PROPOSED RULE MAKING

CR-102 (December 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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FILED

DATE: August 21, 2018
TIME: 11:27 AM

WSR 18-17-155

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** 17-16-149 **; 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 chapter 388-829C WAC "Companion Homes".

Hearing location(s):

Date:	**Time:**	**Location:** (be specific)	**Comment:**
October 9, 2018	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504	Public parking at 11th 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 October 10, 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. October 9, 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 25, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Substantive changes to the proposed companion home rules address the following subjects: the application and certification processes to become a companion home provider; the process for determining the provider's daily rate; provider responsibilities while using respite; the process for determining a companion home client's annual respite allocation; when a companion home provider may request additional respite hours; the effect of additional respite hours on the provider's daily rate; violations of the room and board agreement; requiring an individual financial plan; transferring client funds; protecting clients from water hazards; records the provider must maintain; and informal dispute resolution processes. Most of the chapter has been rewritten to clarify requirements, and some sections have been repealed with the content added to other sections.

Reasons supporting proposal: The Developmental Disabilities Administration **(**DDA) is proposing to amend chapter 388-829C WAC to make several policy updates to how residential habilitation services are delivered in the companion home setting. These amendments are necessary because these rules have not been updated in seven or more years. See purpose statement above for a list of substantive changes.

Statutory authority for adoption: RCW 71A.12.030

Statute being implemented: RCW 74.39A.009(5), RCW 71A.12.040, RCW 71A.10.020

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:	Kelly Hampton	P.O. Box 45310, Olympia, WA 98504-5310	360-407-1514
Enforcement:	Kelly Hampton	P.O. Box 45310, Olympia, WA 98504-5310	360-407-1514

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: 1-800-833-6388
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(5) because the department prepared an analysis under RCW 34.05.328 .
Explanation of exemptions, if necessary: The proposed amendments do not impose more than minor costs on small businesses so a small business economic impact statement is not required

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 16, 2018	**Signature:**
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-010 What definitions apply to this chapter? The following definitions apply to this chapter:

((~~"ADSA" means the aging and disability services administration within DSHS and its employees and authorized agents.~~

~~"Adult protective services" or "APS" means the investigative body designated by ADSA to investigate suspected cases of abandonment, abuse, financial exploitation and neglect as defined in 74.34 RCW.~~

~~"Calendar year" means the twelve month period that runs from January 1 through December 31.~~))

"Case manager" means the ((~~DDD~~)) DDA case ((~~resource~~)) manager or DDA social worker assigned to a client.

"Certification" means a process used by DDA to determine if an applicant or service provider complies with the requirements of this chapter and the companion home contract.

"Client" means a person who has a developmental disability as defined in RCW ((~~71A.10.020(3)~~)) 71A.10.020(5) and who ((~~also~~)) has been determined eligible to receive services by ((~~the division~~)) DDA under chapter ((~~71A.16 RCW~~)) 388-823 WAC.

((~~"Competence" means the capacity to do what one needs and wants to do. There are two ways to be competent. A person may be self-reliant and able to do things for themselves or may have the power to identify and obtain the help needed from others~~)) "Companion home provider" means a provider of certified community residential support services under RCW 71A.10.020(2) who is contracted with DDA to deliver residential habilitation services. A companion home provider does not have an individual provider contract.

"Consent" means express written consent granted by the client, or the client's legal representative if the client has one, after the client or the client's legal representative has been informed of the nature of a service being offered.

((~~"DDD" or "the division"~~)) "DDA" means the ((~~division of~~)) developmental disabilities((~~, a division within the DSHS aging and disabilities services~~)) administration((~~, of the department of social and health services~~)).

((~~"DDD specialty training" means department approved curriculum to provide information and instruction to meet the special needs of people with developmental disabilities.~~))

"DSHS" or "the department" means the state of Washington department of social and health services and its employees and authorized agents.

((~~"Health and safety" means clients should live safely in environments common to other citizens with reasonable supports offered to simultaneously protect their health and safety while promoting community inclusion~~

~~"Individual support plan" or "ISP" is a document that authorizes and identifies the DDD paid services that meet a client's assessed needs.~~))

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"Instruction techniques" means step-by-step instruction, mentoring, role modeling, and developing visual cues.

((~~"Integration"~~))"Integrated setting" means ((~~clients being present and actively participating in the~~)) typical community ((~~using~~

~~the same resources and doing the same activities as other citizens~~)) settings not designed specifically for people with disabilities in which the majority of people employed and participating are people without disabilities.

((~~"Mandatory reporter" means any person working with vulnerable adults required by law to report incidents of abandonment, abuse, neglect, financial exploitation, etc., per chapter 74.34 RCW.~~

~~"NA-R" means nursing assistant-registered under chapter 18.88A RCW.~~

~~"NA-C" means nursing assistant-certified under chapter 18.88A RCW.~~

~~"Positive recognition by self and others" means a client being offered assistance in ways which promote the client's status and creditability. Providers offer assistance in ways that are appropriate to the age of the client, typical to other members of the community and contribute to the client's feelings of self worth and positive regard by others.~~

~~"Positive relationships" means clients having friends and family that offer essential support and protection. Friends and family lend continuity and meaning through life and open the way to new opportunities and experiences.~~

~~"Power and choice" means clients experiencing power, control and ownership of personal affairs. Expression of personal power and choice are essential elements in the lives of people. Such expressions help people gain autonomy, become self-governing and pursue their own interests and goals.~~

~~"Registered nurse delegation" means the process by which a registered nurse transfers the performance of selected nursing tasks to a registered or certified nursing assistant in selected situations. (For detailed information, please refer to chapter 18.79 RCW and WAC 388-840-910 through 388-840-970.)~~

~~"Regulation" means any federal, state, or local law, rule, ordinance or policy.~~

~~"Respite" means care that is intended to provide short-term intermittent relief for persons providing care for companion home clients.~~

~~"RCW" means the Revised Code of Washington, which contains all laws governing the state of Washington.~~

~~"Service episode record" or "SER" means documentation by DDD of all client related contacts including contacts during the assessment, service plan, coordination and monitoring of care and termination of services.~~

~~"Unusual incidents" means a change in circumstances or events that concern a client's safety or well-being. Examples include, an increased frequency, intensity, or duration of any medical conditions, adverse reactions to medication, hospitalization, death, severe behavioral incidents, severe injury, running away, physical or verbal abuse to themselves or others.~~

~~"WAC" means the Washington Administrative Code, which contains the rules for administering the state laws (RCW).~~))

"Legal representative" means a parent of a client if the client is under age eighteen, a court-appointed guardian if a decision is within the scope of the guardianship order, or any other person authorized by law to act for the client.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, ap-

plication, or other means, to a client by a person legally authorized to do so under chapter 246-840 WAC.

"Medication assistance" means assistance with self-administration of medication under chapter 69.41 RCW and chapter 246-888 WAC, rendered by a non-practitioner to a person receiving certified community residential support services.

"Nurse delegation" means the process by which a registered nurse transfers the performance of select nursing tasks to a registered or certified nursing assistant under chapter 18.79 RCW and WACs 246-840-910 through 246-840-970.

"Person-centered service plan" means a document that identifies a client's goals and assessed health and welfare needs. The person-centered service plan also indicates the paid services and natural supports that will assist the client to achieve their goals and address their assessed needs.

"Plan of correction" means a signed plan developed by the companion home provider and DDA resource manager.

