



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: March 29, 2018

TIME: 1:26 PM

WSR 18-08-049

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

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR** 18-02-075 ; 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); or**
- Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) The department is proposing to amend WAC 388-106-0950 "What services may I receive under the residential care discharge allowance?" and WAC 388-106-0955 "Am I eligible for residential care discharge allowance?". The department is also proposing to create two new sections as WAC 388-106-0960 "Are there limits to the community transition or sustainability services I may receive?" and WAC 388-106-0965 "Are there waiting lists for community transition or sustainability services?".

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 8, 2018	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504	Public parking at 11 th and Jefferson. A map is available at: https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2

Date of intended adoption: Not earlier than May 9, 2018 (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
 Fax: 360-664-6185
 Other:
 By (date) 5:00 p.m. May 8, 2018

Assistance for persons with disabilities:

Contact Jeff Kildahl, DSHS Rules Consultant
 Phone: 360-664-6092
 Fax: 360-664-6185
 TTY: 711 Relay Service
 Email: Kildaja@dshs.wa.gov
 Other:
 By (date) April 24, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department proposes to do the following: 1) Increase the maximum service limit to match the limit available under Community First Choice (CFC) Community Transition Services (CTS); and 2) Expand the definition of the service to ensure continuity of services after the conclusion of the Washington Roads program when funding for the state-only funded program ends. Washington Roads provides stabilizing goods and services to individuals already residing in the community who are at risk of losing their current setting of care. Without these changes, some individuals currently served under the Washington Roads program would not be able to access necessary stabilizing goods and services, putting the client at risk of institutionalization in a nursing home or hospital.

Reasons supporting proposal: See purpose statement above.

Statutory authority for adoption: RCW 74.08.090

Statute being implemented: RCW 74.08.090, RCW 74.09.520

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Debbie Blackner	P.O. Box 45600, Olympia, WA 98504-5600	360-725-2557
Implementation:	Debbie Blackner	P.O. Box 45600, Olympia, WA 98504-5600	360-725-2557
Enforcement:	Debbie Blackner	P.O. Box 45600, Olympia, WA 98504-5600	360-725-2557

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:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: Rules are exempt per RCW 34.05.328(5)(b)(v), rules the content of which is explicitly and specifically dictated by statute.

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 ____.

Explanation of exemptions, if necessary:

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:

Date: March 27, 2018

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:

AMENDATORY SECTION (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

WAC 388-106-0950 ~~What services may I receive under ((the residential care discharge allowance))~~ community transition or sustainability services? ~~((The residential care discharge allowance is a one-time payment used))~~ Community transition or sustainability services are nonrecurring setup items or services necessary to ((help)) assist you to establish ((or)), resume ((living in)), or stabilize your ((own)) home or community-based residential setting. ((You may receive up to eight hundred and sixteen dollars to cover necessary equipment, remodeling, rent, and utilities)) Community transition or sustainability services may include, but are not limited to:

(a) Security deposits that are required to lease an apartment or home, including first month's rent.

(b) Activities to assess need, arrange for, and procure necessary household furnishings.

(c) Setup fees or deposits for utilities, including telephone, electricity, heating, water, and garbage.

(d) Services necessary for your health and safety such as pest eradication and nonrecurring extreme cleaning.

(e) Moving expenses.

AMENDATORY SECTION (Amending WSR 15-03-038, filed 1/12/15, effective 2/12/15)

WAC 388-106-0955 ~~Am I eligible for ((residential care discharge allowance))~~ community transition or sustainability services? You ~~((are))~~ may be eligible for ((a residential discharge allowance)) community transition or sustainability services if you:

(1) Meet eligibility criteria to receive long-term ((care)) services and supports from home and community services;

(2) Are ((being discharged)) transitioning to the community from a hospital, nursing facility, ((a)) licensed assisted living facility, enhanced services facility, or adult family home ((to your own home)), or are living in the community and need stabilization services to remain there; and

(3) Do not have other programs, services, or resources to assist you with these costs; and

~~((4))~~ (a) Have needs beyond what is covered under ((the)) community transition services (under ((COPES)) community first choice) ((-)); or

(b) Are not eligible for community transition services (under community first choice).

NEW SECTION

WAC 388-106-0960 ~~Are there limits to the community transition or sustainability services I may receive?~~ Community transition or sustainability services:

- (1) Do not include recreational or entertainment items, such as a television, cable, or a DVD player;
- (2) Do not include room and board; and
- (3) May not exceed eight hundred fifty dollars per transition or occurrence of instability that threatens the loss of your home in the community.

NEW SECTION

WAC 388-106-0965 Are there waiting lists for community transition or sustainability services? There are no waiting lists for community transition or sustainability services. Instead of waiting lists, the department may revise rules to reduce the type of available services, the number of individuals served, or maximum rate, in order to stay within the legislative appropriation.