



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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FILED

DATE: January 30, 2025
TIME: 4:23 PM

WSR 25-04-057

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

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 24-13-016 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 388-829C-010, What definitions apply to this chapter?, 388-829C-020, How does a companion home provider provide residential habilitation services?, 388-829C-040, Who may become a companion home provider?, 388-829C-042, Must a companion home provider be certified?, 388-829C-043, What does DDA review during a site visit?, 388-829C-070, Who must have a background check?, 388-829C-080, What minimum skills and abilities must companion home providers demonstrate?, 388-829C-085, Must the provider disclose information about other people living in the home and other obligations?, 388-829C-110, When must a companion home provider complete their training requirements?, 388-829C-234, Will DDA reduce the companion home daily rate if additional waiver-funded respite hours are approved?, 388-829C-280, What are the companion home provider's responsibilities when managing client funds?, 388-829C-305, When must the companion home provider transfer the client's funds?, 388-829C-310, Must a client pay for room and board in the companion home?, 388-829C-320, What are the physical and safety requirements for companion homes?, 388-829C-340, What client records must the companion home provider maintain?, 388-829C-345, What records must the companion home provider maintain?, 388-829C-370, Must a companion home provider document when a client declines to participate in services?, 388-829C-371, Must a provider document when a client declines to take a prescribed medication?, 388-829C-460, When must DDA deny payment to a companion home provider?, and 388-829C-461, When may DDA withhold payment to a companion home provider?, (Repeal) 388-829C-044, What is the application process for a potential companion home provider?, 388-829C-061, What is initial certification?, 388-829C-062, What is standard certification?, 388-829C-063, What is provisional certification?, 388-829C-064, What must a companion home provider comply with to maintain certification?, 388-829C-065, How does DDA monitor companion homes?, 388-829C-233, May the client or companion home provider request additional waiver-funded respite hours?, 388-829C-325, How must a companion home provider protect a client from risks associated with bodies of water?, 388-829C-492, What if the companion home provider disagrees with a certification evaluation or certification decision?, and 388-829C-494, What if the companion home provider disagrees with a certification action or the outcome of an informal dispute resolution?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 25, 2025	10:00 a.m.	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website at https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings for the most current information.

Date of intended adoption: No earlier than March 26, 2025 (Note: This is **NOT** the effective date)

Submit written comments to: Name DSHS Rules Coordinator Address PO Box 45850, Olympia WA 98504 Email DSHSRPAURulesCoordinator@dshs.wa.gov Fax 360-664-6185 Other Beginning (date and time) <u>noon on February 5, 2025</u> By (date and time) <u>5:00 p.m. on March 25, 2025</u>	Assistance for persons with disabilities: Contact Shelley Tencza, Rules Consultant Phone 360-664-6036 Fax 360-664-6185 TTY 711 Relay Service Email shelley.tencza@dshs.wa.gov Other By (date) <u>5:00 p.m. on March 11, 2025</u>
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Purpose of the proposal and its anticipated effects, including any changes in existing rules: These rules are being updated primarily to: Establish a connection to the new certification rules under development at DDA, which will be adopted

as a new chapter 388-825A WAC; and update the methodology for adjusting a provider's daily rate when approved for more than the allowed amount of waiver-funded respite.

Reasons supporting proposal: These amendments are intended to improve the methodology for reducing provider daily rates when approved for more than the allowed amount of waiver-funded respite. The updated safety requirements around bodies of water is more person-centered, rather than a rigid limit across all clients.

Statutory authority for adoption: RCW 71A.12.030

Statute being implemented: RCW 71A.12.040, 71A.12.110, 71A.12.120

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:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

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

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Chantelle Diaz	P.O. Box 45310, Olympia, WA 98504-5310	360-790-4732
Implementation	Olga Lutsyk	P.O. Box 45310, Olympia, WA 98504-5310	360-764-6155
Enforcement	Olga Lutsyk	P.O. Box 45310, Olympia, WA 98504-5310	360-764-6155

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name Chantelle Diaz
Address
Phone 360-790-4732
Fax
TTY 711 Relay service
Email chantelle.diaz@dshs.wa.gov
Other

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

- This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.
- This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
 - [RCW 34.05.310](#) (4)(b) (Internal government operations)
 - [RCW 34.05.310](#) (4)(c) (Incorporation by reference)
 - [RCW 34.05.310](#) (4)(d) (Correct or clarify language)
 - [RCW 34.05.310](#) (4)(e) (Dictated by statute)
 - [RCW 34.05.310](#) (4)(f) (Set or adjust fees)
 - [RCW 34.05.310](#) (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW [19.85.025\(5\)](#).

