



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: November 01, 2021

TIME: 2:39 PM

WSR 21-22-082

Agency: Department of Social and Health Services, Developmental Disabilities Administration (DDA)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-17-067 ; 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) WAC 388-845-2110, Are there limits to the supported employment services you may receive?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
December 7, 2021	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia WA 98504 Or Virtual	Public parking at 11 th and Jefferson. A map is available at: https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2 - Due to the COVID-19 pandemic, hearings are being held virtually Please see the DSHS website for the most up to date information.

Date of intended adoption: Not earlier than December 8, 2021 (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 December 7, 2021.

Assistance for persons with disabilities:

Contact [Shelley Tencza](#)

Phone: 360-664-6198

Fax: 360-664-6185

TTY: 711 Relay Service

Email: Shelley.Tencza@dshs.wa.gov

Other:

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

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed amendments adjust the criteria for who can receive supported employment services. Rather than requiring a person to be graduated from high school, the criteria in subsection (1)(b) has been broadened to “no longer eligible to enroll in high school.”

Additional proposed amendments align with approved HCBS waivers by: replacing “community access” with the service’s new name, “community inclusion;” and removing prevocational services, which are no longer available through DDA’s HCBS waivers.

Reasons supporting proposal:

Broadening eligibility for supported employment is necessary because:

1. It will allow students who didn’t graduate from high school to begin receiving services at age 21 rather than age 22; and
2. It will allow students participating in recovery services through the school system to access employment services. (Recovery services are available through OSPI because of the impact of the COVID-19 public health emergency on educational services.)

Statutory authority for adoption: RCW 71A.12.030

Statute being implemented: RCW 71A.12.040

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, Developmental Disabilities Administration Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Chantelle Diaz	P.O. Box 45310, Olympia, WA 98504-5310	360-407-1575
Implementation:	Rod Duncan	P.O. Box 45310, Olympia, WA 98504-5310	360-791-9788
Enforcement:	Rod Duncan	P.O. Box 45310, Olympia, WA 98504-5310	360-791-9788

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)(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 rules do not affect small businesses.

Explanation of exemptions, if necessary: The proposed amendments impose no new or disproportionate 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:

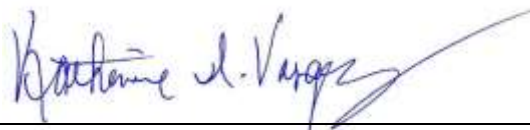
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: November 1, 2021

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-845-2110 Are there limits to the supported employment services you may receive? The following limits apply to your receipt of supported employment services:

(1) To receive supported employment services, you must be age ~~((twenty))~~:

(a) 20 and graduating from high school before your July or August twenty-first birthday (~~((age twenty-one))~~):

(b) 21 and (~~((graduated from))~~) no longer eligible to enroll in high school (~~((age twenty-two))~~):

(c) 22 or older (~~((to receive supported employment services))~~):

(2) Payment for individual supported employment services excludes the supervisory activities rendered as a normal part of the business setting (~~((age twenty-two))~~).

(3) You will not be authorized to receive supported employment services in addition to community (~~((access or pre-vocational))~~) inclusion services (~~((and))~~).

(4) Your service hours are determined by the assistance you need to reach your employment outcomes as described in WAC 388-828-9325 and might not equal the number of hours you spend on the job or in job related activities.