



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes
 - No
- If Yes, explain:

Purpose:

Chapter 388-833 WAC is a new chapter created for the Community Crisis Stabilization Service (CCSS) program. It is necessary to define client eligibility and outline the short-term behavioral health supports for participants who are in crisis.

Citation of existing rules affected by this order:

Repealed: None
 Amended: None
 Suspended: None

Statutory authority for adoption:

RCW 71A.12.030

Other authority:

Second Substitute Senate Bill 5459

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 15-03-058 on January 15, 2015 (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted:

March 25, 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: March 31, 2015

TIME: 11:35 AM

WSR 15-08-081

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	<u>10</u>	Amended	_____	Repealed	_____

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New	_____	Amended	_____	Repealed	_____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New	_____	Amended	_____	Repealed	_____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	<u>10</u>	Amended	_____	Repealed	_____

NEW SECTION

WAC 388-833-0005 Definitions "CCSS review team" means DDA staff who review referrals to the CCSS program.

"Crisis" means a set of circumstances or events that:

- (1) Put a participant at risk of hospitalization, institutionalization, or loss of residence;
- (2) Exceeds a participant's individual ability to cope/remain stable; or
- (3) Exceeds the ability of the participant's caregivers to provide necessary supports.

"CRM/SW/SSS" means the DDA case resource manager, DDA social worker, or DDA social service specialist assigned to an individual or participant in the CCSS program.

"Developmental disabilities administration" or "DDA" means the developmental disabilities administration within the department of social and health services.

"Individual" means a person who has a developmental disability as defined in RCW 71A.10.020(5) who also has been determined eligible to receive services by the administration under chapter 71A.16 RCW. Other terms used in the field include "client" and "resident".

"Participant" means the individual who is accessing the community crisis stabilization service.

"Participant team" means individuals who work together to provide formal and informal supports to a participant. A typical team includes CCSS staff, the CRM/SW/SSS, the participant's family/legal representative(s), and service providers working with the participant.

"Regional clinical team" means DDA staff who may respond to crisis situations by providing assessment, training, behavior support and consultation as well as behavioral health stabilization services to DDA enrolled individuals.

NEW SECTION

WAC 388-833-0010 What is the purpose of the community crisis stabilization service (CCSS) program? The purpose of the CCSS program is to provide short-term behavioral health supports to participants who are in crisis.

NEW SECTION

WAC 388-833-0015 Who is eligible for the community crisis stabilization service (CCSS) program? To be eligible for CCSS, the following conditions must be met:

- (1) The individual has been determined eligible for DDA services as defined in chapter 388-823 WAC;
- (2) The individual is eligible for medicaid services;
- (3) The individual or legal representative has provided voluntary consent to participate;
- (4) The individual is age eight to twenty one;

(5) The individual has no unresolved issues of abuse or neglect pending with the DSHS children's administration; and

(6) The DDA CCSS review team has determined that the individual needs the level of service provided in the CCSS program.

NEW SECTION

WAC 388-833-0020 How long may a participant receive services from CCSS? The participant may receive services for a maximum of one hundred eighty consecutive days per admission, from the date of admission to the program.

NEW SECTION

WAC 388-833-0025 How does an individual access CCSS? The individual or family/legal representative may request CCSS through the CRM/SW/SSS.

NEW SECTION

WAC 388-833-0030 How is a decision made for participation in the CCSS program? (1) Placement in the CCSS program is only considered when there are no other DDA services available that can safely and appropriately meet the individual's needs.

(2) Through a referral process, review and discussion, the CCSS review team determines whether the individual needs the level of service provided in the CCSS program. When there are multiple clients requesting the CCSS program services, placement is offered at the sole discretion of the CCSS review team to the client who currently demonstrates the greatest need for services.

(3) DDA and the family/legal representative must be in agreement about the need for CCSS and that placement in the program is in the client's best interest.

NEW SECTION

WAC 388-833-0045 What are the expectations of family/legal representative when their child is in the CCSS program? Family/legal representatives retain custody of their child at all times when the child is receiving services in the CCSS program. Family/legal representative responsibilities include, but are not limited to, the following:

(1) Maintain ongoing and regular contact with their child;

- (2) Agree to work cooperatively with their child's DDA CRM/SW/SSS, and other DSHS staff and persons caring for the child;
- (3) Participate in decision making for the child;
- (4) The right to make all nonemergency decisions about medical care, enlistment in military service, marriage and other important legal decisions for the person under eighteen years of age; and
- (5) Agree that if their child's CCSS placement disrupts, their child will return to the parents physical care until a new placement is developed.

NEW SECTION

WAC 388-833-0050 Who pays for the participant's care when they are in the CCSS program? A combination of state and federal funds cover the cost of the participant's care while in the CCSS program. The family/legal representative is encouraged to support the participant with typical items or activities, e.g., presents, clothing, special items, special outings which are not supported by state or federal funds.

NEW SECTION

WAC 388-833-0055 What appeal rights do I have? (1) You have the right to appeal decisions made by DDA in accordance with WAC 388-825-120 through 388-825-165.

(2) Once the one hundred eighty day maximum stay is reached, the service has been completed and terminating the service and returning the participant to another residential placement is not considered a termination, denial, or move to a different type of residential service as described in WAC 388-825-120.

(3) A participant may appeal eligibility for the CCSS program but participation in the program is determined by WAC 388-833-0030 and is dependent on bed and funding availability. There is no appeal right to a CCSS participation determination.

NEW SECTION

WAC 388-833-0060 Does DDA make exceptions to the requirements in this chapter? The DDA assistant secretary may approve exceptions to the requirements specified in this chapter.