



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: January 31, 2022

TIME: 7:02 AM

WSR 22-04-073

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

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: DDA amended WAC 388-829C-131 to remove the daily rate multiplier from rule, to remove the DSHS 10-234 form requirement, and to establish requirements for clients who require a behavior support plan and receive services from a companion home provider.

DDA removed the multiplier because it changes too frequently for the permanent rule to remain accurate. Instead of codifying the multiplier in rule, DDA will publish companion home provider rates on the Office of Rates Management's website under Developmental Disabilities Rates.

Typically, DSHS 10-234 was only completed at the time of a client's referral to a companion home. Removing the requirement that a client have a challenging behavior documented on form DSHS 10-234 will allow providers supporting a client who develops a need for behavior support after referral to potentially become eligible for a higher rate.

DDA added behavior support plan requirements to a new section to align with plan requirements in DDA policy.

Citation of rules affected by this order:

New: WAC 388-829C-135

Repealed:

Amended: WAC 388-829C-131

Suspended:

Statutory authority for adoption: RCW 71A.12.030

Other authority: RCW 71A.12.040

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-23-010 on November 4, 2021 (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	___	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	<u>1</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:


New	<u>1</u>	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	1	Repealed	___

Date Adopted: January 27, 2022
Name: Jilma Meneses
Title: DSHS Secretary

Signature:



WAC 388-829C-131 How does DDA determine the daily rate? (1) A companion home daily rate ~~((equals the sum of))~~ is based on the client's ((support)) DDA assessment ((scale scores multiplied by 14.2)) under chapter 388-828 WAC. The DDA assessment uses an algorithm to convert raw scores into support assessment scales.

~~(2) ((The residential algorithm under chapter 388-828 WAC determines the level of services and supports a companion home client may receive.~~

~~(3))~~ The ((CARE)) following support assessment ((assigns)) scales are used to calculate a companion home daily rate. Each support ((levels)) assessment scale is assigned an acuity level of "none," "low," "medium," or "high" ((to each support)) by the DDA assessment ((scale that correspond)) algorithm and corresponds to the values below:

<u>Category Support Assessment Scale</u>	<u>Acuity Levels</u>			
	None	Low	Medium	High
Activities of daily living	0	1	2	3
Behavior	0	1	2	3
Interpersonal support	0	1	2	3
Medical	0	1	2	3
Mobility	0	1	2	3
Protective supervision	0	1	2	3

~~((4))~~ (3) DDA assigns a behavior score of four if ((the client has a):

(a) The client has an acuity level of "high" for behavior ((score of three)) on the support assessment scale; and

~~(b) ((Challenging behavior documented on form DSHS 10-234; and~~

~~(c) Current positive))~~ The client has a behavior support plan that meets requirements under WAC 388-829C-135.

(4) The sum of the assessment scale scores corresponds to an established daily rate. Rates are set prospectively in accordance with state legislative appropriations and will be adjusted accordingly.

~~(5) ((DDA reviews a))~~ DSHS publishes companion home daily rate ((annually and if a significant change assessment occurs during the plan year)) on the office of rates management's website.

~~(6) DDA may adjust a companion home daily rate if:~~

~~(a) ((Any of))~~ The sum of the client's support assessment ((scale)) acuity levels ((change)) changes; or

~~(b) ((The multiplier changes due to a vendor rate change; or~~

~~(c) The annual cost of respite services increased because))~~ DDA ((approved)) approves additional respite hours under WAC 388-829C-234(3) ((and the client's assessed support needs remain unchanged since the most recent CARE assessment)).

NEW SECTION

WAC 388-829C-135 What requirements must a behavior support plan meet? (1) A client's behavior support plan must:

(a) Be based on a functional assessment; and

- (b) Describe:
 - (i) The target behavior;
 - (ii) Actions that may be taken to prevent the target behavior;
 - (iii) Actions that may be taken in response to the target behavior;
 - (iv) Actions that may be taken if the target behavior increases in frequency, duration, intensity, or impact;
 - (v) The replacement behavior that matches the target behavior's function;
 - (vi) How to teach the replacement behavior;
 - (vii) How to respond to the replacement behavior; and
 - (viii) Benchmarks to evaluate the behavior support plan's effectiveness.
- (2) If the client has a behavior support plan, the provider must collect data on:
 - (a) The target behavior's:
 - (i) Frequency;
 - (ii) Intensity;
 - (iii) Duration; and
 - (iv) Impact;
 - (b) The replacement behavior's:
 - (i) Frequency;
 - (ii) Intensity;
 - (iii) Duration; and
 - (iv) Impact.
- (3) The provider must analyze the data collected under subsection (2) of this section at least every six months to determine the effectiveness of the behavior support plan.
- (4) If the analysis under subsection (3) of this section indicates the target behavior is not decreasing in frequency, intensity, duration, or impact, the provider must:
 - (a) Revise the behavior support plan; or
 - (b) Document the reason revising the support plan is not indicated.