



# 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:16-23-029; 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 388-845-1610 "Where can respite care be provided?" and WAC 388-845-1615 "Who are qualified providers of respite care?".

**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: May 9, 2017 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. May 9, 2017**

**Assistance for persons with disabilities:** Contact:  
Jeff Kildahl, DSHS Rules Consultant by April 26, 2017  
Phone: (360) 664-6092 or TTY: (360) 664-6178  
Email: [KildaJA@dshs.wa.gov](mailto:KildaJA@dshs.wa.gov)

**Date of intended adoption:** Not earlier than May 10, 2017  
(Note: This is **NOT** the **effective** date)

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

The department is proposing to amend these rules to remove references to overnight planned respite (OPR), which were mistakenly added to the sections under permanent rules filed previously as WSR 16-17-003. OPR is still an available service and is not impacted by these amendments. Other changes to these rules clarify language.

**Reasons supporting proposal:** These amendments are necessary to remove incorrect references to OPR. Emergency rules for these amendments have been filed as WSR 16-23-082 and WSR 17-07-071.

**Statutory authority for adoption:** RCW 71A.12.030

**Statute being implemented:** RCW 71A.12.030

**Is rule necessary because of a:**

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

**DATE**

March 29, 2017

**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: March 31, 2017**

**TIME: 3:07 PM**

**WSR 17-08-066**

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

**Name of proponent:** Department of Social and Health Services

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Chantelle Diaz	P.O. Box 45310, Olympia, WA 98504-5310	(360) 407-1581
Implementation:	Ann Whitehall	P.O. Box 45310, Olympia, WA 98504-5310	(360) 407-1551
Enforcement:	Ann Whitehall	P.O. Box 45310, Olympia, WA 98504-5310	(360) 407-1551

**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.

Under RCW 19.85.025, the proposed rules do not require preparation of a SBEIS because these amendments correct errors and clarify language without substantive changes as described in RCW 34.05.310(4).

**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:

Under RCW 34.05.328(5)(b(iv)), the proposed rules do not require preparation of a CBA because these amendments correct errors and clarify language.

AMENDATORY SECTION (Amending WSR 16-17-003, filed 8/4/16, effective 9/4/16)

**WAC 388-845-1610 Where ((ean)) may respite care be provided?**

(1) Respite care ((ean)) may be provided in any of the following ((le-  
eation)) licensed or certified settings that have a respite contract  
with the developmental disabilities administration (DDA):

- ~~(a) ((Individual's home or place of residence;~~
- ~~(b) Relative's home;~~
- ~~(c) Licensed children's foster home;~~
- ~~(d) Licensed, contracted and DDA certified group home;~~
- ~~(e) Licensed assisted living facility contracted as an adult res-  
idential center;~~
- ~~(f) Adult residential rehabilitation center;~~
- ~~(g) Licensed and contracted adult family home;~~
- ~~(h) Children's licensed group home, licensed staffed residential  
home, or licensed child care center;~~
- ~~(i) Other community settings such as camp, senior center, or  
adult day care center; and~~
- ~~(j) Certified overnight planned respite services home)) Adult  
family home;~~

(b) Assisted living facility;

(c) Child care center;

(d) Children's foster home;

(e) Children's group home;

(f) Group home;

(g) Group training home;

(h) Staffed residential home.

(2) Respite care may also be provided in:

(a) The individual's home or place of residence;

(b) The individual's relative's home; and

(c) Other DDA-contracted community settings such as a camp, se-  
nior center, and adult day care center.

~~((2) Additionally,)) (3) Your respite care provider may take you  
into the community while providing respite services.~~

AMENDATORY SECTION (Amending WSR 16-17-003, filed 8/4/16, effective 9/4/16)

**WAC 388-845-1615 Who ((are)) may be qualified providers of res-  
pite care?** Providers of respite care ((ean)) may be any of the fol-  
lowing individuals or agencies contracted with ((DDA)) the developmen-  
tal disabilities administration (DDA) for respite care:

(1) Individuals ((meeting)) who meet the provider qualifications  
under chapter 388-825 WAC;

(2) Homecare/home health agencies((7)) licensed under chapter  
246-335 WAC, Part 1;

(3) Licensed and contracted group homes, foster homes, child  
placing agencies, staffed residential homes, and foster group care  
homes;

(4) Licensed and contracted adult family homes;

(5) Licensed and contracted adult residential care facilities;

- (6) Licensed and contracted adult residential treatment facilities under chapter 246-337 WAC;
- (7) Licensed child care centers under chapter 170-295 WAC;
- (8) Licensed child day care centers under chapter 170-295 WAC;
- (9) Adult day care providers under chapter 388-71 WAC contracted with DDA;
- (10) Certified (~~provider~~) providers under chapter 388-101 WAC when respite is provided within the DDA contract for certified residential services; or
- (11) (~~Certified overnight planned respite services providers under chapter 388-829R WAC; or~~
- (12)) Other DDA contracted providers such as a community center, senior center, parks and recreation, and summer programs.