Explanation of how the above exemption(s) applies to the proposed rule: DDA prepared a combined CBA-SBEIS that explains why no costs are imposed by the rules.

(2) Scope of exemptions: *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Date: January 30, 2025	Signature:
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

WAC 388-829C-010 What definitions apply to this chapter? The following definitions apply to this chapter:

"Case manager" means the DDA case manager or DDA social worker assigned to a client.

~~("Certification"))~~ "Certified" or "certification" means a ~~((process used by DDA to determine if an applicant or service provider complies with the requirements of this chapter and the companion home contract))~~ status that indicates a provider is approved under chapter 388-825A WAC to provide services to clients.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020~~((+5))~~ and who has been determined DDA-eligible ~~((to receive services by DDA))~~ under chapter 388-823 WAC.

"Companion home provider" or "provider" means a provider of certified community residential support services under RCW 71A.10.020(2) who is contracted with DDA to deliver residential habilitation services. ~~((A companion home provider does not have an individual provider contract.))~~

"Consent" means express written consent granted by the client, or the client's legal representative if the client has one, after the client or the client's legal representative has been informed of the nature of a service being offered.

"Corrective action" means action taken to remedy a citation.

"DDA" means the developmental disabilities administration.

"DSHS" or "the department" means the state of Washington department of social and health services and its employees and authorized agents.

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"Instruction techniques" means step-by-step instruction, mentoring, role modeling, and developing visual cues.

~~("Integrated setting" means typical community settings not designed specifically for people with disabilities in which the majority of people employed and participating are people without disabilities.))~~

"Legal representative" means a parent of a client if the client is under age ~~((eighteen))~~ 18, a court-appointed guardian if a decision is within the scope of the guardianship order, or any other person authorized by law to act for the client.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, application, or other means, to a client by a person legally authorized to do so under chapter 246-840 WAC.

"Medication assistance" means assistance with self-administration of medication under ~~((chapters))~~ chapter 69.41 RCW ~~((and 246-888 WAC))~~, rendered by a nonpractitioner to a person receiving certified community residential support services.

"Nurse delegation" means the process by which a registered nurse transfers the performance of select nursing tasks to a registered or certified nursing assistant under chapter 18.79 RCW and WAC 246-840-910 through 246-840-970.

"Person-centered service plan" means a document that identifies a client's goals and assessed health and welfare needs. The person-centered service plan also indicates the paid services and natural sup-

ports that will assist the client to achieve their goals and address their assessed needs.

"Plan of correction" means a ~~((signed))~~ plan developed by the companion home provider and DDA resource manager and created to address an issue identified by DDA outside of the provider's certification evaluation.

"Representative payee" means a person or an organization appointed by the Social Security Administration to receive Social Security or SSI benefits for anyone who cannot manage or direct the management of their benefits.

"Residential habilitation services" has the same meaning as is under WAC 388-845-1500.

"Resource manager" means the DDA employee who establishes rates, monitors contract compliance, and acts as DDA's liaison with the ~~((service))~~ provider.

"Room and board" means the amount a client must pay each month for food, shelter, and utilities.

~~("Service provider" means a person or entity contracted by DSHS and authorized to deliver services and supports to meet a client's assessed needs.)~~

"Support" means assistance a ~~((service))~~ provider gives a client based on needs identified in the client's person-centered service plan.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-020 How does a companion home provider provide residential habilitation services? (1) A companion home provider provides residential habilitation services:

(a) To no more than one client;

(b) In a home the companion home provider owns or leases;

(c) In an integrated setting that meets the requirements under WAC 388-823-1096; and

(d) Based on the client's person-centered service plan.

(2) The companion home provider must be available to the client ~~((twenty-four))~~ 24 hours a day to provide supervision and support.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-040 Who may become a companion home provider? To become a companion home provider, a person must:

(1) Be ~~((twenty-one))~~ 21 or older;

(2) Have a high school diploma or general equivalency diploma (GED);

(3) Have a nondisqualifying background check result under chapter 388-825 WAC;

(4) Have a Washington state business license as an independent contractor;

- (5) Meet the ~~((companion home provider qualifications and))~~ minimum skills and abilities requirements under WAC 388-829C-080; and
- (6) Be selected by the client or the client's legal representative if the client has one.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-042 ~~((What are the qualifications for a person to provide residential habilitation services in))~~ **Must a companion home provider be certified?** To provide residential habilitation services ~~((in))~~ as a companion home ((a)) provider, a person must ((÷)) be certified by DDA under chapter 388-825A WAC.

