



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

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

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) January 1, 2016

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

The Developmental Disabilities Administration (DDA) is amending WAC 388-832-0015 and repealing WAC 388-832-0085 due to the 2014 Operating Supplemental Budget directing DDA to move the state funded Individual and Family Services (IFS) program into a 1915 (C) Home and Community Based Services (HCBS) Waiver. These changes reflect that the Individual and Family Services program is closed to new entrants.

Citation of existing rules affected by this order:

Repealed: WAC 388-832-0085
 Amended: WAC 388-832-0015
 Suspended: None

Statutory authority for adoption:

SSB 6387 of the 63rd Legislature, 2014 Regular Session

Other authority:

RCW 71A.12.030, RCW 71A.12.120

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

Based on the passage of SSB 6387 of the 63rd Legislature 2014 Regular Session, DDA implemented a new IFS Waiver on June 1, 2015. CMS approved the IFS Waiver on May 27th with an effective date of June 1, 2015.

Date adopted:

December 29, 2015

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 30, 2015

TIME: 10:02 AM

WSR 16-02-035

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	<u>1</u>

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>1</u>	Repealed	<u>1</u>

WAC 388-832-0015 Am I eligible for the IFS program? (1) The IFS program and SSP in lieu of IFS is not open to new enrollment.

(2) If you were enrolled in the IFS program before June 1, 2015 you are eligible to ~~((be considered for))~~ remain on the IFS program if you meet the following criteria:

(a) You are currently an eligible client of DDD;

(b) You live in your family home;

(c) You are not eligible to enroll~~((ed))~~ in a DDD home and community based services waiver defined in chapter 388-845 WAC;

(d) You are currently enrolled in ~~((traditional family support, family support opportunity or the family support pilot or funding has been approved for you to receive IFS program services))~~ the IFS program;

(e) You are age three or older;

(f) You have been assessed as having a need for IFS program services as listed in WAC 388-832-0140; and

(g) You are not receiving a DDD adult or child residential service or licensed foster care.

~~((2))~~ (3) If you are a parent who is a client of DDD, you are eligible to ~~((receive))~~ remain on the IFS program ~~((services))~~ in order to promote the integrity of the family unit until your next assessment, provided:

(a) You meet the criteria in subsections ~~((1))~~ (2)(a) through (f) ~~((above))~~ of this section; and

(b) Your minor child who lives in your home is at risk of being placed up for adoption or into foster care.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-832-0085 When there is state funding available to enroll additional clients on the IFS program, how will DDD select from the clients on the IFS program request list?