



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: August 14, 2018

TIME: 9:17 AM

WSR 18-17-085

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 18-08-076 ; 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 388-105-0005 "The daily medicaid payment rates for clients who have been assessed using the CARE tool and reside at an AFH or assisted living facility contracted to provide assisted living, adult residential care, or enhanced adult residential care services".

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 25, 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 September 26, 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. September 25, 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) September 11, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing to amend WAC 388-105-0005 to update the rates in the tables to reflect new rates that are being paid effective July 1, 2018, currently in place by emergency filed as WSR 18-14-060.

Reasons supporting proposal: The changes to rates are directed by legislation.

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

Statute being implemented: SB6032 (Chapter 299, Laws of 2018)

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:	Elizabeth Pashley	4450 10 th Ave SE, Lacey, WA 98503	360-725-2447
Implementation:	Elizabeth Pashley	4450 10 th Ave SE, Lacey, WA 98503	360-725-2447
Enforcement:	Elizabeth Pashley	4450 10 th Ave SE, Lacey, WA 98503	360-725-2447

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

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)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

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: August 8, 2018

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:

WAC 388-105-0005 The daily medicaid payment rates for clients who have been assessed using the CARE tool and reside at an AFH or assisted living facility contracted to provide assisted living, adult residential care, or enhanced adult residential care services. For contracted adult family homes (AFH) and assisted living facilities contracted to provide assisted living (AL), adult residential care (ARC), or enhanced adult residential care (EARC) services, the department pays the following daily rates for 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 Without Capital Add-On	ARC/EARC With Capital Add-On	AFH
A Low	\$((70.59)) <u>73.34</u>	\$((76.01)) <u>81.18</u>	\$((50.06)) <u>52.02</u>	\$((50.06)) <u>54.44</u>	\$71.96
A Med	\$((76.38)) <u>79.35</u>	\$((81.80)) <u>87.19</u>	\$((56.74)) <u>58.95</u>	\$((56.74)) <u>61.37</u>	\$74.74
A High	\$((85.66)) <u>88.99</u>	\$((91.08)) <u>96.83</u>	\$((62.27)) <u>64.70</u>	\$((62.27)) <u>67.12</u>	\$81.23
B Low	\$((70.59)) <u>73.34</u>	\$((76.01)) <u>81.18</u>	\$((50.06)) <u>52.02</u>	\$((50.06)) <u>54.44</u>	\$73.40
B Med	\$((78.72)) <u>81.78</u>	\$((84.14)) <u>89.62</u>	\$((63.42)) <u>65.89</u>	\$((63.42)) <u>68.31</u>	\$79.78
B Med-High	\$((89.08)) <u>92.54</u>	\$((94.50)) <u>100.38</u>	\$((67.41)) <u>70.04</u>	\$((67.41)) <u>72.46</u>	\$86.56
B High	\$((93.75)) <u>97.39</u>	\$((99.17)) <u>105.23</u>	\$((76.98)) <u>79.97</u>	\$((76.98)) <u>82.39</u>	\$89.05
C Low	\$((76.38)) <u>79.35</u>	\$((81.80)) <u>87.19</u>	\$((56.74)) <u>58.95</u>	\$((56.74)) <u>61.37</u>	\$81.03
C Med	\$((85.66)) <u>88.99</u>	\$((91.08)) <u>96.83</u>	\$((71.09)) <u>73.83</u>	\$((71.09)) <u>76.28</u>	\$93.33
C Med-High	\$((106.51)) <u>110.64</u>	\$((111.93)) <u>118.48</u>	\$((94.60)) <u>98.27</u>	\$((94.60)) <u>100.69</u>	\$98.41
C High	\$((107.57)) <u>111.74</u>	\$((112.99)) <u>119.58</u>	\$((95.51)) <u>99.22</u>	\$((95.51)) <u>101.64</u>	\$99.76
D Low	\$((78.72)) <u>81.78</u>	\$((84.14)) <u>89.62</u>	\$((76.52)) <u>79.50</u>	\$((76.52)) <u>81.92</u>	\$86.46
D Med	\$((87.40)) <u>90.79</u>	\$((92.82)) <u>98.63</u>	\$((88.58)) <u>92.02</u>	\$((88.58)) <u>94.44</u>	\$95.25
D Med-High	\$((112.88)) <u>117.26</u>	\$((118.30)) <u>125.10</u>	\$((112.50)) <u>116.86</u>	\$((112.50)) <u>119.28</u>	\$((112.59)) <u>114.84</u>
D High	\$((121.59)) <u>126.30</u>	\$((127.01)) <u>134.14</u>	\$((121.59)) <u>126.30</u>	\$((121.59)) <u>128.72</u>	\$((128.01)) <u>130.57</u>