- ~~((1) Complete training required under chapter 388-829 WAC;~~
- ~~(2) Be certified by DDA as a companion home provider; and~~
- ~~(3) Be contracted with DDA as a companion home provider.)~~

NEW SECTION

WAC 388-829C-043 **What does DDA review during a site visit?** (1) To be certified, a provider must participate in site visits as required under chapter 388-825A WAC.

(2) During a site visit, DDA reviews the provider's service site for the following safety requirements:

- (a) The common areas of the home are accessible.
- (b) All entrances and exits are unblocked.
- (c) The home is maintained in a safe and healthy manner.
- (d) The home has a storage area for flammable and combustible materials.
- (e) Every floor of the home has working smoke and carbon monoxide detectors.
- (f) The home has a fire extinguisher that meets requirements for the residence type. There must be a fire extinguisher in the kitchen and one on at least every floor of the home.
- (g) The home has a stocked first-aid kit.
- (h) The home has a working and accessible telephone.
- (i) The home has a working and accessible flashlight or alternative light source.
- (j) Emergency contact information is available and accessible in the home (e.g., 911, poison control, nonemergency 911, adult protective services, child protective services).
- (k) The contact information for the developmental disabilities ombuds is available and accessible in the home.
- (l) The water temperature at the home is 120 degrees Fahrenheit or less.
- (m) There is a safety plan for any body of water more than 24 inches deep at the home.
- (n) Any door or gate that directly leads to the body of water must have an audible alarm.
- (o) The home has an evacuation plan and an emergency food and water supply.

(p) The home meets integrated setting requirements under WAC 388-823-1096.

(q) The home has a backup power source (e.g., generator, battery pack) if the provider supports a client who uses life sustaining medical equipment.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-070 Who must have a background check? (1) All people, except the client, must have a background check if they are (~~sixteen~~) 16 or older and:

(a) Live in or routinely stay overnight in the companion home; or
(b) May have unsupervised access to the client in the companion home.

(2) Any person required to have a background check under this section must have a nondisqualifying background check result every (~~two~~) three years, or more frequently if requested by DSHS.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-080 What minimum skills and abilities must companion home providers demonstrate? A companion home provider must:

(1) Be able to read, understand, and provide the services outlined in the client's person-centered service plan;

(2) Participate in the development of the person-centered service plan;

(3) Communicate with the client in the client's preferred language;

(4) Accommodate the client's preferences;

(5) Know the community resources, such as medical facilities, emergency resources, and recreational opportunities;

(6) Enable the client to keep in touch with family and friends in a way preferred by the client;

(7) Use instruction techniques appropriate for the client's learning style;

(8) Protect the client's financial interests;

(9) Follow mandatory reporting requirements under chapter 74.34 RCW;

(10) Know how and when to contact the client's legal representative;

(11) Know how and when to contact the client's case manager;

(12) Meet training requirements under chapter 388-829 WAC;

(13) Maintain all necessary license and certification requirements under this chapter; (~~and~~)

(14) Comply with all applicable laws, regulations, and contract requirements; (~~and~~)

(15) Complete nurse delegation training if the client needs medication administration or delegated nursing tasks(~~(-)~~) ; and

(16) Have the ability to electronically:

- (a) Submit reimbursement claims;
- (b) Complete and submit mandatory forms;
- (c) Complete mandatory trainings; and
- (d) Receive and respond to communications from DSHS within pre-scribed time frames.

