



# PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: March 22, 2021

TIME: 9:21 AM

WSR 21-07-099

**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 21-01-118 ; 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 Developmental Disabilities Administration (DDA) is proposing to amend WAC 388-829-0005, Who do the training requirements in this chapter apply to?.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 27, 2021	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Street SE Olympia, WA 98501  Or by Skype	Public parking at 11th and Jefferson. A map is available at: <a href="https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2">https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2</a>  Due to the COVID 19 pandemic, hearing may be held via Skype, see DSHS website for most up to date information.

**Date of intended adoption:** Not earlier than April 28, 2021 (Note: This is **NOT** the **effective** date)

### Submit written comments to:

Name: DSHS Rules Coordinator

Address: P.O. Box 45850  
Olympia, WA 98504

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

Fax: 360-664-6185

Other:

By (date) 5:00 p.m. March 23, 2021

### 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](mailto:Kildaja@dshs.wa.gov)

Other:

By (date) April 13, 2021

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed amendments add more providers to the scope of chapter 388-829 WAC, thus requiring the providers to complete training under that chapter.

**Reasons supporting proposal:** These changes ensure various providers (both state-operated and privately contracted) receive the same DDA-required trainings.

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

**Statute being implemented:** RCW 71A.12.030, RCW 74.39A.074, RCW 74.39A.341, and RCW 18.88B.041

**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:	AnnMarie DeGroot	P.O. Box 45310, Olympia, WA 98504-5310	360-407-1584
Enforcement:	AnnMarie DeGroot	P.O. Box 45310, Olympia, WA 98504-5310	360-407-1584

**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:

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)(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 19.85.025(4) because the proposed amendments impose no new or disproportionate costs on small businesses so a small business economic impact statement is not required.

Explanation of exemptions, if necessary:

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

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

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

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

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

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

**Date:** March 19, 2021

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



**WAC 388-829-0005 Who do the training requirements in this chapter apply to?** (1) The training requirements in this chapter apply to:

(a) Community residential service businesses under RCW 74.39A.009;

(b) Alternative living providers under chapter 388-829A WAC;

~~(c) ((Community crisis stabilization services providers under chapter 388-833 WAC; and~~

~~(d-)) Companion home providers under chapter 388-829C WAC;~~

(d) Intensive habilitation services for children providers under chapter 388-833 WAC;

(e) Overnight planned respite service providers;

(f) Stabilization, assessment, and intervention facility providers;

(g) State-operated living alternatives for adults; and

(h) State-operated living alternatives for children.

(2) Under this chapter, the term "service provider" includes:

~~(a) ((Supported living service providers;~~

~~(b) State-operated living alternatives;~~

~~(c) DDA group homes;~~

~~(d) Licensed staffed residential homes;~~

~~(e-)) Alternative living providers;~~

~~((f) Community crisis stabilization services for children; and~~

~~(g-)) (b) Companion home providers;~~

(c) DDA group homes;

(d) Group training homes;

(e) Intensive habilitation services for children;

(f) Licensed staffed residential homes;

(g) Overnight planned respite service providers;

(h) Stabilization, assessment, and intervention facility providers;

(i) State-operated living alternatives for adults;

(j) State-operated living alternatives for children; and

(k) Supported living service providers.

(3) A DDA group home licensed as an adult family home or assisted living facility must meet the training requirements in this chapter and the home care aide certification requirements under chapter 388-112A WAC.

(4) All other service providers listed in subsection (2) of this section ~~((must meet the training requirements in this chapter but))~~ are exempt from home care aide certification through the department of health.