



DEVELOPMENTAL DISABILITIES ADMINISTRATION
Olympia, Washington

TITLE: NECESSARY SUPPLEMENTAL ACCOMMODATION POLICY 5.02

Authority: Section 504 of the Rehabilitation Act of 1973
Title II, Americans with Disabilities Act
[RCW 71A.10.060\(1\), \(2\)](#)
[WAC 388-472-0010; 0020\(1\); 0040](#)
[WAC 388-825-100](#)

PURPOSE

This policy establishes procedures for promoting equal access to eligibility and services from the Developmental Disabilities Administration (DDA) of the Department of Social and Health Services (DSHS) and to the appeal process for DDA eligibility, service, and provider decisions.

SCOPE

This policy applies to DDA employees who:

- A. Provide information or services to individuals who are initial applicants for eligibility with DDA (referred to as applicants) or clients of DDA; or
- B. Make decisions regarding termination of client eligibility; approval, denial, reduction, or termination of client services; or denial of client’s provider of choice.

DEFINITIONS

Administration means the Developmental Disabilities Administration (DDA).

Department means the Department of Social and Health Services (DSHS).

POLICY

- A. DDA will promote policies, procedures, and practices that foster equal access to services for applicants and clients.
- B. Under DSHS rules, applicants and clients are eligible for Necessary Supplemental Accommodation (NSA) services, designed to afford them equal access to Department services.

- C. DDA clients who are receiving or requesting DDA services are entitled to have a representative who is willing to receive copies of Planned Action Notices (PANs) and other Department correspondence in order to help clients understand the documents and exercise their rights. PANs include: notice of eligibility decisions; notice of approval, reduction, denial, or termination of services; and notice of denial or termination of provider of choice, along with a statement of client appeal rights.

PROCEDURES

- A. For all currently eligible DDA clients:
1. There must be an NSA representative documented in the Collateral Contacts screen of the Comprehensive Assessment Reporting Evaluation (CARE) tool before initiating any action that results in a decision with appeal rights (DDA eligibility, service eligibility or amount, termination or denial of provider of choice).
 2. Administration staff will complete the following steps before initiating any of the above actions and document these steps in the client’s Service Episode Record (SER):
 - a. Review NSA information in CARE to identify the current NSA representative. Use [WAC 388-825-100](#) to help determine the NSA representative.
 - i. If none is listed in the client record, ask the client for their choice of representative.
 - ii. The NSA representative cannot be a DDA employee or a contractor of DDA unless they meet the criteria in [WAC 388-825-100 \(3\)\(b\)](#).
 - iii. If the client wishes to challenge the NSA requirement, the client must submit their request in writing under WAC 388-825-102. The CRM must complete the NSA Checklist, DSHS 14-491, and submit to headquarters for determination.
 - b. Before each annual assessment, Administration staff will contact the identified NSA representative to:
 - i. Confirm that the person agrees to accept the DDA notices and other correspondence sent to the client and understands their responsibility to help the client understand the documents and exercise the client’s rights;

1. Send DDA notices, correspondence, and PANs to the applicant, client and the client's NSA representative in the person's primary language and in a manner that can be understood;
2. Prior to mailing any PAN to a client, call the NSA representative. If no NSA representative is required call the client. Explain the decision, the PAN, and the appeal rights. There must be at least two documented attempts to contact the NSA representative or client in the SERs; and
3. When DDA sends a PAN to any person residing in a state hospital, the Case Resource Manager (CRM) will notify the DDA Mental Health CRM. The DDA Mental Health CRM will do all of the following:
 - a. Notify the appropriate Eastern State Hospital (ESH) or Western State Hospital (WSH) social worker in person, by telephone, or email that the PAN is being mailed;
 - b. Coordinate with the appropriate ESH or WSH social worker and hospital unit program manager to ensure that the person's treatment team is aware that the PAN is being sent;
 - c. Be available, as necessary, to help support the client receiving this important information; and
 - d. Work closely with the client, their legal representative, other appropriate Department staff, and Disability Rights Washington (DRW) as needed.

EXCEPTIONS

When a client has no identified necessary supplemental accommodation (NSA), the Regional Administrator or designee may approve an exception to this policy if the client needs emergency services or PASRR Level 2 determinations to facilitate a nursing facility admission.

Any other exception to this policy must have the prior written approval of the Deputy Assistant Secretary.

SUPERSESSION

DDD Policy 5.02
Issued July 15, 2013

Approved: /s/ Donald Clintsman
Deputy Assistant Secretary
Developmental Disabilities Administration

Date: February 15, 2018