"Representative payee" means a person or an organization appointed by the Social Security Administration to receive Social Security or SSI benefits for anyone who cannot manage or direct the management of their benefits.

"Residential habilitation services" has the same meaning as is under WAC 388-845-1500.

"Resource manager" means the DDA employee who establishes rates, monitors contract compliance, and acts as DDA's liaison with the service provider.

"Service provider" means a person or entity contracted by DSHS and authorized to deliver services and supports to meet a client's assessed needs.

"Support" means assistance a service provider gives a client based on needs identified in the client's person-centered service plan.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-020 ((~~What are~~)) How does a companion home provider provide residential habilitation services? (1) A companion home ((~~is a DDD~~)) provider provides residential ((~~service offered in the provider's home~~)) habilitation services:

(a) To no more than one client;

(b) In a home the companion home provider owns or leases;

(c) In an integrated setting; and

(d) Based on the client's person-centered service plan.

(2) The companion home ((~~residential services provide~~)) provider must be available to the client twenty-four ((~~hour instruction~~)) hours a day to provide supervision and support ((~~services~~)).

((~~(3) Companion home residential services are based on the client's ISP.~~

~~(4) Companion home residential services are provided by an independent contractor.~~))

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-030 Who may be eligible to receive residential habilitation services in a companion home ((~~residential services~~))? ((~~Clients who may~~)) To be eligible to receive ((~~companion home~~)) residential habilitation services in a companion home, a person must:

(1) Be ((~~at least~~)) eighteen ((~~years old~~)) or older; and

(2) Have an assessed need for ((~~companion home~~)) residential habilitation services((~~;~~)) and

((~~(3) Meet one of the following conditions~~)):

(a) Be authorized by ((~~DDD~~)) DDA to receive ((~~companion home~~)) residential habilitation services((~~, as outlined in this chapter~~)) in a companion home; or

(b) Have a written agreement with the provider to purchase ((~~companion home~~)) residential habilitation services in a companion home using the client's own ((~~personal financial resources~~)) funds, including state supplemental payments.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-040 Who ((~~is eligible to contract with DDD to provide~~)) may become a companion home ((~~residential services~~)) provider? To ((~~be eligible to contract with DDD to provide~~)) become a companion home ((~~residential services~~)) provider, a person must:

(1) Be twenty-one ((~~years of age~~)) or older;

(2) Have a high school diploma or ((~~GED~~)) general equivalency diploma (GED);

(3) ((~~Clear~~)) Have a nondisqualifying background check ((~~conducted by DSHS as required by RCW 43.20A710~~)) result under chapter 388-825 WAC;

(4) ((~~Have an FBI fingerprint-based background check as required by RCW 43.20A.710, if the person has not lived in the state continuously for the previous three years;~~

~~(5)~~)) Have a Washington state business ((~~ID number,~~)) license as an independent contractor; ((~~and~~

~~(6)~~)) (5) Meet the ((~~minimum skills and abilities described in~~)) companion home provider qualifications and requirements under WAC 388-829C-080; and

(6) Be selected by the client or the client's legal representative if the client has one.

NEW SECTION

WAC 388-829C-042 What are the qualifications for a person to provide residential habilitation services in a companion home? To provide residential habilitation services in a companion home a person must:

(1) Complete training required under chapter 388-829 WAC;

(2) Be certified by DDA as a companion home provider; and
(3) Be contracted with DDA as a companion home provider.

NEW SECTION

WAC 388-829C-044 What is the application process for a potential companion home provider? When a client identifies a person they want as their companion home provider, the prospective provider must:
(1) Submit to DDA:
(a) A resume;
(b) A letter of interest;
(c) A signed application form;
(d) All attachments required by the application;
(e) Contact information for three references unrelated to the provider;
(f) A signed outside employment disclosure and review form;
(g) A copy of a current business license; and
(h) Department background check authorization forms for the applicant and all household members age sixteen or older.
(2) Allow DDA staff to review the home for physical, safety, and accessibility requirements; and
(3) Participate in a DDA panel interview.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-050 ((~~Who may not provide~~)) When does DDA reject a client's choice of companion home ((~~residential services~~)) provider? ((~~DDD may not contract with any of the following to provide companion home residential services:~~))
(1) ((~~The~~)) DDA may reject a client's ((~~spouse~~)) choice of companion home provider if DDA has a reasonable, good-faith belief that:
(a) The provider is unable to appropriately meet the client's needs;
(b) The provider's home does not meet the client's needs; or
(c) The provider's other obligations prevent the provider from being available to the client twenty-four hours a day.
(2) ((~~The~~)) DDA must deny a client's choice of companion home provider if the provider is the client's:
(a) Spouse;
(b) Natural, step, or adoptive ((~~parents~~)) parent; or
(c) Legal representative, unless the person has been the client's legal representative and companion home provider since on or before January 31, 2005.
(3) ((~~The~~)) DDA must deny a client's ((~~court-appointed legal representative.~~
~~(4) Any person providing department~~)) choice of companion home provider if the provider:
(a) Provides paid services to ((~~any other~~)) another DSHS client or a client of the department of children, youth, and families; or
(b) Fails to maintain certification as a companion home provider.

NEW SECTION

WAC 388-829C-061 What is initial certification? (1) Initial certification is a document issued by DDA that indicates a provider meets the requirements under this chapter to deliver residential habilitation services in a companion home.

(2) To obtain initial certification, the companion home provider must:

(a) Meet requirements under WAC 388-829C-040;

(b) Complete the application process under WAC 388-829C-044;

(c) Meet training requirements under WAC 388-829C-110; and

(d) Comply with the physical and safety requirements under WAC 388-829C-320.

(3) An initial certification is valid for no more than one hundred and twenty days.

NEW SECTION

WAC 388-829C-062 What is standard certification? (1) Standard certification is a document issued by DDA that:

(a) Allows a provider to deliver residential habilitation services in a companion home; and

(b) Verifies the provider is qualified.

(2) During the initial certification period, a DDA-contracted evaluator conducts an on-site evaluation of the home.

(3) Based on the findings of the evaluation, DDA may:

(a) Issue standard certification;

(b) Issue provisional certification; or

(c) Decertify the provider.

(4) A standard certification is valid for no more than twelve months.

NEW SECTION

WAC 388-829C-063 What is provisional certification? (1) If a companion home provider is not in compliance with this chapter or the companion home contract, DDA may impose a provisional certification for a maximum of ninety days.

(2) DDA may impose a provisional certification if the provider:

(a) Fails to comply with this chapter or the companion home contract;

(b) Fails or refuses to cooperate with the evaluation and certification process;

(c) Prevents or interferes with a certification or monitoring visit, or complaint investigation by DSHS;

(d) Fails to comply with chapter 74.34 RCW;

(e) Knowingly makes a false statement of material fact to DSHS;

(f) Fails to implement a plan of correction; or

(g) Fails to cooperate during monitoring activities.

(3) At the end of the provisional certification, if the provider has complied with certification requirements, DDA may approve the provider for standard certification.

(4) At the end of the provisional certification, if the provider has not complied with certification requirements, DDA must decertify the companion home provider, unless DDA extends the provisional certification to develop or implement a transition plan for the client.

NEW SECTION

WAC 388-829C-064 What must a companion home provider comply with to maintain certification? (1) To maintain certification a companion home provider must comply with:

(a) Requirements under this chapter;

(b) Laws governing this chapter, including chapter 71A.12 RCW;

(c) Requirements under chapter 74.34 RCW;

(d) The companion home contract; and

(e) Other relevant federal, state and local laws, requirements, and ordinances.