NEW SECTION

WAC 388-829C-085 Must the provider disclose information about other people living in the home and other obligations? (1) The provider must maintain a provider profile that discloses:

- (a) The name and age of any person living in the home besides the provider;
 - (b) The number and type of pets living in the home;
 - (c) Other obligations (e.g., employment, volunteer work, caring for a dependent) the provider has that may impact the client's choice of provider.
- (2) The provider must send the provider profile to:
- (a) A potential client at initial client contact; and
 - (b) DDA at time of application and any time a change occurs.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-110 When must a companion home provider complete their training requirements? (1) Before a companion home provider may deliver services to a client, the provider must complete:

- (a) Five hours of ~~((safety and))~~ orientation and safety training;
 - (b) Forty hours of DDA-developed residential services curriculum;
 - (c) Six hours of first aid certification and CPR training;
- ~~((and))~~
- (d) Six hours of DDA companion home orientation~~((--))~~ ; and
 - (e) Nurse delegation training if the client needs delegation and criteria are met under WAC 246-840-930.
- (2) No more than ~~((one hundred twenty))~~ 120 days after the ~~((effective date of the companion home provider's contract))~~ date of hire, the provider must complete ~~((eighteen))~~ 18 hours of population-specific or client-specific training under chapter 388-829 WAC.
- (3) ~~((A companion home provider))~~ In accordance with chapter 388-829 WAC, a provider must complete ~~((twelve continuing education credits annually.))~~ and keep current:
- (a) Continuing education;
 - (b) CPR and first aid training and certification; and
 - (c) Bloodborne pathogens training.
- ~~((4) If the client needs medication administration or delegated nursing tasks, the companion home provider must complete nurse delegation training before they deliver services to the client.))~~

AMENDATORY SECTION (Amending WSR 23-13-030, filed 6/12/23, effective 7/13/23)

WAC 388-829C-234 Will DDA reduce the companion home daily rate if additional waiver-funded respite hours are approved? (1) If DDA approves ((additional)) waiver-funded respite hours in addition to the client's annual respite allocation, DDA ((may)) will reduce the companion home daily rate.

~~((2) To reduce the companion home daily rate, DDA:~~

~~(a) Divides the cost of the additional respite hours by the number of days remaining in the client's plan year; and~~

~~(b) Subtracts that amount from the companion home daily rate for the remaining number of days in the plan year.~~

~~(3) The cost of the additional respite hours is based on the identified respite provider's hourly rate.))~~

(2) To reduce the provider's daily rate, DDA:

(a) Converts the provider's daily rate into an hourly rate;

(b) Multiplies the hourly rate by the number of additional respite hours approved to determine the total rate reduction;

(c) Subtracts the total rate reduction from the total amount the provider would have earned for the remaining plan year to determine the adjusted total the provider will earn for the remaining plan year; and

(d) Divides the adjusted total by the number of days remaining in the plan year to determine the adjusted daily rate.

(3) Example: If a provider has a daily rate of \$200 per day and the provider is approved for 50 additional hours of respite with 60 days left in the plan year, DDA will calculate the provider's reduced daily rate as follows:

(a) $\$200 / 24 \text{ hours per day} = \$8.33 \text{ cost of respite per hour.}$

(b) $\$8.33 \times 50 \text{ hours of additional respite} = \$416.50 \text{ total rate reduction.}$

(c) $\$200 \times 60 \text{ days remaining in plan year} = \$12,000 \text{ amount provider would have earned for remaining plan year.}$

(d) $\$12,000 - \$416.50 \text{ total rate reduction} = \$11,583.50 \text{ total the provider will earn for the remaining plan year.}$

(e) $\$11,583.50 / 60 \text{ days remaining in plan year} = \$193.06 \text{ adjusted daily rate.}$

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-280 What are the companion home provider's responsibilities when managing client funds? (1) When managing a client's funds, the companion home provider must:

(a) Protect the client's financial interests;

(b) Include the client to the highest degree possible in decision making about how their funds are spent;

(c) Maintain a detailed ledger with a running balance for each account managed by the provider, including:

(i) Cash received from writing checks over the purchase amount; and

- (ii) A list of where the money was spent or gift card funds were used;
 - (d) Deposit any client funds into the client's bank account within one week of receiving the funds;
 - (e) Reconcile the client's accounts, including cash and gift card accounts, on a monthly basis;
 - (f) Retain receipts, bills, and invoices for purchases (~~over twenty-five dollars~~) made with client funds;
 - (g) Notify DDA if the client's resources reach (~~one thousand seven hundred dollars~~) \$1,700; and
 - (h) Assist the client with writing checks, if needed.
- (2) When managing a client's funds, the companion home provider must not:
- (a) Commingle the client's funds with the provider's funds;
 - (b) Ask the client to sign a blank check unless stated otherwise in the client's individual financial plan;
 - (c) Let the client's bank account be overdrawn; or
 - (d) Let the client's cash funds exceed (~~seventy-five dollars~~) \$75, unless stated otherwise in the client's individual financial plan.
- (3) If the client manages their own funds and requests that the companion home provider hold their checkbook, debit card, or credit card:
- (a) The provider is not considered to be managing the client's funds;
 - (b) The client must continue to have access to their funds; and
 - (c) The provider must document the request in the client's individual financial plan.
- (4) Social Security Administration requirements for managing the client's Social Security benefits take precedence over these rules if:
- (a) The (~~service~~) provider is the client's representative payee; and
 - (b) The Social Security Administration requirement conflicts with these rules.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-305 When must the companion home provider transfer the client's funds? (1) If a client chooses a new (~~service~~) provider and the current provider manages the client's funds, the current provider must:

