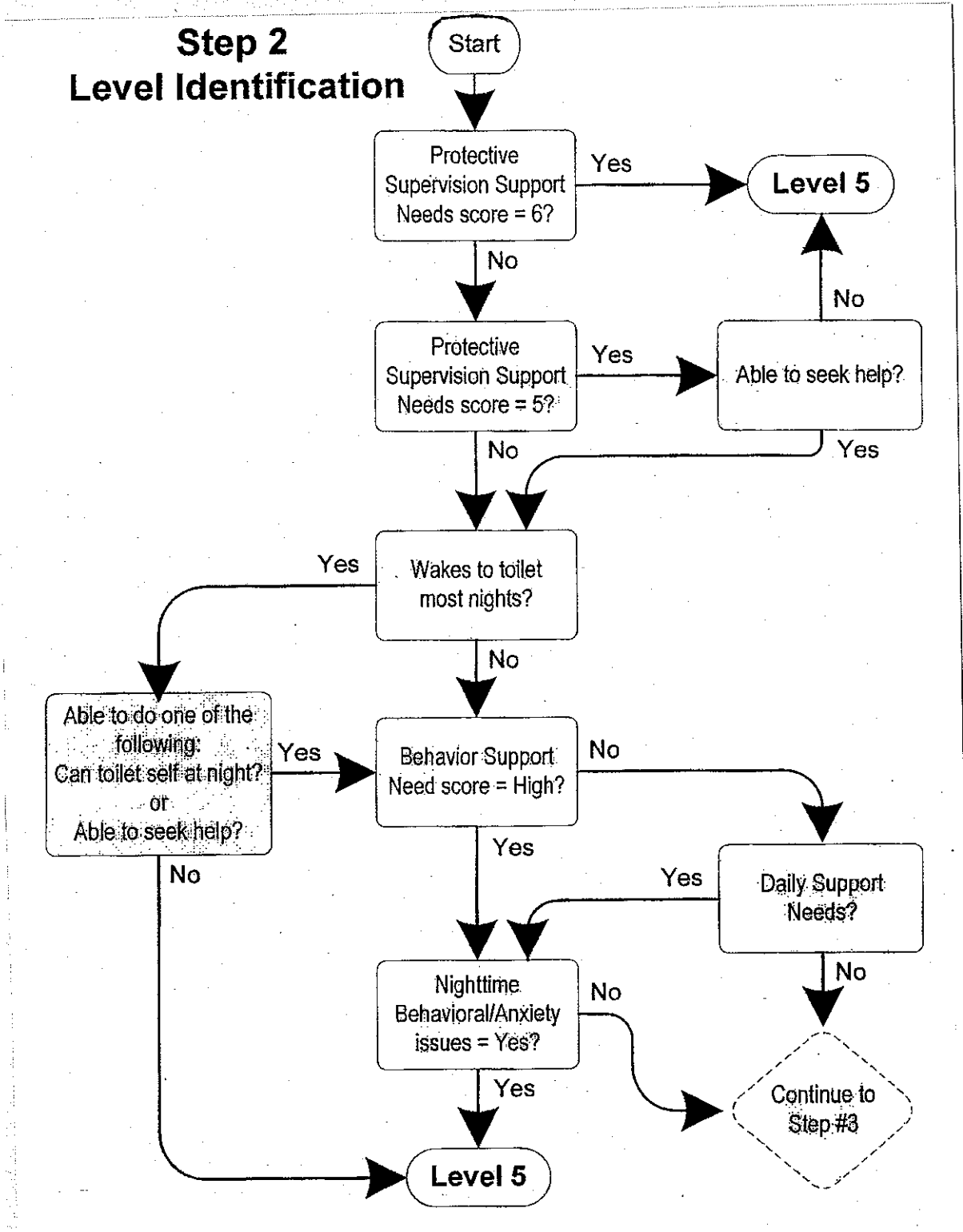
(2) The decision tree path determines your residential service level of support (WAC ((~~388-828-10080~~ [WAC ~~388-828-9540~~])) 388-828-9540).

(3) The decision tree is separated into the following three steps:

(a) Step 1 determines whether your residential support needs scores meet the criteria for less than daily support or the criteria for community protection.



(b) Step 2 determines whether your residential support needs scores meet the criteria for continuous day and night support.



(c) Step 3 determines whether your residential support needs scores meet the criteria for intermittent support.

