



# 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: 15-08-014 ; 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 WAC 388-71-0515, "What are the responsibilities of an individual provider when providing services to a client?".

**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>

Date: November 10, 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](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
 fax (360) 664-6185  
**by: 5:00 p.m. November 10, 2015**

**Assistance for persons with disabilities:** Contact Jeff Kildahl, DSHS Rules Consultant by October 27, 2015  
 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 November 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 WAC 388-71-0515 (11) to modify the language so that it will accurately reflect a change in the way Individual Providers will report the time they have worked. This change is based on payment moving from the Social Services Payment System to the Provider Compensation Subsystem that will be implemented in 2016.

**Reasons supporting proposal:** This change will amend WAC 388-71-0515 to accurately reflect that way Individual Providers will report the time they have worked.

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

**Statute being implemented:**  
 RCW 74.08.090, RCW 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**  
 October 1, 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: October 06, 2015**

**TIME: 2:44 PM**

**WSR 15-20-112**

**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..... Stacy Graff	P.O. Box 45600, Olympia, WA 98504-5600	(360) 725-2533
Implementation.... Stacy Graff	P.O. Box 45600, Olympia, WA 98504-5600	(360) 725-2533
Enforcement..... Stacy Graff	P.O. Box 45600, Olympia, WA 98504-5600	(360) 725-2533

**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.

**WAC 388-71-0515 What are the responsibilities of an individual provider when providing services to a client?** (1) An individual provider must:

~~((1))~~ (a) Take direction from the client, who is the IP's employer, or when appropriate, from the client's legal representative;

~~((2))~~ (b) Understand the client's plan of care that has been signed by the client or legal representative, which may be translated or interpreted, as necessary, and as requested by the client;

~~((3))~~ (c) Provide the services as outlined on the client's plan of care, as described in WAC 388-106-0010, according to the client's direction, supervision, and prioritization of tasks within the number of hours authorized;

~~((4))~~ (d) Accommodate the client's individual preferences and unique needs in providing care;

~~((5))~~ (e) Contact the client, client's representative and case manager when there are changes that affect the personal care and other tasks listed on the plan of care;

~~((6))~~ (f) Observe and consult with the client or client's representative, regarding change(s) in health, take appropriate action, and respond to emergencies;

~~((7))~~ (g) Notify the case manager immediately when the client enters a hospital, or moves to another setting;

~~((8))~~ (h) Notify the case manager immediately in the event of the client's death;

~~((9))~~ (i) Notify the department or AAA immediately when unable to staff/serve the client;

~~((10))~~ (j) Notify the department/AAA when the individual provider will no longer provide services. The individual provider must:

(i) Give at least two weeks' notice, and

(ii) Notify the client or the client's representative in writing:  
and

(iii) Notify the client's case manager.

~~((11))~~ (k) Complete and ~~((keep))~~ submit an accurate ~~((time sheets))~~ record of authorized~~((/paid))~~ hours ~~((that are accessible to the social worker/case manager;))~~ worked in order to be paid by the department under WAC 388-106-0130, the department does not pay for shared benefit(s) or informal support provided to the client by anyone, including the IP; and

~~((12))~~ (l) Comply with all applicable laws, regulations, and the individual provider contract.