



PROPOSED RULE MAKING

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

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FILED

DATE: February 15, 2022

TIME: 3:15 PM

WSR 22-05-087

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 21-01-111 ; 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) Chapter 388-847 WAC, *Stabilization, Assessment, and Intervention Facility (SAIF)*.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 22, 2022	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 current information.

Date of intended adoption: Not earlier than March 23, 2022 (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. on March 22, 2022

Assistance for persons with disabilities:

Contact Shelley Tencza, Rules Consultant

Phone: 360-664-6036

Fax: 360-664-6185

TTY: 711 Relay Service

Email: tencza@dshs.wa.gov

Other:

By (date) 5:00 p.m. on March 8, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: These rules establish eligibility criteria for admission to a stabilization, assessment, and intervention facility (SAIF), and other service delivery requirements.

Reasons supporting proposal: These rules are necessary to establish regulations for DDA's new SAIF providers.

Statutory authority for adoption: RCW 71A.12.030, RCW 71A.12.120

Statute being implemented: 2019-2021 Operating Budget (Engrossed Substitute House Bill 1109, Chapter 415, Laws of 2019, Section 203 (j))

Is rule necessary because of a:

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

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Name of proponent: (person or organization) Department of Social and Health Services, Developmental Disabilities Administration

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

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Chantelle Diaz	P.O. Box 45310, Olympia, WA 98504-5310	360-407-1500
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: 360-407-1575
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 The SAIF program is a state-operated program.

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: February 14, 2022

Name: Katherine I. Vasquez

Title: Rules Coordinator

Signature:

Chapter 388-847 WAC
STABILIZATION, ASSESSMENT, AND INTERVENTION FACILITY

DEFINITIONS

NEW SECTION

WAC 388-847-0010 What definitions apply to this chapter? "**Acute care setting**" means a hospital, an evaluation and treatment (ENT) facility, or a psychiatric hospital.

"**Behavior support plan**" means a habilitation plan written by the stabilization, assessment, and intervention facility (SAIF) addressing target behaviors that do not meet the level of medical necessity as defined in WAC 182-500-0070, based on lack of diagnosis, or impact severity affecting a medical or behavioral health condition, for which the client receives professional treatment and is not eligible for state plan services.

"**Case manager**" means the developmental disabilities administration case resource manager or social worker assigned to a client.

"**Certification**" means a process used by the department to evaluate SAIF's compliance with the requirements of this chapter.

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

"**DDA**" means the developmental disabilities administration.

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

"**Function**" means what a client gains, avoids, or satisfies by using a behavior.

"**Functional assessment**" means a process for identifying target behaviors and their functions by observing a client, reviewing information about the client, and collecting data to:

- Determine relationships between antecedents and behaviors;
- Identify reinforcing consequences; and
- Form a hypothesis about why a behavior continues to be used.

"**Legal representative**" means a parent of a client if the client is under age 18, 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 medication or device by ingestion, inhalation, injection, or any other means, whether self-administered by a client, administered by a parent or guardian for a minor, or administered by an authorized healthcare provider.

"Medication assistance" means assistance with self-administration of medication rendered by a nonpractitioner to a client in accordance with chapter 69.41 RCW and chapter 246-888 WAC.

"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.

"Residential service provider" means an entity that will support the client after discharge from SAIF, such as a supported living agency or a facility-based community residential provider.

"Support" means assistance a client receives based on needs identified in the person-centered support plan.

"Target behavior" means a specific, observable, and measurable behavior that requires modification or replacement.

"Individualized team" means the group of people who work together to provide formal and informal supports to a client. A typical team includes the client, the client's family and legal representative, SAIF staff, the client's case resource manager, managed care organization care coordinators, and any other service providers working with the client and family.

PURPOSE

NEW SECTION

WAC 388-847-0020 What service does a stabilization, assessment, and intervention facility provider deliver? A stabilization, assessment, and intervention facility (SAIF) provider delivers stabilization services under chapter 388-845 WAC for up to 90 days to clients with complex behavioral health needs. Each community-based facility provides 24-hour support, including support for target behaviors, for up to six clients. SAIF is a short-term residential facility to prevent institutionalization or to facilitate deinstitutionalization.

CLIENT ELIGIBILITY

NEW SECTION

WAC 388-847-0030 Who is eligible for admission to SAIF? A person is eligible for admission to a stabilization, assessment, and intervention facility (SAIF) if the person:

- (1) Is age 18 or older;
- (2) Is eligible for DDA services under chapter 388-823 WAC;
- (3) Is eligible for enrollment on a home and community-based services waiver under chapter 388-845 WAC;
- (4) Is eligible for stabilization services under WAC 388-845-1100;
- (5) Is eligible for discharge from an acute care setting or is at risk of admission to an acute care setting for nonmedical reasons;
- (6) Has an identified residential service provider;
- (7) Does not pose a risk to the health or safety of SAIF staff or other clients supported by SAIF and SAIF can safely meet the client's needs within available funding; and
- (8) Has frequent stabilization, assessment, and intervention needs as indicated by:
 - (a) A history of hospital admissions for behavioral health stabilization in the last year; or
 - (b) The regional clinical team's recommendation that behavioral health destabilization is likely to occur.

