



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: CLIENT DAMAGE REIMBURSEMENT POLICY 6.16

Authority: Chapter 71A RCW Developmental Disabilities
Chapter 388-101 WAC Certified Community Residential Services and Support

PURPOSE

This policy describes the circumstances under which a certified contracted residential service provider may seek reimbursement from a client for damages inflicted upon the provider's property and/or the personal property of the provider's staff.

SCOPE

This policy applies to all DDD certified contracted residential service providers and their employees. State Operated Living Alternatives (SOLA) must follow DSHS Personnel Policy 520, *Employee Personal Property Damage*.

DEFINITIONS

CPI means clothing and personal incidentals allowance.

SSI means Supplemental Security Income.

POLICY

- A. Certified contracted residential service providers and staff may seek reimbursement for damages caused by a client as long as the damage reimbursement is not already reflected in their daily rate.
- B. In requesting client reimbursement for any damage, the service provider must disclose the existence of any applicable insurance claim. The amount of reimbursement may be limited to the amount of the insurance deductible if an insurance claim has been made.

- C. The service provider may request reimbursement from DDD if the client is unable or unwilling to pay for damages. Clients must not be coerced to provide reimbursement.

PROCEDURES FOR REQUESTING REIMBURSEMENT FROM DDD

- A. The request must be submitted to the DDD Regional Administrator or designee in an approved format and include the signatures of the client and his/her legal representative, if applicable. If the client has no legal representative, DDD may request a parent or other family member (or an advocate if no family member is involved) to sign and approve the request. The DDD Case Resource manager (CRM) and the service provider must also sign the request.
- B. Requests for reimbursement must include or have attached:
1. A reference to the relevant incident report.
 2. Unless the damage is a result of an accident or an isolated incident, a written Positive Behavior Support Plan (PBSP) developed to respond to the behavior(s) which resulted in the damage.
 3. Unless it is an imminent health or safety concern, at least one (1) written estimate from a:
 - a. Licensed contractor; or
 - b. Bonded service repair person; or
 - c. Retail store carrying the item to be replaced.
- The amount of reimbursement must not exceed the estimate or the replacement value of the article, whichever is less. The client, his/her legal representative, or the CRM may request a second estimate.
- C. The total amount of reimbursement may be divided into payments if the service provider, the client or his/her legal representative, and the CRM agree to the amount of each payment and the total length of time over which the payment will be spread. The payment must not reduce the client's monthly CPI below the basic DSHS standard in any month. Total client savings must not be reduced below the current SSI standard monthly income amount.

D. Records

The service provider must maintain complete reimbursement and payment records, including receipts for payment of damage repairs, receipts for reimbursement amounts received from the client, and insurance payments.

- E. This policy creates no legal obligation on the part of the State of Washington to reimburse any individual or entity for damages to property and does not give rise to a right of action under any legal or equitable theory.

EXCEPTIONS

The Regional Administrator may approve exceptions to the provisions of this policy based on information submitted on DSHS Form 05-010, *Rule Exception Request*.

SUPERSESSSION

DDD Policy 6.16
Issued November 1, 2003

DDD Policy 6.16
Issued January 1, 2002

DDD Policy 6.16
Issued June 29, 1993

Policy Directive 11.01
Issued December 1992

Approved: /s/ Linda Rolfe
Director, Division of Developmental Disabilities

Date: 9/1/2005