(2) If a requirement in the companion home contract conflicts with any requirement under this chapter, the requirement in this chapter prevails.

NEW SECTION

WAC 388-829C-065 How does DDA monitor companion homes?? (1) To ensure a client's needs are being met, a client's DDA case manager must:

(a) Review all written reports from the provider for compliance with the instruction and support goals specified in the client's person-centered service plan; and

(b) Conduct an in-home visit at least every twelve months.

(2) DDA monitors a companion home provider through certification evaluation to ensure that the client's needs are being met and the provider is in compliance with this chapter and the companion home contract. The DDA-contracted evaluator conducts the evaluation in the companion home.

NEW SECTION

WAC 388-829C-066 How must the companion home provider participate in the certification evaluation process? The companion home provider must participate in the certification evaluation process with DDA staff and DDA-contracted evaluators by:

(1) Allowing scheduled and unscheduled home visits;

(2) Providing information and documentation as requested;

(3) Cooperating in setting up appointments;

(4) Responding to questions or issues identified; and

(5) Participating in an exit conference.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-070 Who must have a background check ((~~in the companion home~~))? (1) All ((~~individuals living in the household~~)) people, except the client, must have a ((~~current DSHS~~)) background check if they are sixteen or older and:

(a) ((~~Are at least sixteen years old; and~~)) Live in or routinely stay overnight in the companion home; or

(b) ((~~Reside~~)) May have unsupervised access to the client in the companion home.

(2) ((~~Household residents who have not lived in Washington continuously for the previous three years must also have an FBI fingerprint-based background check as required by RCW 43.20A.710~~)) Any person required to have a background check under this section must have a nondisqualifying background check result every two years, or more frequently if requested by DSHS.

((~~(3) Background checks must be completed every two years or more frequently when requested by the department.~~))

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-080 What minimum skills and abilities must companion home providers demonstrate? A companion home ((~~providers~~)) provider must:

(1) Be able to read, understand, and provide the services outlined in the ((~~ISP~~)) client's person-centered service plan;

(2) Participate in the development of the ((~~ISP~~)) person-centered service plan;

(3) Communicate with the client in the client's preferred language ((~~of the client served~~));

(4) Accommodate the client's ((~~individual~~)) preferences;

(5) Know the community resources, such as((~~:~~)) medical facilities, emergency resources, and recreational opportunities;

(6) Enable the client to keep in touch with family and friends in a way preferred by the client;

(7) Use instruction techniques appropriate for the client's learning style;

(8) Protect the client's financial interests;

((~~(8) Fulfill~~)) (9) Follow mandatory reporting requirements ((~~as required in this chapter and the companion home contract~~)) under chapter 74.34 RCW;

((~~(9)~~)) (10) Know how and when to contact the client's legal representative ((~~and the client's case manager~~));

((~~(10) Successfully complete the training required in this chapter;~~))

(11) Know how and when to contact the client's case manager;

(12) Meet training requirements under chapter 388-829 WAC;

(13) Maintain all necessary license((~~, registration~~)) and certification ((~~required~~)) requirements under this chapter((~~, (see WAC 388-829C-110, 388-829C-130, 388-829C-190, and 388-829C-260)~~)); and

((~~(12)~~)) (14) Comply with all applicable laws, regulations, and contract requirements; and

(15) Complete nurse delegation training if the client needs medication administration or delegated nursing tasks.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-110 ((~~What training~~)) When must a ((~~person have before becoming a contracted~~)) companion home provider complete their training requirements? (1) Before ((~~DDD may issue~~)) a companion home ((~~contract, the prospective~~)) provider may deliver services to a client, the provider must complete:

((~~(1) Obtain CPR and first aid certification~~)) (a) Five hours of safety and orientation training;

(b) Forty hours of DDA-developed residential services curriculum;

(c) Six hours of first aid certification and CPR training; and

(d) Six hours of DDA companion home orientation.

(2) ((~~Successfully complete bloodborne pathogens training with HIV/AIDS information; and~~)) No more than one hundred twenty days after the effective date of the companion home provider's contract, the provider must complete eighteen hours of population-specific or client-specific training under chapter 388-829 WAC.

(3) ((~~Receive contract orientation and client specific training from DDD~~)) A companion home provider must complete twelve continuing education credits annually.

(4) If the client needs medication administration or delegated nursing tasks, the companion home provider must complete nurse delegation training before they deliver services to the client.

NEW SECTION

WAC 388-829C-131 How does DDA determine the daily rate? (1) A companion home daily rate equals the sum of the client's support assessment scale scores multiplied by 12.5.

(2) The residential algorithm under chapter 388-828 WAC determines the level of services and supports a companion home client may receive.

(3) The CARE assessment assigns support levels of "none," "low," "medium," or "high" to each support assessment scale that correspond to the values below:

Category	None	Low	Medium	High
Activities of daily living	0	1	2	3
Behavior	0	1	2	3

Interpersonal support	0	1	2	3
Medical	0	1	2	3
Mobility	0	1	2	3
Protective supervision	0	1	2	3

(4) DDA assigns a behavior score of four if the client has a:

(a) Behavior score of three on their support assessment scale;

(b) Challenging behavior documented on form DSHS 10-234; and

(c) Current positive behavior support plan.

(5) DDA reviews a companion home daily rate annually and if a significant change assessment occurs during the plan year.

(6) DDA may adjust a companion home daily rate if:

(a) Any of the client's support assessment scale levels change;

(b) The multiplier changes due to a vendor rate change; or

(c) The annual cost of respite services increased because DDA approved additional respite hours under WAC 388-829C-234(3) and the client's assessed support needs remain unchanged since the most recent CARE assessment.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-140 ((~~Are~~)) Is a companion home ((~~providers mandatory reporters~~)) provider a mandated reporter? (((~~(1)~~)) A companion home ((~~providers are mandatory reporters. They must report all instances of suspected abandonment, abuse, financial exploitation or neglect of vulnerable adults as defined in~~)) provider is a mandated reporter under chapter 74.34 RCW.

(2) As a mandated reporter, the companion home ((~~providers~~)) provider must ((~~comply with DDD's residential reporting requirements specified in the companion home contract~~)) notify adult protective services and law enforcement as required under chapter 74.34 RCW.

(3) ((~~Providers~~)) A companion home provider must ((~~retain a signed copy of the DDD policy on residential reporting requirements specified in the~~)) complete incident reports as required by the provider's companion home contract ((~~and submit a signed copy of the policy to DDD~~)).

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-150 How must a companion home ((~~providers~~)) provider report abuse and neglect? A companion home ((~~providers~~)) provider must immediately report suspected abandonment, abuse, financial exploitation or neglect of a vulnerable ((~~adults to~~)) adult:

(1) ((~~Adult protective services using the DSHS toll free telephone number, provided by the department. 1-866-END-HARM or 1-866-363-4276~~)) As required under chapter 74.34 RCW; and

(2) ((~~DDD~~)) In compliance with the ((~~DDD~~)) DDA residential reporting requirements ((~~as specified~~)) in the companion home contract((~~; and~~

~~(3) Law enforcement agencies, as required under chapter 74.34 RCW, including when there is reason to suspect sexual or physical abuse~~)).