NEW SECTION

WAC 388-847-0040 How does SAIF determine whether it can safely meet a client's needs? To determine whether it can safely meet a client's needs, the stabilization, assessment, and intervention facility reviews client information, such as:

- (1) The client's referral packet;
- (2) Interviews with the client or collateral contacts; and
- (3) Composition of clients currently supported by the provider.

SERVICE DELIVERY

NEW SECTION

WAC 388-847-0050 What does SAIF provide? (1) The stabilization, assessment, and intervention facility (SAIF) provides the following individualized services:

- (a) Functional assessment under WAC 388-847-0080;
- (b) The creation and implementation of a behavior support plan under WAC 388-847-0090;

- (c) Services assigned to SAIF in the client's person-centered service plan; and
 - (d) Medication administration and medication assistance as needed.
- (2) SAIF must provide the following to clients:
 - (a) Three meals per day plus snacks;
 - (b) Toiletries and personal care items;
 - (c) Bedding and towels;
 - (d) Access to laundry facilities;
 - (e) Access to a telephone;
 - (f) Opportunities for accessing the community; and
 - (g) Transportation to necessary appointments or services.

NEW SECTION

WAC 388-847-0060 What healthcare support does SAIF provide? The stabilization, assessment, and intervention facility must provide healthcare support by:

- (1) If necessary, providing medication assistance under RCW 69.41.010;
- (2) If necessary, performing delegated nursing tasks and medication administration under WAC 246-840-910 through WAC 246-840-970;
- (3) Supporting the client to understand and follow their healthcare professional's instructions, referrals, and medication directions; and
- (4) Assisting the client with medically necessary healthcare appointments, including scheduling, transporting, and participating when necessary.

NEW SECTION

WAC 388-847-0070 How long may a client receive services from the SAIF provider? A client may receive services from a stabilization, assessment, and intervention facility for up to 90 consecutive days.

NEW SECTION

WAC 388-847-0080 When is a functional assessment required? (1) Each client supported by a stabilization, assessment, and intervention facility (SAIF) must receive a functional assessment for the target behavior that prevents the client from receiving residential services.

- (2) The client's functional assessment must:
 - (a) Be based on two or more of the following:
 - (i) Direct observation;
 - (ii) An interview with anyone who has personal knowledge of the client;
 - (iii) A questionnaire; or
 - (iv) A record review.

- (b) Describe:
 - (i) The target behavior;
 - (ii) The target behavior's apparent function; and
 - (iii) Client history and antecedents pertinent to the target behavior.
- (c) Exist:
 - (i) In draft form no more than seven days after the client's admission to SAIF; and
 - (ii) In final form no more than 14 days after the client's admission to SAIF.
- (3) A draft functional assessment must define the target behavior and its apparent function.

NEW SECTION

- WAC 388-847-0090 What requirements must a behavior support plan meet?**
- (1) Each client supported by a stabilization, assessment, and intervention facility (SAIF) must have a behavior support plan that is based on the functional assessment in WAC 388-847-0080.
 - (2) The client's behavior support plan must describe:
 - (a) The target behavior;
 - (b) Actions that may be taken to prevent the target behavior;
 - (c) Actions that may be taken in response to the target behavior;
 - (d) Actions that may be taken if the target behavior increases in frequency, duration, intensity, or impact;
 - (e) The replacement behavior that matches the target behavior's function;
 - (f) How to teach the replacement behavior;
 - (g) How to respond to the replacement behavior; and
 - (h) Benchmarks to evaluate the behavior support plan's effectiveness.
 - (3) SAIF may use an existing behavior support plan until a new plan is finalized.
 - (4) SAIF must collect data on the target behavior's:
 - (a) Frequency;
 - (b) Duration; and
 - (c) Impact.
 - (5) SAIF must collect data on the replacement behavior's:
 - (a) Frequency;
 - (b) Duration; and
 - (c) Impact.
 - (6) SAIF must analyze the data collected under subsections (4) and (5) of this section at least every 30 days to determine the effectiveness of the behavior support plan.
 - (7) If the analysis under subsection (6) of this section indicates the target behavior is not decreasing in frequency, duration, or impact, SAIF must:
 - (a) Revise the behavior support plan; or
 - (b) Document the reason revising the behavior support plan is not indicated.

