



# PROPOSED RULE MAKING

## CR-102 (August 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 23, 2017

TIME: 11:09 AM

WSR 17-17-177

**Agency:** Department of Social and Health Services, Developmental Disabilities Administration

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 17-11-110 ; 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).**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) The department is proposing to create new sections in a new chapter 388-829B WAC "Enhanced Case Management Program".

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 26, 2017	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504	Public parking at 11 <sup>th</sup> and Jefferson. A map is available at: <a href="https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2">https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2</a>

**Date of intended adoption:** Not earlier than September 27, 2017 (Note: This is **NOT** the **effective** date)

### Submit written comments to:

Name: DSHS Rules Coordinator

Address: PO Box 45850  
Olympia, WA 98504

Email: [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)

Fax: (360) 664-6185

Other:

By (date) 5:00 p.m. September 26, 2017

### Assistance for persons with disabilities:

Contact [Jeff Kildahl](#)

Phone: (360) 664-6092

Fax:

TTY: (360) 664-6178

Email: [KildaJA@dshs.wa.gov](mailto:KildaJA@dshs.wa.gov)

Other:

By (date) September 12, 2017

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The department is proposing to create new rules in order to implement Senate Bill 6564 (2016).

**Reasons supporting proposal:** The proposed rules address abuse and neglect of individuals with developmental disabilities by increasing monitoring, reporting, and home visits for clients assessed as being at the highest risk of abuse and neglect.

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

**Statute being implemented:** Chapter 71A.12 RCW, Chapter 43.382 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**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:	Chantelle Diaz	P.O. Box 45310, Olympia, WA 98504-5310	360-407-1589
Implementation:	Heather Lum	P.O. Box 45310, Olympia, WA 98504-5310	360-407-1526
Enforcement:	Heather Lum	P.O. Box 45310, Olympia, WA 98504-5310	360-407-1526

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

- Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Chantelle Diaz

Address: P.O. Box 45310, Olympia, WA 98504-5310

Phone: 360-407-1589

Fax: 360-407-0955

TTY:

Email: chantelle.diaz@dshs.wa.gov

Other:

No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4).

Explanation of exemptions, if necessary: Under RCW 19.85.025(4), the department is exempt from preparing a small business economic impact statement if the department has prepared a cost-benefit analysis that meets requirements under RCW 34.05.328.

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

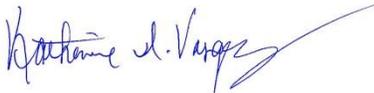
If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

<b>Date:</b> August 22, 2017	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

**Chapter 388-829B WAC  
ENHANCED CASE MANAGEMENT PROGRAM**

NEW SECTION

**WAC 388-829B-100 What is the enhanced case management program?**

The enhanced case management program (ECMP) is a program that facilitates client integration, improves quality of care, and promotes a safe home environment. Funds appropriated for the ECMP supports up to seven hundred clients through increased:

- (1) Access to a case manager;
- (2) Access to education and resources; and
- (3) Frequency of home visits.

NEW SECTION

**WAC 388-829B-200 What definitions apply to this chapter?** The following definitions apply to this chapter.

**"CARE assessment"** means an inventory and evaluation of abilities and needs based on an in-person interview in the client's home or place of residence.

**"Caregiver"** means a person contracted with the developmental disabilities administration (DDA) to provide medicaid or waiver personal care, respite care, or attendant care services.

**"Client"** means a person who has a developmental disability as defined in RCW 71A.10.020 (5) and has been determined eligible to receive services by DDA under chapter 71A.16 RCW.

**"Collateral contact"** means a person or agency that is involved in the client's life, such as a legal guardian, family member, provider, or friend.

**"Independent supports"** means an adult, other than the client's paid caregiver, who observes the care a client receives from their paid caregiver.

NEW SECTION

**WAC 388-829B-300 Who may DDA enroll in the enhanced case management program?** The developmental disabilities administration (DDA) may enroll a client in the enhanced case management program if the client is largely dependent on a paid caregiver in the client's home and:

- (1) The client's CARE assessment indicates the client:
  - (a) Is not always able to supervise their caregiver;
  - (b) Has communication barriers and few documented community contacts; and
  - (c) Lacks additional, independent supports that regularly help the client monitor the care being provided in their home; or
- (2) The client lives with the paid caregiver and:

- (a) The client has been the subject of an adult protective services or child protective services referral in the past year; or
- (b) DDA has concerns that the home environment or quality of care may jeopardize the client's health or safety.

NEW SECTION

**WAC 388-829B-400 How often must the case manager visit the enhanced case management program client?** (1) The client's case manager must visit each enhanced case management program (ECMP) client at least once every four months at the client's home, including unannounced visits as needed. Each required visit must not occur more than four months apart.

(2) An unannounced visit may replace a scheduled visit.

(3) If a client declines a visit, announced or unannounced, the case manager must document the declined visit in the ECMP node.

(4) If the case manager is unable to meet with the client for a required visit, the case manager must schedule a follow-up visit as soon as possible and no later than thirty days.

NEW SECTION

**WAC 388-829B-500 When will I transfer off of the enhanced case management program?** If you no longer meet eligibility criteria for the enhanced case management program under WAC 388-829B-300, DDA will disenroll you from the program.

NEW SECTION

**WAC 388-829B-600 May I request a review of my enhanced case management program eligibility?** (1) If you request a review of your enhanced case management program eligibility, the developmental disabilities administration (DDA) will perform an independent quality assurance review. The quality assurance review may include but is not limited to:

(a) An in-home visit or visits;

(b) Review of your CARE assessment; and

(c) Interviews with your collateral contacts, providers, and case manager.

(2) If the quality assurance review determines you meet eligibility criteria, then you will remain in the enhanced case management program.

(3) If the quality assurance review determines you no longer meet eligibility criteria, DDA will disenroll you from the enhanced case management program.

(4) If, following an independent quality assurance review, you disagree with a decision made by DDA, you may request an administrative hearing under RCW 71A.10.050 and chapter 388-02 WAC.