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-160 What health care ((~~assistance~~)) support must a companion home provider provide ((~~a client~~))? ((~~The companion home provider must~~)) To provide the client ((~~necessary~~)) health care ((~~assistance by~~)) support the companion home provider must:

(1) ((~~Arranging~~)) Schedule or assist the client in scheduling appointments and ((~~accessing health, mental health, and dental~~)) any follow-up appointments for dental, mental, and physical health services;

(2) ((~~Ensuring~~)) Ensure the client receives an annual physical and dental examination, unless the client has a written exemption from a physician or dentist ((~~gives a written exemption. For client refusal of services, see WAC 388-829C-310~~));

(3) ((~~Observing the client for changes(s)~~)) Document the client's refusal of any annual physical or dental examination under WAC 388-829C-370;

(4) In the event of an emergency or a change in the client's health, ((~~taking appropriate action and responding to emergencies~~)) act in the client's best interest;

((~~(4) Managing~~)) (5) If necessary, provide medication assistance ((~~per~~)) under chapter 246-888 WAC ((~~and~~));

(6) If necessary, perform delegated nursing tasks and medication administration ((~~per~~)) under WAC 246-840-910 ((~~to~~)) through 246-840-970 ((~~and per the DDD residential medication management requirements specified in the companion home contract~~));

((~~(5) Maintaining~~)) (7) Maintain health care records ((~~(see~~)) under WAC ((~~388-829C-280)~~)) 388-829C-340;

((~~(6) Assisting~~)) (8) Assist the client ((~~with any medical treatment prescribed by~~)) to understand and follow their health ((~~professionals that does not require registered nurse delegation or professionally licensed services~~)) care professional's instructions, referrals, and medication directions;

((~~(7) Communicating~~)) (9) Communicate directly with the client's health care professionals ((~~when needed~~)), if necessary; ((~~and~~

~~(8) Providing~~)) (10) Provide a balanced((~~, nutritional~~)) and nutritious diet; and

(11) Assist the client to access health care benefits available through medicare, medicaid, private health insurance, and other resources while acting in the client's financial best interest and supporting client choice.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-170 ((~~How may a~~)) When can the companion home provider ((~~assist a client with medications~~)) provide medication assistance? ((~~(1)~~)) A companion home provider may provide medication assistance ((~~per~~)) under chapter 246-888 WAC((~~,~~)) if the client:

((~~(a)~~)) (1) Is able to put the medication into ((~~his or her~~)) their mouth or apply or instill the medication; and

((~~(b)~~)) (2) Is aware that they are ((~~receiving~~)) taking medication.

((~~(2) Some tasks that may be provided under the Medication assistance, chapter 246-888 WAC, are listed in the following chart. Medication assistance may only be provided if the client meets both criteria in (a) and (b) of this section.~~

~~Medication Assistance Task~~	~~May a companion home provider complete this task if the client meets both criteria in (a) and (b) of this section?~~
~~Remind or coach the client to take their medication.~~	~~Yes~~
~~Open the medication container.~~	~~Yes~~
~~Hand client the medication container.~~	~~Yes~~
~~Place medication in the client's hand;~~	~~Yes~~
~~Transfer medication from a container to another for the purpose of an individual dose (e.g., pouring liquid medication from a container to a calibrated spoon, medication cup or adaptive device).~~	~~Yes~~
~~Alter a medication by crushing, mixing, etc.~~	~~Yes, if the client is aware that the medication is being altered or added to food or beverage. A pharmacist or other qualified practitioner must determine it is safe to alter a medication and this must be documented on the prescription container or in the client's record.~~
~~Handing the client a prefilled insulin syringe.~~	~~Yes, but the client must be able to inject the insulin by him or herself.~~
~~Guide or assist client to apply or instill skin, nose, eye and ear preparations.~~	~~Yes, but hand-over-hand administration is not allowed.~~
~~Assistance with injectable or IV medications.~~	~~No, this is not allowed.~~

~~Medication Assistance Task~~	~~May a companion home provider complete this task if the client meets both criteria in (a) and (b) of this section?~~
~~Hand-over-hand assistance with medication.~~	~~No, may only be done under registered nurse delegation.~~
~~Assistance with medication beyond the examples provided above.~~	~~No, may only be done under registered nurse delegation.~~))

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-180 ((~~What is required for~~)) When may a companion home provider ((~~to~~)) administer ((~~medications~~)) medication and provide delegated nursing tasks? (1) A companion home ((~~providers must meet the following requirements before administering medications~~)) provider may administer medication and ((~~providing~~)) perform delegated nursing tasks ((~~for their clients. The companion home~~)) if the provider ((~~must either~~)) is:

((~~(1) Be~~)) (a) A registered nurse ((~~(RN)~~)) or licensed practical nurse ((~~(LPN)~~)); or

((~~(2) Be~~)) (b) Delegated to perform nursing care tasks by a ((~~register~~)) registered nurse ((~~as described in WAC 388-829C-190~~)).

(2) To provide delegated nursing tasks, the companion home provider must:

(a) Provide the delegated nursing tasks under WAC 246-840-910 through 246-840-970;

(b) Receive client-specific training from the delegating registered nurse under WAC 246-840-930;

(c) Complete training requirements under WAC 246-840-930; and

(d) Be credentialed by the department of health under WAC 246-840-930.

(3) If the companion home provider is performing delegated nursing tasks as a nursing assistant-registered, the provider must complete seventy hours of basic training under chapter 388-829C WAC.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-200 When must a companion home provider ((~~become~~)) be delegated to perform nursing tasks? (1) ((~~If a client needs registered nurse delegation,~~)) The companion home provider must ((~~comply with the~~)) meet requirements ((~~necessary to perform delegated nursing tasks before offering services to the client. (Note: A companion home provider may not offer support to a client whose needs they are unable to meet.)~~)) for nurse delegation no more than thirty days after the client's need for medication administration or a delegated nursing

task is identified by a delegating nurse when a change in the client's health or ability to manage their own medications occurs.

(2) If the companion home provider is not ((~~eligible~~)) qualified to perform delegated nursing tasks, the task must be provided by a person legally authorized to do so ((~~such as an RN or LPN~~)) until the provider meets nurse delegation requirements.

((~~(3) The companion home provider must become eligible to perform nursing tasks within thirty days of the client being assessed to need medication administration.~~))

AMENDATORY SECTION (Amending WSR 09-20-004, filed 9/24/09, effective 10/25/09)

WAC 388-829C-230 ((~~Are companion home clients eligible to receive~~)) What is respite? ((~~Companion home clients are eligible to receive~~)) (1) Respite ((~~care to provide~~)) is short-term, intermittent ((~~relief~~)) care to provide relief for the companion home provider.

(2) The ((~~DDD~~)) DDA assessment ((~~will determine how much~~)) determines a client's annual allocation of respite ((~~you can receive per chapter 388-828 WAC~~)) hours.

(3) Respite may be provided in:

(a) The companion home where the client lives;

(b) A community setting available to an adult, such as a camp, senior center, or adult day care center;

(c) An adult family home;

(d) An assisted living facility;

(e) A group home; or

(f) A group training home.

(4) To be a qualified respite provider, a person or agency must be contracted with DDA to provide respite services.

(5) A companion home client must not receive overnight planned respite services under chapter 388-829R WAC.

(6) A companion home client must not receive respite at a residential habilitation center.

NEW SECTION

WAC 388-829C-231 What are the companion home provider's responsibilities when using respite? (1) The companion home provider must review with the respite provider:

(a) The support needs identified in the client's person-centered service plan;

(b) The need for the client to have access to their money as identified in their plan; and

(c) Record keeping requirements.

