



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Developmental Disabilities Administration

- Preproposal Statement of Inquiry was filed as WSR:14-21-127; or
- Expedited Rule Making--Proposed notice was filed as WSR:___; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

Title of rule and other identifying information: (Describe Subject)

Chapter 388-833 WAC, Community Crisis Stabilization Service (CCSS) program.

Hearing location(s):

Office Building 2
 DSHS Headquarters
 1115 Washington
 Olympia, WA 98504
 Public parking at 11th and Jefferson. A map is available at:
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Date: February 24, 2015 Time: 10:00 a.m.

Submit written comments to:

Name: DSHS Rules Coordinator
 Address: PO Box 45850
 Olympia, WA 98504
 e-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
 fax: (360) 664-6185
by: 5:00 p.m. February 24, 2015

Assistance for persons with disabilities:

Contact Jeff Kildahl, DSHS Rules Consultant by
 TTY (360) 664-6178 or (360) 664-6092 or by email at
Kildaja@dshs.wa.gov

Date of intended adoption: Not earlier than February 25, 2015

(Note: This is **NOT** the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This new chapter of WAC is for the Community Crisis Stabilization Service (CCSS) program and is necessary to define client eligibility and outline the short-term behavioral health supports for participants who are in crisis.

Statutory authority for adoption:

RCW 71A.12.030, RCW 71A.12.120

Statute being implemented:

Second Substitute Senate Bill 5459

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE

January 14, 2015

NAME (type or print)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: January 15, 2015

TIME: 9:19 AM

WSR 15-03-058

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting....	Monica Reeves	DDA, P.O. Box 45310, Olympia 98504-5310	360.725.3422
Implementation....	Monica Reeves	DDA, P.O. Box 45310, Olympia 98504-5310	360.725.3422
Enforcement.....	Monica Reeves	DDA, P.O. Box 45310, Olympia 98504-5310	360.725.3422

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

No. Explain why no statement was prepared.

The rules do not impact small businesses or non-profits. They only impact DSHS clients.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone: ()

fax: ()

e-mail:

No: Please explain: The proposed rules are exempt under RCW 34.05.328(5)(b)(vii) and relate only to client medical or financial eligibility.

NEW SECTION

WAC 388-833-0005 Definitions "CCSS review team" means DDA staff who review referrals to the CCSS program.

"Crisis" means a set of circumstances or events that:

(1) Put a participant at risk of hospitalization, institutionalization, or loss of residence;

(2) Exceeds a participant's individual ability to cope/remain stable; or

(3) Exceeds the ability of the participant's caregivers to provide necessary supports.

"CRM/SW/SSS" means the DDA case resource manager, DDA social worker, or DDA social service specialist assigned to an individual or participant in the CCSS program.

"Developmental disabilities administration" or "DDA" means the developmental disabilities administration within the department of social and health services.

"Individual" means a person who has a developmental disability as defined in RCW 71A.10.020(5) who also has been determined eligible to receive services by the administration under chapter 71A.16 RCW. Other terms used in the field include "client" and "resident".

"Participant" means the individual who is accessing the community crisis stabilization service.

"Participant team" means individuals who work together to provide formal and informal supports to a participant. A typical team includes CCSS staff, the CRM/SW/SSS, the participant's family/legal representative(s), and service providers working with the participant.

"Regional clinical team" means DDA staff who may respond to crisis situations by providing assessment, training, behavior support and consultation as well as behavioral health stabilization services to DDA enrolled individuals.

NEW SECTION

WAC 388-833-0010 What is the purpose of the community crisis stabilization service (CCSS) program? The purpose of the CCSS program is to provide short-term behavioral health supports to participants who are in crisis.

NEW SECTION

WAC 388-833-0015 Who is eligible for the community crisis stabilization service (CCSS) program? To be eligible for CCSS, the following conditions must be met:

(1) The individual has been determined eligible for DDA services as defined in chapter 388-823 WAC;

(2) The individual is eligible for medicaid services;

(3) The individual or legal representative has provided voluntary consent to participate;

(4) The individual is age eight to twenty one;

(5) The individual has no unresolved issues of abuse or neglect pending with the DSHS children's administration; and

(6) The DDA CCSS review team has determined that the individual needs the level of service provided in the CCSS program.

NEW SECTION

WAC 388-833-0020 How long may a participant receive services from CCSS? The participant may receive services for a maximum of one hundred eighty consecutive days per admission, from the date of admission to the program.

NEW SECTION

WAC 388-833-0025 How does an individual access CCSS? The individual or family/legal representative may request CCSS through the CRM/SW/SSS.

NEW SECTION

WAC 388-833-0030 How is a decision made for participation in the CCSS program? (1) Placement in the CCSS program is only considered when there are no other DDA services available that can safely and appropriately meet the individual's needs.

(2) Through a referral process, review and discussion, the CCSS review team determines whether the individual needs the level of service provided in the CCSS program. When there are multiple clients requesting the CCSS program services, placement is offered at the sole discretion of the CCSS review team to the client who currently demonstrates the greatest need for services.

(3) DDA and the family/legal representative must be in agreement about the need for CCSS and that placement in the program is in the client's best interest.

NEW SECTION

WAC 388-833-0045 What are the expectations of family/legal representative when their child is in the CCSS program? Family/legal representatives retain custody of their child at all times when the child is receiving services in the CCSS program. Family/legal representative responsibilities include, but are not limited to, the following:

(1) Maintain ongoing and regular contact with their child;

- (2) Agree to work cooperatively with their child's DDA CRM/SW/SSS, and other DSHS staff and persons caring for the child;
- (3) Participate in decision making for the child;
- (4) The right to make all nonemergency decisions about medical care, enlistment in military service, marriage and other important legal decisions for the person under eighteen years of age; and
- (5) Agree that if their child's CCSS placement disrupts, their child will return to the parents physical care until a new placement is developed.

NEW SECTION

WAC 388-833-0050 Who pays for the participant's care when they are in the CCSS program? A combination of state and federal funds cover the cost of the participant's care while in the CCSS program. The family/legal representative is encouraged to support the participant with typical items or activities, e.g., presents, clothing, special items, special outings which are not supported by state or federal funds.

NEW SECTION

WAC 388-833-0055 What appeal rights do I have? (1) You have the right to appeal decisions made by DDA in accordance with WAC 388-825-120 through 388-825-165.

(2) Once the one hundred eighty day maximum stay is reached, the service has been completed and terminating the service and returning the participant to another residential placement is not considered a termination, denial, or move to a different type of residential service as described in WAC 388-825-120.

(3) A participant may appeal eligibility for the CCSS program but participation in the program is determined by WAC 388-833-0030 and is dependent on bed and funding availability. There is no appeal right to a CCSS participation determination.

NEW SECTION

WAC 388-833-0060 Does DDA make exceptions to the requirements in this chapter? The DDA assistant secretary may approve exceptions to the requirements specified in this chapter.