



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: July 22, 2025

TIME: 8:05 AM

WSR 25-15-131

Agency: Department of Social and Health Services, Behavioral Health & Habilitation Administration

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) July 27, 2025

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

- ☐ Yes ☒ No If Yes, explain:

Purpose: In the 2025 Legislative Session, the Legislature passed SSB 5393, closing the Rainier school by June 30, 2027. This legislation directs that DSHS will not permit "any new long-term admissions" to Rainier School as of July 27, 2025, and no new admissions as of June 30, 2027, except those clients who have return rights as defined in the bill. These rules are necessary to set standard definitions and implement the legislation.

Citation of rules affected by this order:

New:
Repealed:
Amended: WACs 388-825-091, 388-825-093, 388-825-094
Suspended:

Statutory authority for adoption: RCWs 71A.12.030, 71A.12.120, 71A.16.010, 71A.16.020, 71A.20.010, 71A.20.020, 71A.20.050, 71A.20.080, and 71A.20.090

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: Substitute Senate Bill 5393 goes into effect on July 27, 2025. In order to implement this legislation on time, emergency rulemaking is required.

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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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>3</u>	Repealed	_____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 3 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	<u>3</u>	Repealed	____

Date Adopted: July 22, 2025	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

AMENDATORY SECTION (Amending WSR 19-12-088, filed 6/4/19, effective 7/5/19)

WAC 388-825-091 Am I eligible for (~~(residential habilitation center (RHC) services)~~) intermediate care or nursing facility services at an RHC? (1) If you are (~~(twenty-one)~~) 21 years of age or over, you are eligible to receive services at a residential habilitation center (RHC) (~~(services)~~) if:

- (a) You have been determined to meet DDA eligibility criteria;
- (b) You choose to receive services in (~~(the)~~) an RHC;
- (c) (~~(DDA)~~) The department has determined that you can be supported safely in an RHC environment and will not pose a danger to other residents of the RHC; and
- (d) You need the level of care provided at (~~(the)~~) an RHC, which is either:

- (i) Nursing facility level of care under WAC 388-106-0355 for a client admitted to, or seeking admission to, a state-operated nursing facility; or

- (ii) Intermediate care facility for individuals with intellectual disabilities (ICF/IID) level of care under WAC 388-828-1020 for a client admitted to, or seeking admission to, a state-operated ICF/IID.

(2) If you meet (1)(a) through (d) of this section, the service will be offered at an RHC that has capacity to meet your needs.

(~~((2))~~) (3) If you are (~~(sixteen)~~) 16 through (~~(twenty)~~) 20 years of age, and meet (1)(a) through (d) (~~(above)~~) of this section you may not be admitted to receive services at a residential habilitation center unless there are no service options available in the community to appropriately meet your needs. Such admission is limited to the provision of a short-term (~~(respite or crisis stabilization services)~~) stay per WAC 388-825-093.

(~~((3))~~) (4) If you are under age (~~(sixteen)~~) 16 you are not eligible to receive services at a residential habilitation center.

(~~((4))~~) (5) Admission to a nursing facility at (~~(a)~~) an RHC also requires completion of preadmission screening and resident review (PASRR) requirements as described in chapter 388-97 WAC.

(6) You have a right to return to Rainier School if:

(a) You are a long-term resident which means you are a resident of Rainier School ICF/IID on July 27, 2025;

(b) You discharged from Rainier School to a community setting;

(c) You meet the eligibility requirements in (1)(a) through (d) of this section; and

(d) You submit a request to return within 365 days after your discharge from Rainier School; and

(e) Additional requests to return require the approval of the DSHS Secretary based on the recommendation of the Rainier School interdisciplinary team.

AMENDATORY SECTION (Amending WSR 15-17-094, filed 8/18/15, effective 9/18/15)

WAC 388-825-093 Can I receive a short-term stay at a residential habilitation center (RHC)? (~~(If there is capacity at a residential~~

~~habilitation center (RHC), the vacancies may be available for short term stays.))~~

(1) Short-term stays are for the purpose of:

(a) Planned respite to provide a scheduled break in caregiving;
or

(b) Crisis stabilization to provide safety and stability when your current living situation puts you at risk of hospitalization or in a hospital without medical need.

(2) Short-term stays are limited ((by)) to an available ((vacancies)) vacancy with admission to((+)) :

(a) A state-operated nursing facility for planned respite;

(b) Yakima Valley School for planned respite or crisis stabilization;

(c) Effective July 27, 2025, Rainier School; or

(d) An intermediate care facility if you are age 16 through 20.

~~((2) Short term stays must be included in your individual support plan))~~

(3) You must meet eligibility in WAC 388-825-091;

~~((3) Short term stays))~~

(4) Approval is required by the assistant secretary of the administration or designee for:

(a) Crisis stabilization; and

(b) Planned respite in excess of ((thirty)) 30 days in a calendar year. ((require approval by the assistant secretary of the developmental disabilities administration or designee; and))

~~((4) You are sixteen years of age or older.~~

~~If you are sixteen through twenty years of age your stay will only be for short-term respite or crisis stabilization purposes.))~~

(5) Effective July 1, 2027, no admissions are permitted at Rainier School unless the admission is for return rights as described in WAC 388-825-091(6).

AMENDATORY SECTION (Amending WSR 15-17-094, filed 8/18/15, effective 9/18/15)

WAC 388-825-094 What is the process to receive services in an RHC? You may request to receive services in an RHC at any time. RHC admissions are not considered permanent.

(1) Your case/resource manager will update your ((DDA)) assessment as described in chapter 388-828 WAC and gather other information.

(2) Long-term admission to an RHC requires approval by the assistant secretary of the ((developmental disabilities)) administration or designee.

(3) You must be ((twenty-one)) 21 years old or older to be admitted as a long-term resident.

(4) Long-term admission is not permitted at:

(a) Yakima Valley School; and

(b) Rainier School, except if you have return rights as described in WAC 388-825-091(6).