(2) The companion home provider must inform the respite provider of any scheduled events and appointments that will occur during the planned respite period.

NEW SECTION

WAC 388-829C-232 How does DDA determine a companion home client's annual respite allocation? DDA determines a companion home client's annual respite allocation by adding the client's companion home services support score under WAC 388-828-6010 to their adjusted companion home services support score under WAC 388-828-6011.

NEW SECTION

WAC 388-829C-233 May the client or companion home provider request additional respite hours? (1) A client may request respite hours in addition to their annual respite allocation, or the companion home provider may request additional respite on behalf of the client in consultation with the client's legal representative if the client has one.

(2) DDA may approve additional respite hours if a temporary and unexpected event occurs in the client or the companion home provider's life, such as an illness or injury.

NEW SECTION

WAC 388-829C-234 Will DDA reduce the companion home daily rate if additional respite hours are approved? (1) If DDA approves additional respite hours under WAC 388-829C-233(2), the daily rate remains unchanged.

(2) If DDA approves additional respite hours for any reason not under WAC 388-829C-233(2), DDA may reduce the companion home daily rate.

(3) If DDA approves additional respite hours under subsection (2) of this section, DDA:

(a) Divides the cost of the additional respite hours by the number of days remaining in the client's plan year; and

(b) Subtracts that amount from the companion home daily rate for the remaining number of days in the plan year.

(4) The cost of the additional respite hours is based on the identified respite provider's hourly rate.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-250 ((~~Are~~)) When may a companion home ((~~providers responsible to~~)) provider transport a client? ((~~The companion home provider must ensure that all of the client's transportation needs are met, as identified in the client's ISP~~)) (1) The companion home provider may transport a client if the provider has:

(a) A valid driver's license under chapter 46.20 RCW; and

(b) Automobile insurance under chapter 46.29 and 46.30 RCW

(2) The companion home provider must ensure all transportation needs identified in the client's person-centered service plan are met.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-270 May a companion home provider manage a client's funds? A companion home provider may manage((~~, disperse, and limit access to~~)) a client's funds if the provider:

(1) ((~~There is~~)) Has written consent from the client, ((~~when the client has no court appointed~~)) or the client's legal representative if the client has one; or

(2) ((~~There is written consent from~~)) Is the client's ((~~court appointed legal~~)) representative ((~~for making financial decisions for the client; or~~

~~(3) The companion home provider is the designated~~)) payee ((~~for the client's earned and unearned income~~)).

NEW SECTION

WAC 388-829C-275 When must a client have an individual financial plan and what components must be included? (1) The companion home provider must develop and implement an individual financial plan if:

(a) The client's person-centered service plan identifies that the client needs support to manage their funds; and

(b) The companion home provider manages any portion of the client's funds.

(2) The client's individual financial plan must be accurate and current, and:

(a) List all of the client's income sources, such as wages, social security benefits, supplemental security disability income, retirement income, and the projected monthly amount of the income;

(b) Identify all known client accounts and who manages each account, such as a checking account, savings account, and cash account;

(c) Include a budget and describe how the client's funds will be spent during a typical month;

(d) Identify all known client assets and who manages each asset, such as a burial plan, retirement funds, stocks, trusts, and vehicles; and

(e) Include a plan for maintaining resources under WAC 182-513-1350.

(3) The companion home provider must review the individual financial plan with the client and the client's legal representative if the client has one:

(a) At least every twelve months; and

(b) If the client's income, expenses, or assets change, or if there is a change in who manages an asset.

(4) The provider, the client, and the client's legal representative if the client has one, must sign the individual financial plan when it is developed and each time it is revised.

(5) Every twelve months, or more often if the plan has been revised, the companion home provider must provide a copy of the individual financial plan to the:

(a) Client;

(b) Client's legal representative if the client has one; and

(c) Client's case manager.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-280 What are the companion home provider's responsibilities when managing client funds? (1) When managing ((~~the~~)) a client's funds, the companion home provider must:

((~~(1) Keep the client's accounts current by maintaining a running balance;~~

~~(2) Reconcile the client's accounts, including cash accounts, on a monthly basis;~~

~~(3) Prevent the client's account from becoming overdrawn;~~

~~(4) Keep receipts for purchases over twenty-five dollars;~~

~~(5) Assist the client with any checks, if applicable;~~

~~(6)~~)) (a) Protect the client's financial interests; ((~~and~~

~~(7) Ensure that the client is informed regarding how his or her money is being spent and that the client participates to the maximum extent possible in the decision making regarding his or her funds, consistent with responsible management of funds~~))

(b) Include the client to the highest degree possible in decision making about how their funds are spent;

(c) Maintain a detailed ledger with a running balance for each account managed by the provider, including:

(i) Cash received from writing checks over the purchase amount; and

(ii) A list of where the money was spent or gift card funds were used;

(d) Deposit any client funds into the client's bank account within one week of receiving the funds;

(e) Reconcile the client's accounts, including cash and gift card accounts, on a monthly basis;

(f) Retain receipts, bills, and invoices for purchases over twenty-five dollars;

(g) Notify DDA if the client's resources reach one thousand seven hundred dollars; and

(h) Assist the client with writing checks, if needed.

(2) When managing a client's funds, the companion home provider must not:

(a) Commingle the client's funds with the provider's funds;

(b) Ask the client to sign a blank check unless stated otherwise in the client's individual financial plan;

(c) Let the client's bank account be overdrawn; or

(d) Let the client's cash funds exceed seventy-five dollars, unless stated otherwise in the client's individual financial plan.

(3) If the client manages their own funds and requests that the companion home provider hold their checkbook, debit card, or credit card:

(a) The provider is not considered to be managing the client's funds;

(b) The client must continue to have access to their funds; and

(c) The provider must document the request in the client's individual financial plan.

(4) Social security administration requirements for managing the client's social security benefits take precedence over these rules if:

(a) The service provider is the client's representative payee; and

(b) The social security administration requirement conflicts with these rules.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-290 What ((~~happens if a companion home provider mismanages a client's~~)) is mismanagement of client funds? (1) ((~~The companion home provider must reimburse the client, when responsible for mismanagement of client funds. The reimbursement includes any fees incurred as a result of the mismanagement, such as fees due to late payments.~~

~~(2) DDD may terminate the companion home contract if the provider has mismanaged client funds.~~

~~(3) Suspected exploitation of client finances must be reported to law enforcement and adult protective services~~)) Mismanagement of client funds includes any action or inaction by the companion home provider when managing a client's funds that results in:

(a) Interest charges;

(b) Late payment fees;

(c) Overdraft and non-sufficient funds fees;

(d) A violation of the room and board agreement;

(e) Any stolen, missing, or misplaced funds;

(f) Expenditures over twenty-five dollars without documentation; or

(g) Past-due financial obligations.

(2) No more than fourteen days after a companion home provider becomes aware of an error that resulted in mismanagement of client funds, the provider must:

(a) Reimburse the client for any mismanagement, including punitive charges, under subsection (1)(a) through (1)(f) of this section;

(b) Pay for past-due financial obligations under subsection (1)(g) of this section; and

(c) Submit proof of the transaction to the client's case manager.

NEW SECTION

WAC 388-829C-305 When must the companion home provider transfer the client's funds? (1) If a client chooses a new service provider and the current provider manages the client's funds, the current provider must:

(a) Establish a written agreement with the client, before the client moves, that states the amount of money the provider may withhold to cover any unpaid bills and room and board;

(b) Provide to the client's case manager a copy of any agreement under subsection (1)(a) of this section;

(c) Give the client, and the client's legal representative if the client has one, a ledger of all known client funds;

(d) Transfer the funds to the client or the client's designee as soon as possible, but no more than thirty days after the client leaves the companion home;

(e) Give the new provider a ledger of all transferred client funds if the new provider manages the client's funds; and

(f) Obtain a written receipt for all transferred funds.