DISCHARGE

NEW SECTION

WAC 388-847-0100 What must SAIF provide to a client's residential provider upon discharge? Upon a client's discharge, the stabilization, assessment, and intervention facility must provide:

- (1) The client's behavior support plan;
- (2) The client's functional assessment;
- (3) A list of the client's medications; and
- (4) The client's property record.

TERMINATION

NEW SECTION

WAC 388-847-0110 When may SAIF provide a termination notice prior to discharge and to whom must SAIF send the notice? (1) The stabilization, assessment, and intervention facility (SAIF) may provide termination notice prior to discharge if it determines and documents:

- (a) The client's behavior jeopardizes the client's health or safety; or
 - (b) The client's behavior jeopardizes the health or safety of staff or other clients SAIF supports.
- (2) The notice of termination must include:
- (a) The reason for termination; and
 - (b) The effective date of termination.
- (3) SAIF must provide the notice at least 72 hours before the effective date of the termination. SAIF must send the notice to:
- (a) The client;
 - (b) The client's legal representative or necessary supplemental accommodation;
 - (c) The client's DDA case manager; and
 - (d) The SAIF program manager.

PROVIDER QUALIFICATIONS

NEW SECTION

WAC 388-847-0120 Who is qualified to work in SAIF? To work in a stabilization, assessment, and intervention facility, a person must:

- (1) Be age 18 or older;
- (2) Have a high school diploma or GED;
- (3) Have a valid food worker's card under chapter 246-217 WAC;
- (4) Have a nondisqualifying DSHS background check result under chapter 388-825 WAC at least every three years, or more frequently if requested by DSHS;
- (5) Complete the training required under chapter 388-829 WAC; and
- (6) Comply with nurse delegation training requirements under chapter 246-888 WAC if the person provides medication administration to a client.

MEDICATIONS

NEW SECTION

WAC 388-847-0130 What must SAIF do if a client refuses a prescribed medication? If a client refuses a prescribed medication, the stabilization, assessment, and intervention facility must:

- (1) Document the refusal, including the time, date, and medication refused;
- (2) Inform the client of the benefit of the medication;
- (3) Consult a pharmacist or licensed medical provider with prescription authority to determine if the medication refusal could significantly harm the client;
- (4) If recommended, continue to offer the medication following consultation in subsection (3) of this section; and
- (5) Inform the client's legal representative.

NEW SECTION

WAC 388-847-0140 How must SAIF store medication? (1) The stabilization, assessment, and intervention facility (SAIF) must store a client's medication:

- (a) In a locked place, such as a locked room or locked box;
- (b) Separate from food and toxic chemicals;
- (c) Under proper conditions for sanitation, temperature, and ventilation; and
- (d) In the original medication container with the pharmacist-prepared or manufacturer's label, which must include the:
 - (i) Name of the client for whom the medication is prescribed;
 - (ii) Name of the medication; and
 - (iii) Dosage and frequency.

(2) SAIF may store a client's medication in a medication organizer if the medication organizer was prepared by a pharmacist or registered nurse.

NEW SECTION

WAC 388-847-0150 How must SAIF dispose of medications? (1) The stabilization, assessment, and intervention facility (SAIF) must dispose of all client medications that are discontinued, expired, or replaced by another.

- (2) When disposing client medications, SAIF must list the:
 - (a) Medication;
 - (b) Amount; and
 - (c) Date that it was disposed.
- (3) Two people, one of whom may be the client, must verify the disposal by signature.

FACILITY REQUIREMENTS

NEW SECTION

WAC 388-847-0160 What are the physical requirements for a SAIF? (1) The stabilization, assessment, and intervention facility's (SAIF's) fixtures, furnishings, exterior, and interior, including the client's bedroom, must be maintained in a safe manner and free from hazards.

- (2) Each SAIF client's bedroom must have:
 - (a) A bed, mattress, pillow, and linens;
 - (b) A closet or other place for storing personal items;
 - (c) A window or door that allows for emergency exit;

- (d) Unrestricted access to common areas; and
- (e) Space for a mobility aid, such as a wheelchair or walker.

SAFETY PROCEDURES

NEW SECTION

WAC 388-847-0170 What must SAIF do to prepare for emergencies?

- (1) The stabilization, assessment, and intervention facility (SAIF) must develop an emergency response plan.
- (2) SAIF must complete a fire drill with clients at least once per month and document completion of the drill.

NEW SECTION

WAC 388-847-0180 What water temperature safety measures must be met?

- (1) The stabilization, assessment, and intervention facility (SAIF) must regulate the facility's water temperature no higher than 120 degrees Fahrenheit.
- (2) SAIF must complete and document monthly water temperature checks.

