



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: 16-09-047; 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:

The department is proposing to amend WAC 388-105-0005 "The daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and who reside in adult family homes (AFH) and assisted living facilities contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services".

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: December 6, 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. December 6, 2016

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

Date of intended adoption: Not earlier than December 7, 2016
(Note: This is **NOT** the **effective** date)

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

The daily Medicaid payment rates are changing per collective bargaining and the FY17 state budget. The WAC language is merely a record of the rates being paid. This rule change will not change the actual rates.

Reasons supporting proposal:

This change is necessary to ensure that the public record is accurate.

Statutory authority for adoption:

RCW 74.39A.030

Statute being implemented:

2ESHB 2376 (FY17 budget) and collective bargaining agreement

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 24, 2016

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: November 01, 2016

TIME: 10:46 AM

WSR 16-22-069

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:	Elizabeth Pashley	4450 10 th Ave SE Lacey WA 98503	360-725-2270
Implementation:	Peter Graham	4450 10 th Ave SE Lacey WA 98503	360-725-2499
Enforcement:	Peter Graham	4450 10 th Ave SE Lacey WA 98503	360-725-2499

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 rule change is adjusting rates pursuant to legislative standards. Exemption: RCW 34.05.310(4)(f).

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 rule change is adjusting rates pursuant to legislative standards. Exemption: RCW 34.05.328(5)(b)(vi).

WAC 388-105-0005 The daily medicaid payment rates for clients who have been assessed using the ~~((comprehensive assessment reporting evaluation (CARE)))~~ CARE tool and ~~((that))~~ reside ~~((in adult family homes (AFH) and))~~ at an AFH or assisted living ~~((facilities))~~ facility contracted to provide ~~((assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC)))~~ AL, ARC, or EARC services. For contracted ~~((AFH))~~ adult family homes (AFH) and assisted living facilities contracted to provide ~~((AL, ARC, and EARC))~~ assisted living (AL), adult residential care (ARC), or enhanced adult residential care (EARC) services, the department pays the following daily rates for ~~((care of a))~~ medicaid residents who have been assessed using the comprehensive assessment reporting evaluation (CARE) tool:

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE						
CARE CLASSIFICATION	KING COUNTY					
	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH	
A Low	\$67.22	\$72.64	\$47.67	\$47.67	(((\$49.97)) \$52.47	
A Med	\$72.74	\$78.16	\$54.03	\$54.03	(((\$56.53)) \$59.36	
A High	\$81.57	\$86.99	\$59.30	\$59.30	(((\$63.11)) \$66.27	
B Low	\$67.22	\$72.64	\$47.67	\$47.67	(((\$50.21)) \$52.72	
B Med	\$74.96	\$80.39	\$60.39	\$60.39	(((\$63.41)) \$66.58	
B Med-High	\$84.83	\$90.25	\$64.19	\$64.19	(((\$67.85)) \$71.24	
B High	\$89.28	\$94.70	\$73.31	\$73.31	(((\$77.40)) \$81.27	
C Low	\$72.74	\$78.16	\$54.03	\$54.03	(((\$56.53)) \$59.36	
C Med	\$81.57	\$86.99	\$67.70	\$67.70	(((\$71.84)) \$75.43	
C Med-High	\$101.43	\$106.85	\$90.09	\$90.09	(((\$93.72)) \$98.41	
C High	\$102.44	\$107.86	\$90.95	\$90.95	(((\$95.01)) \$99.76	
D Low	\$74.96	\$80.38	\$72.87	\$72.87	(((\$73.21)) \$76.87	
D Med	\$83.23	\$88.65	\$84.35	\$84.35	(((\$89.32)) \$93.79	
D Med-High	\$107.49	\$112.91	\$107.13	\$107.13	(((\$107.23)) \$112.59	
D High	\$115.79	\$121.21	\$115.79	\$115.79	(((\$121.91)) \$128.01	

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE

KING COUNTY

CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
E Med	\$139.84	\$145.26	\$139.84	\$139.84	(\$147.04) <u>\$154.39</u>
E High	\$163.89	\$169.31	\$163.89	\$163.89	(\$172.19) <u>\$180.80</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE

METROPOLITAN COUNTIES*

CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
A Low	\$61.69	\$66.61	\$47.67	\$47.67	(\$49.97) <u>\$52.47</u>
A Med	\$65.02	\$69.94	\$51.91	\$51.91	(\$54.34) <u>\$57.06</u>
A High	\$79.37	\$84.29	\$56.56	\$56.56	(\$59.81) <u>\$62.80</u>
B Low	\$61.69	\$66.61	\$47.67	\$47.67	(\$50.21) <u>\$52.72</u>
B Med	\$70.52	\$75.44	\$57.22	\$57.22	(\$60.10) <u>\$63.11</u>
B Med-High	\$79.83	\$84.75	\$60.81	\$60.81	(\$64.37) <u>\$67.59</u>
B High	\$87.07	\$91.99	\$71.25	\$71.25	(\$75.24) <u>\$79.00</u>
C Low	\$65.02	\$69.94	\$52.12	\$52.12	(\$54.74) <u>\$57.48</u>
C Med	\$79.37	\$84.29	\$66.84	\$66.84	(\$70.12) <u>\$73.63</u>
C Med-High	\$98.10	\$103.02	\$83.73	\$83.73	(\$87.17) <u>\$91.53</u>
C High	\$99.09	\$104.01	\$89.04	\$89.04	(\$92.41) <u>\$97.03</u>
D Low	\$70.52	\$75.44	\$71.87	\$71.87	(\$71.62) <u>\$75.20</u>
D Med	\$80.98	\$85.90	\$82.67	\$82.67	(\$86.95) <u>\$91.30</u>
D Med-High	\$103.98	\$108.90	\$104.50	\$104.50	(\$103.99) <u>\$109.19</u>
D High	\$112.63	\$117.55	\$112.63	\$112.63	(\$117.98) <u>123.88</u>
E Med	\$135.52	\$140.44	\$135.52	\$135.52	(\$141.91) <u>\$149.01</u>
E High	\$158.40	\$163.32	\$158.40	\$158.40	(\$165.84) <u>\$174.13</u>

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE

NONMETROPOLITAN COUNTIES**

CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
A Low	\$60.61	\$65.85	\$47.67	\$47.67	(\$49.97) <u>\$52.47</u>
A Med	\$65.02	\$70.26	\$50.86	\$50.86	(\$53.26) <u>\$55.92</u>
A High	\$79.37	\$84.61	\$55.66	\$55.66	(\$58.73) <u>\$61.67</u>
B Low	\$60.61	\$65.85	\$47.67	\$47.67	(\$50.21) <u>\$52.72</u>
B Med	\$70.52	\$75.76	\$56.16	\$56.16	(\$59.01) <u>\$61.96</u>
B Med-High	\$79.83	\$85.07	\$59.68	\$59.68	(\$63.13) <u>\$66.29</u>
B High	\$87.07	\$92.31	\$67.41	\$67.41	(\$71.23) <u>\$74.79</u>
C Low	\$65.02	\$70.26	\$50.86	\$50.86	(\$53.26) <u>\$55.92</u>
C Med	\$79.37	\$84.61	\$63.20	\$63.20	(\$67.48) <u>\$70.85</u>
C Med-High	\$98.10	\$103.34	\$80.54	\$80.54	(\$83.90) <u>\$88.10</u>
C High	\$99.09	\$104.33	\$84.18	\$84.18	(\$87.47) <u>\$91.84</u>
D Low	\$70.52	\$75.76	\$67.96	\$67.96	(\$67.80) <u>\$71.19</u>
D Med	\$80.98	\$86.22	\$78.17	\$78.17	(\$82.29) <u>\$86.40</u>
D Med-High	\$103.98	\$109.22	\$98.79	\$98.79	(\$98.41) <u>\$103.33</u>
D High	\$106.48	\$111.72	\$106.48	\$106.48	(\$111.62) <u>\$117.20</u>
E Med	\$128.11	\$133.35	\$128.11	\$128.11	(\$134.23) <u>\$140.94</u>
E High	\$149.75	\$154.99	\$149.75	\$149.75	(\$156.86) <u>\$164.70</u>

** Nonmetropolitan counties: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Orielle, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla and Whitman.