- (a) Establish a written agreement with the client, before the client moves, that states the amount of money the provider may withhold to cover any unpaid bills and room and board;
- (b) Provide to the client's case manager a copy of any agreement under subsection (1)(a) of this section;
- (c) Give the client, and the client's legal representative if the client has one, a ledger of all known client funds;
- (d) Transfer the funds to the client or the client's designee as soon as possible, but no more than thirty days after the client leaves the companion home;
- (e) Give the new provider a ledger of all transferred client funds if the new provider manages the client's funds; and

- (f) Obtain a written receipt for all transferred funds.
- (2) If the companion home provider manages a client's funds and the client's whereabouts are unknown, the provider must transfer the client's funds no more than ~~((ninety))~~ 90 days after notifying DDA the client's whereabouts are unknown to:
 - (a) The client's legal representative, if the client has one; or
 - (b) The department of revenue, unclaimed property.
- (3) If the companion home provider manages the client's funds and the client dies, the provider must transfer the client's funds within ~~((ninety))~~ 90 days to:
 - (a) The client's legal representative;
 - (b) The requesting governmental entity; or
 - (c) The DSHS office of financial recovery if the client does not have a legal heir.
- (4) The Social Security Administration's requirements for managing the client's Social Security benefits take precedence over these rules for transferring client funds if:
 - (a) The ~~((service))~~ provider is the client's representative payee; and
 - (b) The Social Security Administration requirement conflicts with these rules.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

- WAC 388-829C-310 Must a client pay for room and board in the companion home?**
- (1) A client who receives residential habilitation services in a companion home must pay monthly room and board to the companion home provider.
 - (2) The monthly room and board the client pays to the provider must be specified in a room and board agreement that includes:
 - (a) Rent;
 - (b) Utilities , which includes access to a telephone;
 - (c) Food costs , which means at least three meals a day and snacks; ~~((and))~~
 - (d) The date the provider collects the room and board payment each month~~((.-))~~ ; and
 - (e) Eviction protections, processes, and appeals comparable to those provided under applicable landlord-tenant law.
 - (3) The room and board agreement must be:
 - (a) Developed by the provider, the client, or the client's legal representative if the client has one;
 - (b) Developed before the client moves into the ~~((companion))~~ home;
 - (c) Signed by the client or the client's legal representative if the client has one;
 - (d) Signed by the provider; and
 - (e) Submitted to DDA for review.
 - (4) Before implementing any changes to the room and board agreement, the companion home provider must submit the proposed agreement to DDA for review.
 - (5) If the client and provider move to a new address, the room and board agreement must be reviewed and updated in accordance with

subsection (3) of this section before the client moves to the new address.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-320 What are the physical and safety requirements for companion homes? (1) A companion home must:

- (a) Be accessible to the client;
 - (b) Provide the client direct, unrestricted access to all common areas;
 - (c) Have adequate space for mobility aids, such as a wheelchair, walker, or lifting device;
 - (d) Have unblocked exits;
 - (e) Be maintained , inside and outside, in a safe and healthy manner free from hazards;
 - (f) Safely store flammable and combustible materials;
 - (g) Have a working smoke detector, located close to the client's bedroom, that meets the client's specialized needs, including any vision or hearing loss;
 - (h) Have a five-pound 2A:10B-C fire extinguisher;
 - (i) Have a first-aid kit;
 - (j) Provide the client access to a telephone;
 - (k) Provide the client access to a working flashlight or alternative light source;
 - (l) Display emergency contact information in a manner accessible to the client;
 - (m) Display an evacuation plan, which must be practiced monthly with the client; ~~((and))~~
 - (n) Have a railing for any patio, deck, porch, or balcony ~~((that is more than twelve inches off the ground.))~~ when required by local building codes; and
 - (o) Have a railing for any patio, deck, porch, or balcony more than 12 inches off the ground when identified as a safety need in the client's person-centered service plan.
- (2) The companion home client must have a private bedroom with:
- (a) A door that locks from the inside, unless the client's person-centered service plan indicates that it is unsafe for the client to have a locking door; and
 - (b) An exit that does not rely solely on a window, ladder, folding stairs, or trap door.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-340 What client records must the companion home provider maintain? A companion home provider must maintain all of the following client records:

- (1) The client's name, address, and Social Security number.

