



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: **16-02-110**; 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 proposing to amend WAC 388-832-0015 "Am I eligible for the IFS program?" and repeal WAC 388-832-0085 "When there is state funding available to enroll additional clients on the IFS program, how will DDD select from the clients on the IFS program request list?".

Hearing location(s):

Office Building 2
DSHS Headquarters
1115 Washington
Olympia, WA 98504

Public parking at 11th and Jefferson. A map is available at:
<https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>

Date: **April 5, 2016** 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. April 5, 2016

Assistance for persons with disabilities: Contact:
Jeff Kildahl, DSHS Rules Consultant by March 22, 2016
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

Date of intended adoption: Not earlier than April 6, 2016
(Note: This is **NOT** the **effective** date)

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

The Developmental Disabilities Administration (DDA) intends to amend WAC 388-832-0015 and repeal WAC 388-832-0085 due to the 2014 Operating Supplemental Budget directing DDA to move the state funded Individual and Family Services (IFS) program into a 1915 (C) Home and Community Based Services (HCBS) Waiver. These changes will reflect that the Individual and Family Services program is closed to new entrants.

Reasons supporting proposal:

This change will allow the department to receive federal matching funds for these waived services.

Statutory authority for adoption:
RCW 71A.12.030, RCW 71A.12.120

Statute being implemented:
ESSB 6002 2014 Operating Supplemental Budget

Is rule necessary because of a:

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

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: February 24, 2016

TIME: 10:15 AM

WSR 16-06-048

DATE
February 19, 2016

NAME (type or print)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

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: Ann Whitehall	DDA, P.O. Box 45310, Olympia 98504-5310	(360) 725-3445
Implementation: Ann Whitehall	DDA, P.O. Box 45310, Olympia 98504-5310	(360) 725-3445
Enforcement: Ann Whitehall	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:

Phone: ()

Fax: ()

e-mail

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.

WAC 388-832-0015 Am I eligible for the IFS program? (1) The IFS program and SSP in lieu of IFS is not open to new enrollment.

(2) If you were enrolled in the IFS program before June 1, 2015 you are eligible to ((be considered for)) remain on the IFS program if you meet the following criteria:

(a) You are currently an eligible client of ((DDD)) DDA;

(b) You live in your family home;

(c) You are not eligible to enroll((ed)) in a ((DDD)) DDA home and community based services waiver defined in chapter 388-845 WAC;

(d) You are currently enrolled in ((traditional family support, family support opportunity or the family support pilot or funding has been approved for you to receive IFS program services)) the IFS program;

(e) You are age three or older;

(f) You have been assessed as having a need for IFS program services as listed in WAC 388-832-0140; and

(g) You are not receiving a ((DDD)) DDA adult or child residential service or licensed foster care.

((+2)) (3) If you are a parent who is a client of ((DDD)) DDA, you are eligible to ((receive)) remain on the IFS program ((services)) in order to promote the integrity of the family unit until your next assessment, provided:

(a) You meet the criteria in subsections ((+1)) (2)(a) through (f) ((above)) of this section; and

(b) Your minor child who lives in your home is at risk of being placed up for adoption or into foster care.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-832-0085 When there is state funding available to enroll additional clients on the IFS program, how will DDD select from the clients on the IFS program request list?