NEW SECTION

WAC 388-847-0190 What fire safety requirements must be met? (1)

- The stabilization, assessment, and intervention facility (SAIF) must be located in an area with public fire protection.
- (2) SAIF must have a working smoke detector and carbon monoxide detector installed:
 - (a) In every client's bedroom; and
 - (b) On every floor of the facility.
- (3) Each smoke detector and carbon monoxide detector must:
 - (a) Be in working condition; and
 - (b) Address the needs of clients who are deaf or hard of hearing.
- (4) SAIF must have fire extinguishers located throughout the facility as prescribed by the local fire marshal.
- (5) SAIF must have the type and number of fire extinguishers as prescribed by the local fire marshal.
- (6) Each fire extinguisher must be:
 - (a) Installed according to manufacturer recommendations;
 - (b) Annually replaced or inspected and serviced;
 - (c) In working condition; and

(d) Readily available for use.

NEW SECTION

WAC 388-847-0200 Must SAIF secure cleaning supplies and other potentially hazardous substances? The stabilization, assessment, and intervention facility must have an area inaccessible to clients for storing cleaning supplies, flammables, and other combustible materials.

RETENTION OF RECORDS

NEW SECTION

WAC 388-847-0210 What records must SAIF retain? (1) The stabilization, assessment, and intervention facility (SAIF) must keep the following information in a client's record:

- (a) The client's name, address, and Social Security number;
 - (b) The name, address, and telephone number of the client's legal representative;
 - (c) Progress notes and incident reports involving the client;
 - (d) The client's behavior support plan;
 - (e) Copies of current medical and psychiatric diagnoses;
 - (f) A list of the client's medications and indications for medications used;
 - (g) Allergies;
 - (h) Portable orders for life-sustaining treatment (if established); and
 - (i) A list of the client's current medical, behavioral, and hospital providers.
- (2) SAIF must keep the following administrative documents:
- (a) Employee training records;
 - (b) Fire drill records; and
 - (c) An emergency response plan.

NEW SECTION

WAC 388-847-0220 How long must SAIF keep client records? The stabilization, assessment, and intervention facility must keep a client's records for six years from discharge date.

NEW SECTION

WAC 388-847-0230 Must SAIF keep a record of a client's property?

- (1) The stabilization, assessment, and intervention facility (SAIF) must maintain a property record for each client.
- (2) The property record must include:
 - (a) A descriptive list of items with a fair market value of \$75.00 or more that the client owned when entering the program;
 - (b) A descriptive list of items with an original purchase price of \$75.00 or more that the client acquired while residing at SAIF; and
 - (c) A date, explanation, and verification of notification to the client and the client's legal representative for any item with a fair market value of \$75.00 or more that is removed from the client's property record.

REFUSAL OF SERVICES

NEW SECTION

WAC 388-847-0240 When must SAIF document a client's choice not to participate in supports?

- (1) The stabilization, assessment, and intervention facility (SAIF) provider must document a client's choice not to participate in:
 - (a) Monthly emergency fire drills; or
 - (b) Healthcare support as described WAC 388-847-0060.
- (2) If a client chooses not to participate in a fire drill or healthcare support, SAIF must document:
 - (a) Concerns expressed by the client in regard to not participating;
 - (b) Events related to the client's choice not to participate;
 - (c) That the client was informed of the benefits of the fire drill or healthcare support and the possible risks of choosing not to participate;
 - (d) SAIF's efforts to provide or acquire the support for the client; and
 - (e) Health or safety risks posed by the client's choice not to participate.
- (3) If a client's health and safety is adversely affected by their choice not to participate in the fire drill or healthcare support, SAIF must send a written notice to the client's case manager, and legal representative if the client has one. The notice must:
 - (a) Describe SAIF's efforts to provide or acquire the support for the client; and
 - (b) Describe health or safety risks posed by the client's choice not to participate.
- (4) SAIF must discuss the client's lack of participation during individualized team meetings.

INFECTION CONTROL

NEW SECTION

WAC 388-847-0250 What infection control practices must SAIF implement? (1) The stabilization, assessment, and intervention facility (SAIF) must implement occupational safety and health administration (OSHA) universal precautions to limit the spread of infections when:

- (a) Providing client services;
- (b) Cleaning the facility;
- (c) Washing laundry; and
- (d) Managing infectious waste.

(2) SAIF must:

- (a) Have an infection control policy;
- (b) Provide staff with the supplies necessary for limiting the spread of infections;
- (c) Restrict a staff person's contact with clients when the staff person has an illness that is likely to spread in the course of service delivery; and
- (d) Report communicable diseases as required under chapter 246-100 WAC.

CERTIFICATION EVALUATION

NEW SECTION

WAC 388-847-0260 Must SAIF be certified? (1) The stabilization, assessment, and intervention facility (SAIF) must be certified by DDA no more than 90 days after the first date of service delivery.

- (2) DDA certifies SAIF through a certification evaluation.
- (3) DDA-contracted evaluators conduct the certification evaluations.
- (4) SAIF must participate in a certification evaluation at least once every 12 months.