(2) If the companion home provider manages a client's funds and the client's whereabouts are unknown, the provider must transfer the client's funds no more than ninety days after notifying DDA the client's whereabouts are unknown to:

(a) The client's legal representative, if the client has one; or

(b) The department of revenue, unclaimed property.

(3) If the companion home provider manages the client's funds and the client dies, the provider must transfer the client's funds within ninety days to:

(a) The client's legal representative;

(b) The requesting governmental entity; or

(c) The DSHS office of financial recovery if the client does not have a legal heir.

(4)The social security administration's requirements for managing the client's social security benefits take precedence over these rules for transferring client funds if:

(a) The service provider is the client's representative payee; and

(b) The social security administration requirement conflicts with these rules.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-310 Must ((~~clients~~)) a client pay for room and board in the companion home? (1) ((~~Clients~~)) A client who ((~~receive~~)) receives residential habilitation services in a companion home ((~~residential services~~)) must pay monthly room and board ((~~directly~~)) to the companion home provider ((~~from their personal financial resources~~)).

(2) The monthly room and board the client pays to the provider ((~~is~~)) must be specified in a room and board agreement ((~~and~~)) that includes:

(a) Rent((~~,~~));

(b) Utilities((~~, and~~));

(c) Food costs; and

(d) The date the provider collects the room and board payment each month.

(3) The room and board agreement must be:

(a) Developed by the provider, the client ((~~and~~)), or the ((~~provider~~)) client's legal representative if the client has one;

(b) Developed before the client moves into the companion home;

((~~(b)~~)) (c) Signed by the client((~~, the~~)) or the client's legal representative ((~~and the provider~~)) if the client has one; ((~~and~~))

((~~(c)~~)) (d) Signed by the provider; and

(e) Submitted to ((~~DDD~~)) DDA for ((~~approval~~)) review.

(4) Before implementing any changes to the room and board agreement, the companion home provider must ((~~be submitted~~)) submit the proposed agreement to ((~~DDD~~)) DDA for ((~~approval~~)) review.

NEW SECTION

WAC 388-829C-315 What is a violation of the room and board agreement? (1) A provider violates the room and board agreement if the provider:

(a) Requests the client's room and board payment earlier than the due date established in the room and board agreement; or

(b) Requests a payment other than the amount established in the room and board agreement.

(2) If the provider violates the room and board agreement, the provider must reimburse the client under WAC 388-829C-290.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-320 What are the physical and safety requirements ((~~exist~~)) for companion homes? (1) A companion home ((~~providers~~)) must ((~~ensure that the following physical and safety requirements are met for the client~~)):

(a) ((~~A safe and healthy environment~~)) Be accessible to the client;

(b) ((~~A separate bedroom~~)) Provide the client direct, unrestricted access to all common areas;

(c) ((~~Accessible telephone equipment with local 911 access~~)) Have adequate space for mobility aids, such as a wheelchair, walker, or lifting device;

(d) ((~~A list of emergency contact numbers accessible to the client~~)) Have unblocked exits;

(e) ((~~An evacuation plan developed, posted, and practiced monthly with the client~~)) Be maintained in a safe and healthy manner;

(f) ((~~An entrance and/or exit that does not rely solely upon windows, ladders, folding stairs, or trap doors;~~

~~(g) A safe storage area for~~)) Safely store flammable and combustible materials;

((~~(h) Unblocked exits;~~

~~(i)~~)) (g) Have a working smoke ((~~detectors which are~~)) detector, located close to the client's ((~~room~~)) bedroom ((~~and meet the specific needs of~~)), that meets the ((~~client~~)) client's specialized needs, including any vision or hearing loss;

((~~(j) A flashlight or other non electrical light source in working condition;~~

~~(k)~~)) (h) Have a five-pound 2A:10B-C fire extinguisher ((~~meeting the fire department standards~~)); ((~~and~~

~~(l) Basic~~)) (i) Have a first-aid ((~~supplies~~)) kit;

(j) Provide the client access to a telephone;

(k) Provide the client access to a working flashlight or alternative light source;

(l) Display emergency contact information in a manner accessible to the client;

(m) Display an evacuation plan, which must be practiced monthly with the client; and

(n) Have a railing for any patio, deck, porch, or balcony that is more than twelve inches off the ground.

(2) The companion home client must ((~~be accessible to meet the client's needs~~)) have a private bedroom with:

(a) A door that locks from the inside, unless the client's person-centered service plan indicates that it is unsafe for the client to have a locking door; and

(b) An exit that does not rely solely on a window, ladder, folding stairs, or trap door.

NEW SECTION

WAC 388-829C-325 How must a companion home provider protect a client from risks associated with bodies of water? (1) Any body of water at the companion home over twenty-four inches deep must be enclosed by a fence at least forty-eight inches high.

(2) Any door or gate that directly leads to the body of water must have an audible alarm.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-330 ((~~How~~)) Must a companion home ((~~providers~~)) provider regulate the water temperature at ((~~their residence~~)) the companion home? The companion home ((~~providers~~)) provider must ((~~regulate the water temperature at their residence.~~)):

(1) Maintain the water temperature in the ((~~household must be kept between 105 degrees and~~)) home no higher than 120 degrees Fahrenheit((~~.~~));

(2) ((~~The provider must~~)) Check the water temperature when the client ((~~first~~)) moves into the ((~~household and at least every six months from then on. (Note: The water temperature is best measured two hours after substantial hot water usage.)~~)) home and monthly thereafter; and

(3) ((~~The companion home provider must~~)) Document compliance with this requirement under WAC 388-829C-345.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-340 What ((~~information must companion home providers keep in their~~)) client records must the companion home provider maintain? A companion home ((~~providers~~)) provider must ((~~keep~~)) maintain all of the following ((~~information in their~~)) client records:

(1) ((~~Client information:~~

~~(a)~~)) The client's name, address, and social security number((~~;~~)).

((~~(b)~~)) (2) The name, address, and telephone number of the client's legal representative, if the client has one, and any of the client's relatives that the client chooses to include((~~;~~

~~(c) Client health records~~)):

(3) Appropriate documents establishing the legal representative's legal authority to act on behalf of the client, if applicable.

(4) Signed authorization for release of information forms.

(5) Health care information, including:

((~~(i)~~)) (a) The name, address, and telephone number of the client's ((~~physician, dentist, mental health service provider, and any other~~)) health care ((~~service provider~~)) providers;

((~~(ii)~~)) (b) Instructions from the client's health care ((~~service~~)) providers ((~~about necessary health care, including appointment dates~~));

((~~(iii) Written documentation that~~)) (c) The ((~~instructions from~~)) client's health care ((~~service providers have been followed~~)) appointment dates;

((~~(iv) Medication, health, and surgery records; and~~

~~(v) A record of~~)) (d) The client's known ((~~surgeries and~~)) major health events;

((~~(d) Copies of legal guardianship papers;~~))

(e) ((~~A copy of~~)) The client's ((~~most recent ISP~~)) medication, health, and surgery records;

(f) ((~~Copies of any positive behavior support plan or cross systems crisis plan, if applicable~~)) Written documentation that instructions from the client's health care providers have been followed;

(g) ((~~Financial records, if managing client funds (see WAC 388-829C-300)~~)) A copy of the client's medical insurance card; and

(h) ((~~Client property records (see WAC 388-829C-380;)~~)) Refusals to participate in services under WAC 388-829C-370.

