



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: March 31, 2025

TIME: 12:43 PM

WSR 25-08-059

Agency: Department of Social and Health Services, Division of Vocational Rehabilitation (DVR)

Effective date of rule:

Emergency Rules

- ☒ Immediately upon filing.
☐ Later (specify) _____

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

- ☐ Yes ☒ No If Yes, explain:

Purpose: By the department amending the language of WAC 388-892-0500, the language changes alter the cadence and parameters for setting rates for contracted services and specify more explicitly the services for which rates will be set. The changes better align with DVR's current processes and guidance from federal partners.

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 388-892-0500
Suspended:

Statutory authority for adoption: RCW [43.20A.310](#)(2), [74.29.020](#)(3) and [74.29.080](#)(8)

Other authority:

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.

Reasons for this finding: The proposed rulemaking is necessary pursuant to a corrective action plan required by the Department of Education's Rehabilitation Services Administration for DVR to come into compliance with 34 CFR 361, which is a condition of receiving federal Vocational Rehabilitation funding. DVR must align WAC with current practices and provide clarity to interested parties. Failure to implement this change immediately could result in disciplinary action by the Rehabilitation Services Administration and could include loss of federal funds. See RCW 34.05.350(1)(b) (authorizing immediate adoption of a rule when necessary for the state to receive federal funding).

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	1	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:			
	New	_____	Amended _____ Repealed _____
The number of sections adopted on the agency’s own initiative:			
	New	_____	Amended _____ Repealed _____
The number of sections adopted in order to clarify, streamline, or reform agency procedures:			
	New	_____	Amended _____ Repealed _____
The number of sections adopted using:			
Negotiated rule making:	New	_____	Amended _____ Repealed _____
Pilot rule making:	New	_____	Amended _____ Repealed _____
Other alternative rule making:	New	_____	Amended _____ Repealed _____
Date Adopted: March 31, 2025		Signature: 	
Name: Katherine I. Vasquez			
Title: DSHS Rules Coordinator			

WAC 388-892-0500 What is DVR's payment system for VR service contracts? In order to establish reasonable reimbursement rates for vocational rehabilitation services while providing informed choice and access, DVR establishes fixed fees for VR contract services as follows:

(1) ((DVR identifies geographic VR service delivery areas based on economic cost of living data)) Every six years, or on an interval as announced, and with input received from the service providers, DVR will conduct a fee study to establish community rehabilitation program/independent living and preemployment transition services/transition rates for the services outlined in WAC 388-891A-0527, 388-891A-0705, 388-891A-0715, 388-891A-0725 through 388-891A-0732, 388-891A-0760 through 388-891A-0769.

(2) ((Every two years or on an interval as announced in the contract RFQ, with input received from the service providers, DVR will establish and publish a schedule of fixed payment fee for each contracted VR service)) As needed, DVR will establish and publish a schedule of fixed payment fee for each contracted VR service, which may include an increase, if the budget allows, based on the following:

(a) The percentage increase of the Consumer Price Index (CPI), CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. department of labor or successor agency for the 12 months preceding the previous May 1; or

(b) Five percent, whichever is smaller, but in no event shall the fees or maximums be decreased.

(3) ((All VR service contractors, within each geographic VR service delivery area, are paid the fixed payment fee for each contracted VR service)) DVR will publish a schedule of the new fixed payment fee for each contracted VR service.

(4) All VR service contractors are paid the fixed payment fee for each contracted VR service.