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 Without Capital Add-On	ARC/EARC With Capital Add-On	AFH
E Med	\$((146.85)) <u>152.53</u>	\$((152.27)) <u>160.37</u>	\$((146.85)) <u>152.53</u>	\$((146.85)) <u>154.95</u>	\$((154.39)) <u>157.48</u>
E High	\$((172.10)) <u>178.76</u>	\$((177.52)) <u>186.60</u>	\$((172.10)) <u>178.76</u>	\$((172.10)) <u>181.18</u>	\$((180.80)) <u>184.42</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 Without Capital Add-On	ARC/EARC With Capital Add-On	AFH
A Low	\$((64.78)) <u>67.30</u>	\$((69.70)) <u>74.64</u>	\$((50.06)) <u>52.02</u>	\$((50.06)) <u>54.44</u>	\$70.78
A Med	\$((68.28)) <u>70.94</u>	\$((73.20)) <u>78.28</u>	\$((54.51)) <u>56.64</u>	\$((54.51)) <u>59.06</u>	\$73.49
A High	\$((83.35)) <u>86.59</u>	\$((88.27)) <u>93.93</u>	\$((59.39)) <u>61.71</u>	\$((59.39)) <u>64.13</u>	\$79.80
B Low	\$((64.78)) <u>67.30</u>	\$((69.70)) <u>74.64</u>	\$((50.06)) <u>52.02</u>	\$((50.06)) <u>54.44</u>	\$72.18
B Med	\$((74.05)) <u>76.93</u>	\$((78.97)) <u>84.27</u>	\$((60.09)) <u>62.43</u>	\$((60.09)) <u>64.85</u>	\$78.39
B Med-High	\$((83.83)) <u>87.09</u>	\$((88.78)) <u>94.43</u>	\$((63.86)) <u>66.35</u>	\$((63.86)) <u>68.77</u>	\$84.98
B High	\$((91.43)) <u>94.98</u>	\$((96.35)) <u>102.32</u>	\$((74.82)) <u>77.73</u>	\$((74.82)) <u>80.15</u>	\$87.41
C Low	\$((68.28)) <u>70.94</u>	\$((73.20)) <u>78.28</u>	\$((54.73)) <u>56.87</u>	\$((54.73)) <u>59.29</u>	\$79.61
C Med	\$((83.35)) <u>86.59</u>	\$((88.27)) <u>93.93</u>	\$((70.19)) <u>72.92</u>	\$((70.19)) <u>75.31</u>	\$91.57
C Med-High	\$((103.01)) <u>107.01</u>	\$((107.93)) <u>114.35</u>	\$((87.92)) <u>91.33</u>	\$((87.92)) <u>93.75</u>	\$93.63
C High	\$((105.05)) <u>108.09</u>	\$((108.97)) <u>115.43</u>	\$((93.50)) <u>97.13</u>	\$((93.50)) <u>99.55</u>	\$97.03
D Low	\$((74.05)) <u>76.93</u>	\$((78.97)) <u>84.27</u>	\$((75.47)) <u>78.41</u>	\$((75.47)) <u>80.83</u>	\$84.89
D Med	\$((85.04)) <u>88.34</u>	\$((89.96)) <u>95.68</u>	\$((86.81)) <u>90.18</u>	\$((86.81)) <u>92.60</u>	\$93.44
D Med-High	\$((109.19)) <u>113.42</u>	\$((114.11)) <u>120.76</u>	\$((109.74)) <u>113.99</u>	\$((109.74)) <u>116.41</u>	\$((109.19)) <u>111.37</u>
D High	\$((118.27)) <u>122.85</u>	\$((123.19)) <u>130.19</u>	\$((118.27)) <u>122.85</u>	\$((118.27)) <u>125.27</u>	\$((123.88)) <u>126.36</u>
E Med	\$((142.31)) <u>147.82</u>	\$((147.23)) <u>155.16</u>	\$((142.31)) <u>147.82</u>	\$((142.31)) <u>150.24</u>	\$((149.01)) <u>151.99</u>