((~~(i) Signed release of information forms; and~~

~~(j) Burial plans and wills.~~

~~(2) Provider information:~~

~~(a) Water temperature monitoring records (see WAC 388-829C-330);~~

~~(b) Provider training records (see WAC 388-829C-110 through 388-829C-130);~~

~~(c) Evacuation plan and practice records;~~

~~(d) Emergency response plan (see WAC 388-829C-410);~~

~~(e) All written reports submitted to DDD (see WAC 388-829C-350);~~

~~(f) Signed DDD policy on residential reporting requirements (see WAC 388-829C-140);~~

~~(g) Nurse delegation records (see WAC 388-829C-210); and~~)) (6) If the client receives nurse delegation services, nurse delegation records including:

((~~(h) Payment records~~)) (a) A signed consent for nurse delegation;

(b) Written instructions from the delegating nurse for performing each delegated nursing task; and

(c) A log of each delegated nursing task performed in the last six months.

(7) Current service and support plans, including the client's:

(a)Person-centered service plan;

(b)Individual education plan, if the client is in school;

(c)Individual employment plan, if the client has one;

(d)Positive behavior support plan, if the client has one; and

(e)Cross-systems crisis plan, if the client has one.

(8) Financial information, including:

(a)The client's individual financial plan under WAC 388-829C-270;

(b)Documentation of any money management and instruction provided to the client;

(c)The client's property records under WAC 388-829C-380;

(d)The client's burial plan, if the client has one; and

(e)The client's will, if the client has one.

NEW SECTION

WAC 388-829C-345 What records must the companion home provider maintain? The companion home provider must maintain:

(1) Client records under WAC 388-829C-340;

(2) Water temperature monitoring records under WAC 388-829C-330;

(3) Provider training records under WAC 388-829C-110;

(4) An evacuation plan and practice records under WAC 388-829C-320;

(5) An emergency response plan under WAC 388-829C-410;

(6) Quarterly reports under WAC 388-829C-350;

(7) A signed copy of form DSHS 10-403;

(8) Nurse delegation records under WAC 388-829C-340;

(9) The room and board agreement under WAC 388-829C-310; and

(10) Financial records under WAC 388-829C-270 through 388-829C-280, if the provider is managing any portion of the client's funds.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-350 What ((~~written~~)) quarterly reports must ((~~be submitted to DDD~~)) the companion home provider submit to DDA? (1) The companion home provider must submit ((~~the following written reports to DDD~~)) a quarterly report to DDA that describes the instruction and support activities performed as identified in the person-centered service plan.

(2) The quarterly report must:

(a) ((~~Reports that describe the instruction and support activities performed as identified in the ISP. These reports must~~)) Be submitted every ((~~six~~)) three months ((~~or more frequently~~)) and upon DDA's request ((~~of DDD.~~));

(b) ((~~Reports on unusual incidents and emergencies as required in the DDD residential reporting requirements specified in the companion home contract.~~)) Include a list of community and other activities the client has participated in;

(c) ((~~Reports on client refusal of services as described in this chapter (WAC 388-829C-370)~~)) List health care appointments that have occurred during the quarter;

(d) Document the client's progress toward each goal identified in the client's person-centered service plan;

(e) Document the client's progress toward their habilitation goal; and

(f) Document the review of any client refusal under WAC 388-829C-370.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-360 What are the requirements for record entries? (1) The companion home provider must ensure all record entries are:

(a) ((~~Note all record entries in ink or electronically;~~

~~(b) Make entries~~)) Made at the time of or immediately following the ((~~occurrence of the~~)) event ((~~recorded~~));

((~~(c) Make entries in legible writing; and~~

~~(d) Initial and date entries~~)) (b) Made electronically or written legibly in ink;

(c) Signed and dated by the person making the entry;

(d) Stored securely; and

(e) Kept confidential.

(2) ((~~If a provider makes a mistake on the~~)) To correct an error in a record entry, the provider must ((~~show both the original and corrected entries~~)) strike through the error in a way that the underlying text remains legible.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-370 When must a companion home provider document a client's refusal to participate in services? (1) ((~~A~~)) The companion home provider must document a client's refusal to participate in:

(a) ((~~Physical and safety requirements as outlined in~~)) Monthly evacuation drills under WAC 388-829C-320; and

(b) Health ((~~services as outlined in~~)) care support under WAC 388-829C-160.

(2) ((~~When~~)) If a client refuses ((~~to participate in these services~~)) a service, the companion home ((~~providers~~)) provider must document:

(a) ((~~Record a description of~~)) Events ((~~relating~~)) related to the client's refusal to participate in ((~~these services~~)) the service;

(b) ((~~Inform~~)) That the client was informed of the benefits of ((~~these services~~)) the service and the possible risks of refusal; ((~~and~~))

(c) ((~~Provide the client or the client's legal representative and DDD with:~~

~~(i) A description of~~)) The service provider's efforts to ((~~give~~)) provide or acquire the ((~~services to~~)) service for the client; and

((~~(ii)~~)) (d) Any health or safety ((~~concerns that the refusal may pose~~)) risks posed by the refusal.

(3) The companion home ((~~providers~~)) provider must ((~~submit this information to DDD in a~~)) give written ((~~report as soon as possible following~~)) notice to the client's case manager and legal representative, if the client has one, if the client's health and safety is adversely affected by their refusal to participate in a service.

(4) The companion home provider must:

(a) Review the refusal of service document with the client, or the client's legal representative if the client has one, at least every six months;

(b) Request that the client, or the client's legal representative if the client has one, sign and date the document after reviewing it; and

(c) Document the review in the quarterly report under WAC 388-829C-350.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-380 Must a companion home ((~~providers~~)) provider keep a record of a client's property ((~~records~~))? ((~~The~~)) (1) A companion home provider must assist ((~~clients in maintaining~~)) a client to maintain a current, written ((~~property records~~)) record of the client's property.

(2) The property record must include:

((~~(1)~~)) (a) A descriptive list of items ((~~including a description, and serial numbers of items that are valued at seventy-five~~)) with an original purchase price of twenty-five dollars or ((~~over; and were owned by~~)) more that the client owned when ((~~moving into the program.~~)) residential habilitation services in the companion home began;

((~~(2)~~)) (b) A descriptive list of items ((~~including a description, date of purchase and cost of items that are valued at seventy-five~~)) with an original purchase price of twenty-five dollars or ((~~over and have been~~)) more that the client has acquired ((~~by the client~~)) while living ((~~with~~)) in the companion home ((~~provider.~~)); and

(c) A date, explanation, and review by the client's legal representative if the client has one, for any item with an original purchase price of twenty-five dollars or more that is removed from the client's property record.

(3) For any item originally purchased for seventy-five dollars or more, the companion home provider must record ((~~must contain dates and reasons for all items removed from~~)) the item's serial number in the client's property record if the item has one.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-390 ((~~Are clients' records considered confidential~~)) May a provider share information about a client? ((~~The companion home provider must consider all client record~~)) To transfer or access information ((~~privileged and confidential.~~

~~(1) Any transfer or inspection of records, to parties other than DSHS, must be authorized by a release of information form that:~~

~~(a) Specifically gives information about the transfer or inspection; and~~

~~(b) Is signed by the~~)) about a client ((~~or the client's legal representative.~~

~~(2) A signed~~)), the provider must have a legally valid authorization for release of information ((~~is valid for up to one year and must be renewed annually from the signature date~~)).

