



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 30, 2018

TIME: 3:44 PM

WSR 18-10-071

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

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: The department is creating WAC 388-823-1096 "What requirements must my home or community-based service setting meet?" in order to align with federal regulations. All of the Developmental Disabilities Administration's 1915(c) Medicaid waivers must comply with settings-based requirements under 42 C.F.R. Section 441.301(c)(4).

Citation of rules affected by this order:

New: WAC 388-823-1096

Repealed: None

Amended: None

Suspended: None

Statutory authority for adoption: RCW 71A.12.030

Other authority: 42 C.F.R. Section 441.301(c)(4)

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-06-061 on March 5, 2018 (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:

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**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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>1</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	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on 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New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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>1</u>	Amended	___	Repealed	___

Date Adopted: April 30, 2018

Name: Cheryl Strange

Title: DSHS Secretary

Signature:



NEW SECTION

WAC 388-823-1096 What requirements must my home or community-based service setting meet? If you receive home or community-based services under 42 C.F.R. Section 440.180, the setting must meet requirements under 42 C.F.R. Section 441.301(c)(4).