



# 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: November 18, 2022

TIME: 8:40 AM

WSR 22-23-120

**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:** Amendments to these rules align with changes to the DDA assessment in CARE, remove content about prevocational services, correct inaccurate cross-references, and reformat sections about qualified providers.

**Citation of rules affected by this order:**

New:

Repealed:

Amended: WAC 388-828-9235, 388-828-9340, 388-828-9360, 388-845-1035, and 388-845-2105

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 22-18-011 on August 25, 2022 (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:

Name: Chantelle Diaz

Address: P.O Box 45310, Olympia, WA 98504-5310

Phone: 360-407-1500

Fax: 360-407-0955

TTY: 1-800-833-6388

Email: [Chantelle.Diaz@dshs.wa.gov](mailto:Chantelle.Diaz@dshs.wa.gov)

Web site:

Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>5</u>	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	___	Amended	<u>5</u>	Repealed	___

**Date Adopted:** November 17, 2022

**Name:** Lisa Yanagida

**Title:** DSHS Chief of Staff

**Signature:**



**WAC 388-828-9235 How does DDA determine your environmental support score?** DDA determines your environmental support score by adding the sum of your assessment responses to employment support limitations in the following table:

Response	Employment Support/ Limitations	Score
1	Behavior( <del>s impact workplace</del> ) <u>support</u>	1
2	<del>((Employment goals too specific))</del> <u>Adaptive equipment</u>	1
3	Fearful( <del>/</del> ) or scared of new situations	0
4	<del>((Frequent job changes))</del> <u>Communication tools</u>	1
5	<del>((High turnover of natural supports))</del> <u>Coordination with residential provider</u>	1
6	<del>((Hygiene issues unresolved))</del> <u>Technical assistance</u>	1
7	<del>((Lacks social skills))</del> <u>Unable to read</u>	1
8	<del>((Little work history))</del> <u>Personal care needs</u>	1
<del>((9</del>	<u>Narrow scope of job requirements</u>	<del>1</del>
<del>10</del>	<u>Needs support arranging childcare</u>	<del>1</del>
<del>11</del>	<u>Others not supportive of employment goals</u>	<del>1</del>
<del>12</del>	<u>Others unable to support employment goals</u>	<del>1</del> )
<del>((13))</del> <u>9</u>	<u>Transportation</u>	1
<del>((14</del>	<u>Unable to regularly get to work on time</u>	<del>1</del> )
<del>((15))</del> <u>10</u>	<u>Uncertain about work</u>	0
<del>((16))</del> <u>11</u>	<u>Uncooperative(<del>/</del>) or lacks motivation</u>	0
<u>12</u>	<u>None of these</u>	<u>0</u>
<b>Maximum employment support limitation score is:</b>		<del>((13))</del> <u>8</u>

Example: If you have selected responses 1, 3, 8, ~~((13))~~ and ~~((15))~~ 9, the sum of your scores for employment support limitations would be 3, resulting in an environmental support score of 3 for WAC 388-828-9230.

AMENDATORY SECTION (Amending WSR 13-01-076, filed 12/18/12, effective 1/18/13)

**WAC 388-828-9340 How does your employment service type affect how your employment service hours are used?** Your employment service type determines where and how your service hours are provided.

(1) Individual supported employment:

(a) Your employment services are provided in typical community-based settings;

(b) The focus of employment services is on obtaining ~~((and/))~~ or maintaining integrated employment at or above the state's minimum wage in the general workforce; and

(c) Your employment services are not shared with others.

(2) Group supported employment:

(a) Your employment services are provided in typical community-based settings;

(b) The focus of employment services is on providing ongoing supervised employment that will lead to greater opportunities for competitive and integrated employment and career advancement at or above minimum wage; and

(c) Your employment service provider works with you and others in a group setting.

~~((3) Prevocational services:~~

~~(a) Your employment services are:~~

~~(i) Provided in specialized or segregated settings for individuals with developmental disabilities; and~~

~~(ii) Include monthly employment related activities in the community.~~

~~(b) Service and supports are designed to further habilitation goals that will lead to greater opportunities for competitive and integrated employment and career advancement at or above the state's minimum wage; and~~

~~(c) Your employment service provider works with you and others in a group setting.)~~

AMENDATORY SECTION (Amending WSR 19-15-008, filed 7/8/19, effective 8/8/19)

**WAC 388-828-9360 What is short-term employment support?** (1)

Short-term employment support is a service that allows DDA to approve service hours in addition to the amount of your employment service base hours under WAC 388-828-9335 and add-on hours under WAC ~~((388-828-9345))~~ 388-828-9350 and 388-828-9355 when:

(a) You are beginning a new job;

(b) There is a planned or unexpected change in your job or job duties;

(c) Your current employment is at risk and short-term supports are needed to assist you in maintaining your current job; or

(d) You are stuck on your pathway to employment and need individualized technical assistance.

(2) Short-term employment support may be authorized for a maximum of six months at a time and may be reauthorized when:

(a) The circumstances identified in subsection (1) of this section continue as evidenced by receipt of a current employment work plan or review describing the need; and

(b) Both your employment provider and county recommend continuing the use of short-term employment support.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

**WAC 388-845-1035 Who are qualified providers of individualized technical assistance services?** (~~Providers of individualized technical assistance service must be a county or an individual or agency contracted with a county or DDA.~~)

To be a qualified provider of individualized technical assistance services, an entity must be:

(1) A county contracted with DDA to provide individualized technical assistance services; or

(2) An individual or agency contracted with a county that is contracted with DDA to provide individualized technical assistance services.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

**WAC 388-845-2105 Who are qualified providers of supported employment services?** (~~Providers of supported employment services must be a county, or agency or an individual contracted with a county or DDA.~~)

To be a qualified provider of supported employment services, an entity must be:

(1) A county contracted with DDA to provide supported employment services; or

(2) An individual or agency contracted with a county that is contracted with DDA to provide supported employment services.