



# 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: 15-19-018; 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 plans to adopt new rules in chapter 388-845 WAC related to Wellness Education that the Centers for Medicare and Medicaid Services (CMS) has agreed to add to our Basic Plus Waiver and Core Waiver.

**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:  
<https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>

Date: January 26, 2016 Time: 10:00 a.m.

**Date of intended adoption:** Not earlier than January 27, 2016  
(Note: This is **NOT** the **effective** date)

**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. January 26, 2016**

**Assistance for persons with disabilities:**

Contact Jeff Kildahl, DSHS Rules Consultant by January 12, 2016.  
 TTY (360) 664-6178 or (360) 664-6092 or by email at [Kildaja@dshs.wa.gov](mailto:Kildaja@dshs.wa.gov)

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

The Basic Plus Waiver and Core Waiver both provide home and community-based services to individuals as an alternative to placement in an Intermediate Care Facility for Individuals with Intellectual Disabilities. CMS approved an amendment that removes Personal Care services from those waivers, as those services are available through the state's 1915(k) Community First Choice (CFC) Option Program in the Medicaid State Plan. The CMS amendments also added a new service, Wellness Education, to both the Basic and Core waivers which provides wellness information to participants designed to assist them in achieving goals identified during their person-centered planning process. These rules will support the CMS decision and be in compliance with CFR 441.510 (d).

**Reasons supporting proposal:** See statement above.

**Statutory authority for adoption:**

RCW 71A.12.030 General authority of secretary – Rule adoption

**Statute being implemented:**

CFR 441.510 Eligibility (d)

**Is rule necessary because of a:**

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

**DATE**

December 16, 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: December 17, 2015**

**TIME: 12:09 PM**

**WSR 16-01-113**

**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....       | Bob Beckman | DDA, P.O. Box 45310, Olympia 98504-5310 | 360.725.3445  |
| Implementation.... | Bob Beckman | DDA, P.O. Box 45310, Olympia 98504-5310 | 360.725. 3445 |
| Enforcement.....   | Bob Beckman | DDA, P.O. Box 45310, Olympia 98504-5310 | 360.725. 3445 |

**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 do not meet the definition of a 'significant legislative rule' under RCW 34.05.328(5)(c)(iii) because they do not impose penalties or sanctions, affect a license or permit, or create or amend a policy or regulatory program.

## Wellness Education

### NEW SECTION

**WAC 388-845-2280 What is wellness education?** Wellness education provides you with monthly individualized printed educational materials designed to assist you in managing health related issues and achieving wellness goals identified in your person-centered service plan that address your health and safety issues. Individualized educational materials are developed by the state, other content providers and the contracted wellness education provider. This service is available on the Basic Plus and Core Waivers.

### NEW SECTION

**WAC 388-845-2283 How are my wellness educational materials selected?** Individualized educational materials are selected for you by the wellness education provider's algorithm and are based on your DDA assessment. Goals, diagnoses, treatments, conditions and other factors identified in your DDA assessment provide the basis for the algorithm to select educational materials for you. These goals, diagnoses, treatments, conditions and other factors may include, but are not limited to the following:

- (1) Diabetes - IDDM;
- (2) Diabetes - NIDDM;
- (3) COPD;
- (4) Cardiovascular disease;
- (5) Rheumatoid arthritis;
- (6) Traumatic brain injury;
- (7) Cerebral palsy;
- (8) Alzheimer's disease;
- (9) Anxiety disorder;
- (10) Asthma;
- (11) Autism;
- (12) Stroke;
- (13) Congestive heart failure;
- (14) Decubitus ulcer;
- (15) Depression;
- (16) Emphysema;
- (17) GERD;
- (18) Hypertension;
- (19) Hypotension;
- (20) Down's syndrome;
- (21) Fragile X syndrome;
- (22) Prader-Willi;
- (23) ADD;
- (24) ADHD;

- (25) Post-traumatic stress disorder;
- (26) Asperger's syndrome;
- (27) Hepatitis;
- (28) Paraplegia;
- (29) Quadriplegia;
- (30) Fetal alcohol syndrome/fetal alcohol effect;
- (31) Epilepsy;
- (32) Seizure disorder;
- (33) Sleep apnea;
- (34) Urinary tract infection;
- (35) Multiple sclerosis;
- (36) Falls;
- (37) Smoking;
- (38) Alcohol abuse;
- (39) Substance abuse;
- (40) Bowel incontinence;
- (41) Bladder incontinence;
- (42) Diabetic foot care;
- (43) Pain daily;
- (44) Sleep issues;
- (45) BMI = or greater than 25;
- (46) BMI less than 18.5;
- (47) Skin care (pressure ulcers, abrasions, burns, rashes);
- (48) Seasonal allergies;
- (49) Edema;
- (50) Poor balance;
- (51) Recent loss/grieving;
- (52) Conflict management;
- (53) Importance of regular dental visits;
- (54) ADA diet;
- (55) Cardiac diet;
- (56) Celiac diet;
- (57) Low sodium diet;
- (58) Goals; and
- (59) Parkinson's Disease.

NEW SECTION

**WAC 388-845-2285 Are there limits to wellness education?** Wellness education is a once a month service. In the basic plus waiver, you are limited to the aggregate service expenditure limits defined in WAC 388-845-0210.

NEW SECTION

**WAC 388-845-2290 Who are qualified providers of wellness education?** The wellness education provider must have the ability and resources to:

- 1) Receive and manage client data in compliance with all applicable federal HIPPA regulations, state law and rules and ensure client confidentiality and privacy;

- 2) Translate materials into the preferred language of the participant;
- 3) Ensure that materials are targeted to the participant's assessment and person-centered service plan;
- 4) Manage content sent to participants to prevent duplication of materials;
- 5) Deliver newsletters and identify any undeliverable client/representative addresses prior to each monthly mailing and manage any returned mail in a manner that ensures participants receive the monthly information; and
- 6) Contract with ALTSA or DDA to provide this service.