E High	\$((166.34)) <u>172.77</u>	\$((171.23)) <u>180.11</u>	\$((166.34)) <u>172.77</u>	\$((166.34)) <u>175.19</u>	\$((174.13)) <u>177.61</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 Without Capital Add-On	ARC/EARC With Capital Add-On	AFH
A Low	\$((63.65)) <u>66.13</u>	\$((68.89)) <u>73.79</u>	\$((50.06)) <u>52.02</u>	\$((50.06)) <u>54.44</u>	\$69.07
A Med	\$((68.28)) <u>70.94</u>	\$((73.52)) <u>78.60</u>	\$((53.41)) <u>55.50</u>	\$((53.41)) <u>57.92</u>	\$71.67
A High	\$((83.38)) <u>86.59</u>	\$((88.59)) <u>94.25</u>	\$((58.45)) <u>60.73</u>	\$((58.45)) <u>63.15</u>	\$77.73
B Low	\$((63.65)) <u>66.13</u>	\$((68.89)) <u>73.79</u>	\$((50.06)) <u>52.02</u>	\$((50.06)) <u>54.44</u>	\$70.42
B Med	\$((74.05)) <u>76.93</u>	\$((79.29)) <u>84.59</u>	\$((58.97)) <u>61.27</u>	\$((58.97)) <u>63.69</u>	\$76.38
B Med-High	\$((83.83)) <u>87.09</u>	\$((89.07)) <u>94.25</u>	\$((62.67)) <u>65.11</u>	\$((62.67)) <u>67.53</u>	\$82.71
B High	\$((91.43)) <u>94.98</u>	\$((96.67)) <u>102.64</u>	\$((70.79)) <u>73.55</u>	\$((70.79)) <u>75.97</u>	\$85.04
C Low	\$((68.28)) <u>70.94</u>	\$((73.52)) <u>78.60</u>	\$((53.41)) <u>55.50</u>	\$((53.41)) <u>57.92</u>	\$77.55
C Med	\$((83.35)) <u>86.59</u>	\$((88.59)) <u>94.25</u>	\$((66.67)) <u>68.96</u>	\$((66.37)) <u>71.38</u>	\$89.04
C Med-High	\$((103.04)) <u>107.01</u>	\$((108.25)) <u>114.67</u>	\$((84.58)) <u>87.87</u>	\$((84.58)) <u>90.29</u>	\$91.01
C High	\$((104.05)) <u>108.09</u>	\$((109.29)) <u>115.75</u>	\$((88.40)) <u>91.83</u>	\$((88.40)) <u>94.25</u>	\$93.08
D Low	\$((74.05)) <u>76.93</u>	\$((79.29)) <u>84.59</u>	\$((71.36)) <u>74.14</u>	\$((71.36)) <u>76.56</u>	\$82.62
D Med	\$((85.04)) <u>88.34</u>	\$((90.28)) <u>96.00</u>	\$((82.09)) <u>85.28</u>	\$((82.09)) <u>87.70</u>	\$90.83
D Med-High	\$((109.19)) <u>113.42</u>	\$((114.43)) <u>121.08</u>	\$((103.74)) <u>107.76</u>	\$((103.74)) <u>110.18</u>	\$((104.36)) <u>103.46</u>
D High	\$((111.81)) <u>116.14</u>	\$((117.05)) <u>123.80</u>	\$((111.81)) <u>116.14</u>	\$((111.81)) <u>118.56</u>	\$((117.20)) <u>119.54</u>
E Med	\$((134.53)) <u>139.74</u>	\$((139.77)) <u>147.40</u>	\$((134.53)) <u>139.74</u>	\$((134.53)) <u>142.16</u>	\$((140.94)) <u>143.76</u>
E High	\$((157.25)) <u>163.33</u>	\$((162.49)) <u>170.99</u>	\$((157.25)) <u>163.33</u>	\$((157.25)) <u>165.75</u>	\$((164.70)) <u>167.99</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.