



# 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, Aging and Long-Term Support Administration

- Preproposal Statement of Inquiry was filed as WSR: 14-24-080 ; 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)

The department is amending and adding new sections to chapter 388-106 WAC, Long-Term Care Services, specifically the Volunteer Chore program.

**Hearing location(s):**

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

**Submit written comments to:**

Name: DSHS Rules Coordinator  
Address: PO Box 45850  
Olympia, WA 98504  
e-mail [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
fax (360) 664-6185  
**by: 5:00 p.m. March 10, 2015**

Date: March 10, 2015 Time: 10:00 a.m.

**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](mailto:Kildaja@dshs.wa.gov)

**Date of intended adoption:** Not earlier than March 11, 2015  
(Note: This is **NOT** the **effective** date)

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

The department is amending and adding new sections to WAC 388-106, the Volunteer Chore program, as it was changed to Volunteer Services per Engrossed Substitute Senate Bill 6444 (Supplemental Operating Budget). The intent in the name change was to broaden the types of assistance available to eligible clients. Current rules limit services to a traditional list of chore-type services. Without revised rules, volunteers supervised by contracted agencies managing the program are unable to provide support services in keeping with the intent of ESSB 6444.

**Reasons supporting proposal:** This change will expand the types of assistance available to eligible clients consistent with ESSB 6444.

**Statutory authority for adoption:** RCW 74.08.090; 74.09.520

**Statute being implemented:** RCW 74.08.090; 74.09.520

**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 22, 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 30, 2015**

**TIME: 3:23 PM**

**WSR 15-04-074**

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

**Name of proponent:** (person or organization) Department of Social and Health Services

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Leigh Wellcome	P.O. Box 45600, Olympia, WA 98504-5600	(360) 725-2547
Implementation....Leigh Wellcome	P.O. Box 45600, Olympia, WA 98504-5600	(360) 725-2547
Enforcement.....Leigh Wellcome	P.O. Box 45600, Olympia, WA 98504-5600	(360) 725-2547

**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:

Phone:

Fax:

e-mail:

No. Explain why no statement was prepared.

The preparation of a small business economic impact statement is not required, as no new costs will be imposed on small businesses or non-profits as a result of this rule amendment.

**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:

Rules are exempt per RCW 34.05.328(5)(b)(v), rules the content of which is explicitly and specifically dictated by statute.

AMENDATORY SECTION (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

**WAC 388-106-0650** ~~What ((services may I receive under)) is the volunteer ((chore)) services program?~~ The ((V))volunteer ((chore)) services program is a state-funded program ((which)) that provides volunteer assistance ~~((with household tasks and:~~

~~(1) Assists people who need but are not eligible for DSHS services.~~

~~(2) Complements DSHS services by using volunteer assistance to perform tasks which do not require specially skilled personnel.~~

~~(3) Provides assistance with housework, laundry, shopping, cooking, moving, minor home repair, yard care, limited personal care, monitoring and transportation))~~ to eligible persons who need help to live safely in the community. The availability of services under this program is subject to available funding and volunteer resources. Further, when allocating volunteer services, the needs of persons who have traditionally been served through long-term care services and supports, including older adults, individuals with disabilities or their unpaid caregivers, will be given priority.

AMENDATORY SECTION (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

**WAC 388-106-0655** Am I eligible to receive assistance through volunteer ((chore)) services? You may be eligible to receive volunteer ((chore)) services if you are:

~~(1) An older adult age sixty or older or a person with a disability ((E))~~eighteen years of age or older; or

~~(2) Living at home,~~ unless you are moving from a residential facility to home and need assistance moving; or

~~(3) Unable to perform certain ((personal care))~~ independent living tasks due to a functional, mental or cognitive ((impairment)) disability;

~~(4) Financially unable to purchase services ((from a private provider))~~ privately; or

~~(5) Not receiving medicaid paid long-term care services under ((COPES, MNIW, MPC, or chore because you:~~

~~(a) Do not meet the eligibility requirements; or~~

~~(b) Decline these services.)~~ the medicaid state plan or medicaid waiver program unless the volunteer service is not available through the state plan waiver program; or

~~(6) ((In need of assistance from volunteer chore in addition to or in substitution of paid services under COPES, MNIW, MPC, or chore))~~ An unpaid caregiver who provides ongoing care for an older adult or person with a disability, including minors, who meets any of the criteria in WAC 388-106-0655(2) through (5) above.

NEW SECTION

**WAC 388-106-0660 What types of services may be offered through volunteer services?** The types of services an individual may be offered include, but are not limited to:

- (1) Housework and laundry;
- (2) Shopping and errands;
- (3) Meal preparation;
- (4) Minor home repair;
- (5) Yard work;
- (6) Provision of wood for heating;
- (7) Pet care;
- (8) Auto maintenance;
- (9) Moving;
- (10) Limited personal care;
- (11) Socialization activities to improve quality of life;
- (12) Electronic device/computer use;
- (13) Clerical & budgeting tasks;
- (14) Transportation
- (15) Emergency preparation;
- (16) Companionship or Supervision;
- (17) Access to benefits;
- (18) Access to employment opportunities; and
- (19) Health and nutrition enhancement.

NEW SECTION

**WAC 388-106-0665 How are volunteers qualified to provide volunteer services?** Volunteers are qualified to provide Volunteer Services through the following mechanisms:

- (1) Volunteers who will have unsupervised access to vulnerable adults cannot have any convictions, pending crimes or findings that are listed in WAC 388-71-0105 or provide contracted services per RCW 43.20A0710(1)(c) prior to working alone with them.
- (2) The volunteer services contractor(s) will provide orientation and ongoing training as needed to volunteers.

NEW SECTION

**WAC 388-106-0670 When may volunteer services not be available or offered?** Volunteer services may not be available or offered when:

- (1) Available funding has been exhausted; or
- (2) The regional area does not have qualified volunteers available; or
- (3) Existing volunteers do not have the skill set needed to perform the task/service desired; or
- (4) A volunteer stops providing services at their discretion; or
- (5) Providing the service would cause a health or safety risk to the volunteer or staff.

NEW SECTION

**WAC 388-106-0675 What if I disagree with a decision made by the contracted volunteer services provider(s) related to volunteer services?** If you do not agree with a decision made by the volunteer services contractor, you may make a written complaint with the volunteer services program manager at the aging and long term support administration, P. O. Box 45600, Olympia, WA 98504-5600. You are not entitled to a hearing under Chapter 388-02 WAC.