



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: February 10, 2023

TIME: 8:27 AM

WSR 23-05-049

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: The purpose of these amendments is to expand Enhanced Case Management Program (ECMP) capacity and clarify appeal rights regarding enrollment onto the ECMP caseload.

Citation of rules affected by this order:

New: WAC 388-829B-600
Repealed:
Amended: WAC 388-829B-200, 388-829B-300, and 388-829B-400
Suspended:

Statutory authority for adoption: RCW 71A.12.030

Other authority: RCW 71A.12.320 and Chapter 43.382 RCW

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-01-058 on December 14, 2022 (date).

Describe any changes other than editing from proposed to adopted version: In WAC 388-829B-200, the definition of "caregiver" was amended to remove reference to DDA-contracted providers. These caregivers, individual providers, no longer contract with the DDA and are now managed by the Consumer Direct Care Network of Washington (CDWA).

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

Name:
Address:
Phone:
Fax:
TTY:
Email:
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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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>1</u>	Repealed	___
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The number of sections adopted using:

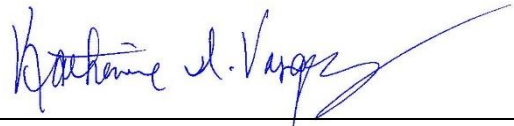
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	4	Repealed	___

Date Adopted: February 10, 2023

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 18-07-073, filed 3/19/18, effective 4/19/18)

WAC 388-829B-200 What definitions apply to this chapter? The following definitions apply to this chapter.

~~("CARE assessment" means an inventory and evaluation of a client's strengths and limitations based on an in-person interview in the client's home or place of residence.)~~

~~"Caregiver" means a person ((contracted with the developmental disabilities administration (DDA) to)) who provides ((medicaid or waiver)) personal care((,)) or respite care((, or attendant care services)) services to DDA clients.~~

~~"Client" means a person who has a developmental disability as defined in RCW 71A.10.020((+5)) and has been determined eligible to receive services by DDA under chapter 71A.16 RCW.~~

~~"Collateral contact" means a person or agency that is involved in the client's life, such as a legal guardian, family member, provider, or friend.~~

~~"DDA assessment" means an inventory and evaluation, under chapter 388-828 WAC, of a client's strengths and limitations based on an interview with the client. For the purposes of this chapter, the DDA assessment includes the "DDA assessment details."~~

~~"Independent supports" means an adult, other than the client's paid caregiver, who observes the care a client receives from their paid caregiver.~~

AMENDATORY SECTION (Amending WSR 18-07-073, filed 3/19/18, effective 4/19/18)

WAC 388-829B-300 Who may DDA enroll in the enhanced case management program? The developmental disabilities administration (DDA) may enroll a client in the enhanced case management program if the client ((is largely dependent on a paid caregiver in the client's home)) is currently assessed to be eligible for medicaid personal care or community first choice (CFC) services in their home under chapter 388-106 WAC and meets criteria under subsection (1), (2), or (3) of this section.~~((+))~~

(1) The client's DDA assessment indicates that the home environment may jeopardize the client's health or safety.

~~((+1))~~ (2) The client's ((CARE)) DDA assessment indicates the client:

(a) ((Is not always able to supervise their)) Has difficulty communicating their needs and wants to their caregiver or informing someone when their needs are not being met;

(b) Has ((communication barriers)) a limited ability to advocate for themselves or express themselves, and has few documented collateral contacts; and

(c) Lacks additional, independent supports that regularly help the client monitor the care being provided in their home.~~((+ or~~

~~(2) The client lives with the paid caregiver and:~~

~~(a) The client has been the subject of an adult protective services or child protective services referral in the past year; or~~

~~(b-))~~ (3) DDA has concerns that the ((home environment or)) quality of care may jeopardize the client's health or safety((-)) for reasons such as:

(a) The client has been the subject of an adult protective services referral in the past year;

(b) The client has been the subject of a child protective services referral in the past year;

(c) The client's DDA assessment indicates the client is underweight;

(d) The client's DDA assessment indicates that the primary caregiver is age 65 or older or states that they are "very stressed," and the caregiver states that the caregiving situation is at "serious risk of failure" or there is concrete evidence of reduced care; or

(e) The client has experienced a destabilizing event, such as a loss of a primary caregiver, hospitalization, or victimization.

AMENDATORY SECTION (Amending WSR 18-07-073, filed 3/19/18, effective 4/19/18)

WAC 388-829B-400 How often must the case manager visit the enhanced case management program client? (1) The client's case manager must visit each enhanced case management program client at least once every four months at the client's home, including unannounced visits as needed. Each required visit must not occur more than four months apart.

(2) An unannounced visit may replace a scheduled visit.

~~(3) ((If a client declines a visit, announced or unannounced, the case manager must document the declined visit in the enhanced case management program section in the comprehensive assessment reporting and evaluation (CARE) tool.~~

~~(4-))~~ If the case manager is unable to meet with the client for a ~~((required))~~ visit, the case manager must:

(a) ((s)) Schedule a follow-up visit as soon as possible and no later than ((thirty)) 30 days((-)) ; and

(b) Document that the visit did not occur.

NEW SECTION

WAC 388-829B-600 May a client appeal an enrollment decision for the enhanced case management program? A client does not have a right to appeal:

(1) A decision whether or not to enroll on the enhanced case management program; or

(2) A decision to transfer off the enhanced case management program.