Washington State Department of Social & Health Services
Transforming lives

Information About Your Role as the Identified Necessary Supplemental Accommodation (NSA) Representative

You are the identified NSA client representative for:
Case Resource manager
Telephone Number

What is an NSA client representative?

State law (RCW) and Developmental Disabilities Administration (DDA) rules (WAC) require that written notice of all correspondence including decisions affecting DDA eligibility, DDA services, and choice of provider be sent to the DDA client and at least one other person. This other person is referred to as the NSA representative.

"Necessary Supplemental Accommodation Representative" means an individual who receives copies of DDA planned action notices (PANs) and other department correspondence in order to help a client understand the documents and exercise the client's rights. The NSA Representative is identified by a client of DDA when the client does not have a legal guardian and the client is requesting or receiving DDA services.

What legal responsibilities do I have as the client's NSA representative?

The only representatives that have any legal responsibility for the client are:

- Natural, step, or adoptive parents who have custody of their child/client under the age of 18;
- Court appointed legal guardians for clients of any age.

What are my responsibilities as the client's identified NSA representative?

As the client's designated NSA representative, you will receive copies of all DDA Planned Action Notices and other DDA correspondence sent to the client.

- You act on behalf of the child under age 18 or assist the adult client of DDA to understand the notice sent to them by DDA.
- You assist the client through the appeal process if the client wants to dispute the decision.
- You act as the client's representative only for the purpose of receiving copies of notices and assisting the client to understand and respond. You do not have the "legal authority" to sign for the client unless you are also the parent/legally responsible adult (as described below) for a child 17 years and younger or you are the guardian for someone 18 years and older.

How long do I have this responsibility?

- If you are the natural, step, or adoptive parent of a client under the age of 18, you have legal responsibility until the child's 18th birthday. A parent may not relinquish the NSA representative responsibility for their minor child.
- If you are the court appointed legal guardian for a child or adult, you are responsible until the guardianship is terminated. The guardian may request another person to act as the client's NSA representative.
- If you have no legal relationship with the client, you can stop being the client's NSA representative at any time by notifying the client and the client's DDA case/resource manager.
- If you have no legal relationship with the client, the client may notify his/her case manager and request a different NSA representative.

What if the client I am representing does not want me to be his/her NSA representative?

If the client does not want you to be their NSA representative, DDA will assist them identifying someone else.

- The client can refuse to agree with the choice of representative only if he/she is age 18 or older and the representative is not a court appointed guardian.
- If you have a legal relationship with the client, you can act on behalf of the client without his/her cooperation.

Will this cost me any money?

There are no costs or fees identified with the role of client representative.

Who do I call to report a new address or telephone number?

You need to call the identified DDA Case/Resource Manager listed at the top of this form to report a change in your mailing status, telephone, or legal status with the client.

How much contact can I expect from DDA?

- DDA will contact you prior to each annual assessment or review, which will result in a decision that has client appeal rights, to confirm your mailing address. DDA will also verify you still agree to be the client's NSA representative and understand your role. Unless you notify the case manager you no longer want to be the client's NSA representative, your agreement and understanding is considered valid for 12 months.
- DDA will attempt to contact you prior to mailing you a client notice of denial, reduction, or termination of eligibility, service or provider to explain the decision and the client's appeal rights.
- The CRM will attempt to contact you at least twice before mailing the Planned Action Notice.

Who can I call if I have questions about a notice or decision or the appeal process?

Every client Planned Action Notice will include a name and telephone number for you to contact if you have questions.

What can you tell me about the process for appealing a DDA decision?

Every Planned Action Notice gives you information on how and when to file an appeal of the decision.

1. DDA clients have the right to appeal any decision of DDA affecting approval, denial, reduction, termination, or withdrawal of either eligibility, service, program, or choice of provider.
   - The client and their identified NSA representative must receive written notice of all DDA decisions affecting eligibility, level of service, or denial or termination of provider.
   - This notice must provide the effective date of the action, the reason and applicable WAC, appeal rights, and time lines for filing appeals.
2. Client appeals are heard and decided by an Administrative Law Judge (ALJ) through an administrative

hearing. This hearing is conducted in a DSHS building or over the telephone. The ALJ presides and it is recorded.

- Attorney representation is not required but is allowed.
- The client's NSA representative may assist the client to present his/her own case or have an attorney.
- DSHS employees may not represent the client at an administrative hearing.
- DDA has administrative hearing coordinators who facilitate the process for DDA. Assistant Attorney Generals are available for consultation and sometimes represent DDA.

3. A client or someone else acting on his/her behalf may request an administrative hearing orally or in writing.
4. Each party (client and the department) must present evidence on the issue in dispute. The evidence must be based on Washington Administrative Code (WAC).
5. The ALJ will issue a written decision. This decision must be based on WAC.

- The ALJ has no authority to disregard existing WAC or change WAC or declare it invalid.
- The purpose of the hearing is to determine if DDA made the correct decision per department rule.

6. Both parties have a right to appeal the initial decision by the ALJ to the Board of Appeals.
   - The Board of Appeals (BOA) works for DSHS so its decision is the final decision for DSHS/DDA.
   - The client can appeal the BOA decision to Superior Court.

WAC references:
WAC 388-825-100 through 105
WAC 388-825-120 through 165

What is the NSA Client Representative Form (16-195)?

- The NSA Client Representative form is an explanation of the Necessary Supplemental Accommodation requirement for DDA clients.
- Although form 16-195 is not mandatory, it is strongly suggested that it be given to any client's designated NSA.
- If form 16-195 is given, document it in an SER as a part of the NSA's agreement to be the NSA and understanding of the NSA role.
- Please communicate to the NSA that the NSA role itself does not give any legal authority on behalf of the client.