RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Department of Social and Health Services, Aging and Long-Term Support Administration

Emergency Rule Only

Effective date of rule:
Emergency Rules
☒ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes ☒ No If Yes, explain:

Purpose:

The daily Medicaid payment rates are changing per collective bargaining and the FY17 state budget. The department is amending WAC 388-105-0005 "The daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that 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" to update the rate table included in WAC 388-105-0005.

Citation of existing rules affected by this order:
Repealed: None
Amended: WAC 388-105-0005
Suspended: None

Statutory authority for adoption: RCW 74.39A.030(3)(a)

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

☐ That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: This WAC includes a rate table that was updated per Legislative budget decisions. The permanent rule change is in process. The filing of this emergency rule is necessary due to the timing of the start of the fiscal year.

Date adopted:
August 4, 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: August 05, 2016
TIME: 9:41 AM

WSR 16-17-013

(COMPLETE REVERSE SIDE)

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	1	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New _____ Amended _____ Repealed _____

The number of sections adopted in the agency's own initiative:

New _____ Amended _____ Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New _____ Amended _____ Repealed _____

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	1	Repealed	_____

AMENDATORY SECTION (Amending WSR 16-05-028, filed 2/9/16, effective 3/11/16)

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 residentical 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

KING COUNTY

CARE CLASSIFICATION	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~~)) $59.36
D Med	$83.23	$88.65	$84.35	$84.35	((~~$89.32~~)) $75.43
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~~)) $154.39
E High	$163.89	$169.31	$163.89	$163.89	((~~$172.19~~)) $180.80

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~~)) $52.47
A Med	$65.02	$69.94	$51.91	$51.91	((~~$54.34~~)) $57.06
A High	$79.37	$84.29	$56.56	$56.56	((~~$59.81~~)) $62.80
B Low	$61.69	$66.61	$47.67	$47.67	((~~$50.21~~)) $52.72
B Med	$70.52	$75.44	$57.22	$57.22	((~~$60.10~~)) $63.11
B Med-High	$79.83	$84.75	$60.81	$60.81	((~~$64.37~~)) $67.59
B High	$87.07	$91.99	$71.25	$71.25	((~~$75.24~~)) $79.00
C Low	$65.02	$69.94	$52.12	$52.12	((~~$54.74~~)) $57.48
C Med	$79.37	$84.29	$66.84	$66.84	((~~$70.12~~)) $73.63
C Med-High	$98.10	$103.02	$83.73	$83.73	((~~$87.17~~)) $91.53
C High	$99.09	$104.01	$89.04	$89.04	((~~$92.41~~)) $97.03
D Low	$70.52	$75.44	$71.87	$71.87	((~~$71.62~~)) $75.20
D Med	$80.98	$85.90	$82.67	$82.67	((~~$86.95~~)) $91.30
D Med-High	$103.98	$108.90	$104.50	$104.50	((~~$103.99~~)) $109.19
D High	$112.63	$117.55	$112.63	$112.63	((~~$117.98~~)) 123.88
E Med	$135.52	$140.44	$135.52	$135.52	((~~$141.91~~)) $149.01
E High	$158.40	$163.32	$158.40	$158.40	((~~$165.84~~)) $174.13

*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~~)) $52.47
A Med	$65.02	$70.26	$50.86	$50.86	((~~$53.26~~)) $55.92
A High	$79.37	$84.61	$55.66	$55.66	((~~$58.73~~)) $61.67
B Low	$60.61	$65.85	$47.67	$47.67	((~~$50.21~~)) $52.72
B Med	$70.52	$75.76	$56.16	$56.16	((~~$59.01~~)) $61.96
B Med-High	$79.83	$85.07	$59.68	$59.68	((~~$63.13~~)) $66.29
B High	$87.07	$92.31	$67.41	$67.41	((~~$71.23~~)) $74.79
C Low	$65.02	$70.26	$50.86	$50.86	((~~$53.26~~)) $55.92
C Med	$79.37	$84.61	$63.20	$63.20	((~~$67.48~~)) $70.85
C Med-High	$98.10	$103.34	$80.54	$80.54	((~~$83.90~~)) $88.10
C High	$99.09	$104.33	$84.18	$84.18	((~~$87.47~~)) $91.84
D Low	$70.52	$75.76	$67.96	$67.96	((~~$67.80~~)) $71.19
D Med	$80.98	$86.22	$78.17	$78.17	((~~$82.29~~)) $86.40
D Med-High	$103.98	$109.22	$98.79	$98.79	((~~$98.41~~)) $103.33
D High	$106.48	$111.72	$106.48	$106.48	((~~$111.62~~)) $117.20
E Med	$128.11	$133.35	$128.11	$128.11	((~~$134.23~~)) $140.94
E High	$149.75	$154.99	$149.75	$149.75	((~~$156.86~~)) $164.70

** 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.