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-400 How long must a companion home provider keep client and provider records? A companion home provider must keep ((~~a client's~~)) client and provider records for ((~~a period of~~)) six years.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-410 What must a companion home ((~~providers~~)) provider do ((~~when emergencies occur~~)) in an emergency? (1) The companion home provider must develop an emergency response plan ((~~to address natural and other disasters~~)) and practice it with the client.

(2) In ((~~an~~)) a medical emergency, the companion home provider must:

(a) Immediately call 911((~~,~~)) in a life threatening emergency;

(b) Provide ((~~emergency services,~~)) first aid or CPR if necessary, unless limited by physician orders for life-sustaining treatment (POLST) or an advance directive;

(c) Follow the emergency response plan then notify:

(i) The client's legal representative if the client has one; and

(ii) The ((~~division of developmental disabilities~~)) client's case manager.

((~~(c)~~)) (3) Following an emergency, the companion home provider must submit a written incident report to ((~~DDD, as required by the DDD residential reporting requirements specified in the companion home contract~~)) the client's case manager.

NEW SECTION

WAC 388-829C-449 When must DDA immediately decertify a companion home provider? DDA must immediately decertify a companion home provider if the provider or another person age sixteen or older living in the companion home:

(1) Has been convicted of, or has a pending charge for a crime that is disqualifying under chapter 388-113 WAC; or

(2) Has a negative action under WAC 388-825-640.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-450 What ((~~happens~~)) if the companion home provider ((~~is found to be out of compliance~~)) fails to comply with this chapter or the companion home contract? (1) If ((~~an evaluation finds the~~)) a companion home provider ((~~out of compliance~~)) fails to comply with any part of this chapter or the ((~~DDD~~)) companion home contract, the provider ((~~and DDD~~)) and DDA resource management must develop a ((~~corrective action~~)) plan of correction.

((~~(1)~~)) (2) The ((~~corrective action~~)) plan of correction must:

(a) Outline methods for the provider to ((~~comply with the required corrections~~)) complete corrective actions; and

(b) Provide a time frame for the provider to complete the corrective actions.

AMENDATORY SECTION (Amending WSR 14-14-029, filed 6/24/14, effective 7/25/14)

WAC 388-829C-460 When ((~~may~~)) must DDA ((~~stop the authorization for~~)) deny payment ((~~or~~)) and terminate a ((~~contract for~~)) companion home ((~~services~~)) provider's contract? DDA ((~~may stop the authorization for~~)) must deny payment ((~~or~~)) and terminate a companion home provider's contract ((~~for the services of a companion home~~)) if the provider((~~, when that provider~~)):

(1) Is no longer ((~~the client's choice of provider~~)) providing paid services to the client; or

(2) ((~~Demonstrates inadequate performance or inability to deliver quality care which is jeopardizing the client's health, safety, or well-being. DDD may terminate the contract based on a reasonable, good faith belief that the client's health, safety, or well-being is in imminent jeopardy;~~

~~(3) Is unable to clear a background check or other individuals living in the companion home are unable to clear a background check required by RCW 43.20A.710;~~

~~(4) Has been convicted of, or has a pending charge for a crime that is disqualifying under chapter 388-113 WAC;~~

~~(5) Has been subject to a negative action described in WAC 388-825-0640;~~

~~(6) Does not successfully complete the training requirements within the time limits required in this chapter;~~

~~(7) Does not complete the corrective actions within the agreed upon time frame; or~~

~~(8) Fails to comply with the requirements of this chapter or the~~)) Fails to maintain certification as a companion home ((~~contract~~)) provider.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-480 What if the companion home provider is no longer ((~~wants~~)) willing or able to provide services to a client? (1) ((~~When~~)) If a companion home provider is no longer ((~~wants~~)) willing or able to provide services to a client, they must provide a sixty-day written notice to:

(a) ((~~Give at least thirty days written notice to:~~

~~(i)~~)) The client;

((~~(ii)~~)) (b) The client's legal representative if the client has one; and

((~~(iii) DDD~~)) (c) DDA.

(2) If ((~~an emergency occurs and services must be terminated immediately, the provider must give immediate notice to DDD, the client, and the client's representative.~~

~~(3) The~~)) a companion home provider ((~~will be expected to continue working for thirty days unless otherwise determined by DDD~~)) must terminate services immediately due to unforeseen circumstances, the provider must give a three business days' written notice to:

(a) The client;

(b) The client's legal representative if the client has one; and

(c) DDA.

AMENDATORY SECTION (Amending WSR 07-16-102, filed 7/31/07, effective 9/1/07)

WAC 388-829C-490 What are ((~~the~~)) a client's ((~~appeal rights if DDD denies, or terminates a companion home services contract~~)) administrative hearing rights? ((~~If DDD denies, or terminates a companion home services contract, the~~)) A client has the right to an administrative hearing to appeal ((~~the decision, per chapter 388-02 WAC and~~)) department decisions under WAC 388-825-120.

NEW SECTION

WAC 388-829C-492 What if the companion home provider disagrees with a certification evaluation or certification decision? If a companion home provider disagrees with a certification evaluation or cer-

tification decision under this chapter, the companion home provider may request an informal dispute resolution meeting with DDA by:

(1) Submitting a written request to DDA no more than ten days after receiving the final certification letter and report; and

(2) Including a written statement that identifies the challenged action, describes the provider's concerns, and lists regulations and contract standards cited.

NEW SECTION

WAC 388-829C-494 What if the companion home provider disagrees with a certification action or the outcome of an informal dispute resolution? (1) If a companion home provider disagrees with a certification action or the outcome of an informal dispute resolution, the companion home provider may request an administrative hearing under chapter 388-02 WAC.

(2) To request an administrative hearing the companion home provider must submit a written request to the office of administrative hearings no more than twenty-eight days after receiving the written notice of the outcome of the informal dispute resolution.

(3) The administrative hearing request must include:

(a) A copy of the contested certification action; and

(b) The reason the provider is contesting the certification action.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-829C-005	What is the purpose of this chapter?
WAC 388-829C-060	Where are companion home residential services provided?
WAC 388-829C-090	What values must companion home providers focus on when implementing the ISP?
WAC 388-829C-120	What training must a companion home provider complete within the first ninety days of serving the client?
WAC 388-829C-130	What training must a companion home provider complete after the first year of service?
WAC 388-829C-190	What is required for a companion home provider to perform nursing tasks under the registered nurse delegation program?
WAC 388-829C-210	What records must the companion home provider keep regarding registered nurse delegation?

WAC 388-829C-220	What is an individual support plan (ISP)?
WAC 388-829C-240	Where may respite care be provided?
WAC 388-829C-260	What requirements must be met before a companion home provider transports a client?
WAC 388-829C-300	What documents must companion home providers keep to protect a client's financial interests?
WAC 388-829C-420	How must DDD monitor and provide oversight for companion home services?
WAC 388-829C-430	How often must the companion home be evaluated?
WAC 388-829C-440	How must the companion home provider participate in the evaluation process?
WAC 388-829C-445	What occurs during the review and evaluation process?
WAC 388-829C-470	When may DDA deny the client's choice of a companion home provider?
WAC 388-829C-500	Does the provider of companion home services have a right to an administrative hearing?