



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: April 06, 2021

TIME: 8:09 AM

WSR 21-08-071

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

**Title of rule and other identifying information:** (describe subject) Chapter 388-833 WAC, Community Crisis Stabilization Service Program

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Developmental Disabilities Administration (DDA) is amending this chapter to change the program's name. The name is changing from "community crisis stabilization services" to "intensive habilitation services for children." This is not a substantive change—in other words, no changes are being made to the way the program operates.

**Reasons supporting proposal:** RCW 34.05.353(1)(c) authorizes the department to amend a rule using the expedited rulemaking process if "the proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect". The proposed amendments only change the program's name.

**Statutory authority for adoption:** RCW 71A.12.030, RCW 71A.12.120

**Statute being implemented:** RCW 34.05.353

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Name of proponent:** (person or organization) Department of Social and Health Services

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Chantelle Diaz	P.O. Box 45310, Olympia, WA 98504-5310	360-407-1589
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**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** The CCSS program name has changed to "Intensive Habilitation Services for Children." This name change has been made in DDA policies and other DDA documents. Changing the name in chapter 388-833 WAC will help avoid confusion for anyone who would have encountered two different names for the same program.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: DSHS Rules Coordinator

Agency: Department of Social and Health Services

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**AND RECEIVED BY** (date) June 7, 2021

**Date:** April 5, 2021

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



AMENDATORY SECTION (Amending WSR 15-08-081, filed 3/31/15, effective 5/1/15)

**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)) intensive habilitation services (IHS) for children program.

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

"IHS review team" means DDA staff who review referrals to the IHS for children program.

"**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~~) intensive habilitation services.

"**Participant team**" means individuals who work together to provide formal and informal supports to a participant. A typical team includes ((CCSS)) IHS 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.

AMENDATORY SECTION (Amending WSR 15-08-081, filed 3/31/15, effective 5/1/15)

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

AMENDATORY SECTION (Amending WSR 18-14-108, filed 7/5/18, effective 8/5/18)

**WAC 388-833-0015 Who is eligible for the (~~community crisis stabilization service (CCSS))~~ intensive habilitation services for chil-**

**children program?** A person is eligible for the ((community crisis stabilization)) intensive habilitation services for children program if:

- (1) The person is eligible for DDA services under chapter 388-823 WAC;
- (2) The person is eligible for medicaid services;
- (3) The person or their legal representative voluntarily consents to ((community crisis stabilization)) intensive habilitation services;
- (4) The person is age eight or older but under age twenty-one;
- (5) The person has no pending investigations of abuse or neglect with the department of children, youth, and families; and
- (6) DDA determines the person needs the level of service provided in the ((community crisis stabilization)) intensive habilitation services for children program.

AMENDATORY SECTION (Amending WSR 15-08-081, filed 3/31/15, effective 5/1/15)

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

AMENDATORY SECTION (Amending WSR 15-08-081, filed 3/31/15, effective 5/1/15)

**WAC 388-833-0025** How does an individual access ((CCSS)) intensive habilitation services for children? The individual or family/legal representative may request ((CCSS)) intensive habilitation services for children through the CRM/SW/SSS.

AMENDATORY SECTION (Amending WSR 15-08-081, filed 3/31/15, effective 5/1/15)

**WAC 388-833-0030** How is a decision made for participation in the ((CCSS)) intensive habilitation services for children program? (1) Placement in the ((CCSS)) intensive habilitation services (IHS) for children 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)) IHS review team determines whether the individual needs the level of service provided in the ((CCSS)) program. When there are multiple clients requesting the ((CCSS)) IHS program services, placement is offered at the sole discretion of the ((CCSS)) IHS 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)) IHS and that placement in the program is in the client's best interest.

AMENDATORY SECTION (Amending WSR 15-08-081, filed 3/31/15, effective 5/1/15)

**WAC 388-833-0045 What are the expectations of family/legal representative when their child is in the ((CCSS)) intensive habilitation services for children program?** Family/legal representatives retain custody of their child at all times when the child is receiving services in the ((CCSS)) intensive habilitation services (IHS) for children 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)) IHS placement disrupts, their child will return to the parents physical care until a new placement is developed.

AMENDATORY SECTION (Amending WSR 15-08-081, filed 3/31/15, effective 5/1/15)

**WAC 388-833-0050 Who pays for the participant's care when they are in the ((CCSS)) intensive habilitation services for children program?** A combination of state and federal funds cover the cost of the participant's care while in the ((CCSS)) intensive habilitation services for children 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.

AMENDATORY SECTION (Amending WSR 15-08-081, filed 3/31/15, effective 5/1/15)

**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)) intensive habilitation services (IHS) have 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~~)) IHS 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~~)) an IHS participation determination.