(2) The name, address, and telephone number of the client's legal representative, if the client has one, and any of the client's relatives that the client chooses to include(~~(+)~~) .

(3) Appropriate documents establishing the legal representative's legal authority to act on behalf of the client, if applicable.

(4) Signed authorization for release of information forms.

(5) Health care information, including:

(a) The name, address, and telephone number of the client's health care providers;

(b) Instructions (~~from~~) , protocols, or therapy plans the provider receives from the client's health care providers , if the provider administers or assists the client with the instructions, protocols, or therapy plans;

(c) The client's health care appointment dates;

(d) The client's known major health events;

(e) The client's medication, health, and surgery records;

(f) A medication administration record if the provider administers client medication;

(g) A drug information sheet obtained from the prescriber or dispensing pharmacy for any prescribed medication, if the provider administers or assists the client with the medication;

~~((f))~~ (h) Written documentation that instructions from the client's health care providers have been followed;

~~((g))~~ (i) A copy of the client's medical insurance card;
(and)

~~((h) Refusals to participate in))~~ (j) Documentation of declined services under WAC 388-829C-370(~~(-)~~) ; and

(k) A record of all medications administered to, assisted with, monitored, or declined by the client under WAC 388-829C-371.

(6) If the client receives nurse delegation services, nurse delegation records including:

(a) A signed consent for nurse delegation;

(b) Written instructions from the delegating nurse for performing each delegated nursing task; and

(c) A log of each delegated nursing task performed in the last six months.

(7) Current service and support plans, including the client's:

(a) Person-centered service plan;

(b) Individual education plan, if the client is in school;

(c) Individual employment plan, if the client has one;

(d) Positive behavior support plan, if the client has one; and

(e) Cross-systems crisis plan, if the client has one.

(8) Financial information, including:

(a) The client's individual financial plan under WAC 388-829C-270;

(b) Documentation of any money management and instruction provided to the client;

(c) The client's property records under WAC 388-829C-380;

(d) The client's burial plan, if the client has one; and

(e) The client's will, if the client has one.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-345 What records must the companion home provider maintain? The companion home provider must maintain:

- (1) Client records under WAC 388-829C-340;
- (2) Water temperature monitoring records under WAC 388-829C-330;
- (3) Provider training records under WAC 388-829C-110;
- (4) An evacuation plan and practice records under WAC 388-829C-320;
- (5) An emergency response plan under WAC 388-829C-410;
- (6) Quarterly reports under WAC 388-829C-350;
- (7) A signed copy of form DSHS 10-403;
- (8) Nurse delegation records under WAC 388-829C-340;
- (9) The room and board agreement under WAC 388-829C-310; ~~((and))~~
- (10) The provider profile under WAC 388-829C-085;
- (11) Documentation of successful completion of required back-ground checks; and
- ~~((10))~~ (12) Financial records under WAC 388-829C-270 through 388-829C-280, if the provider is managing any portion of the client's funds.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-370 ~~((When must))~~ Must a companion home provider document when a ~~((client's refusal))~~ client declines to participate in services?

- (1) The companion home provider must document when a ~~((client's refusal))~~ client declines to participate in:
 - (a) Monthly evacuation drills under WAC 388-829C-320; ~~((and))~~
 - (b) Health care support under WAC 388-829C-160~~((-))~~ ; and
 - (c) Tasks assigned to the provider in the client's person-centered service plan, including medication support.
- (2) If a client ~~((refuses))~~ declines to participate in a service, the companion home provider must document:
 - (a) ~~((Events))~~ A description of events related to the ~~((client's refusal))~~ client declining to participate in the service;
 - (b) ~~((That))~~ When the client was informed of the benefits of the service and the possible risks of ~~((refusal))~~ declining;
 - (c) ~~((The service))~~ A description of the provider's efforts to provide or acquire the service for the client; ~~((and))~~
 - (d) A description of alternatives offered instead of current services; and
 - (e) Any health or safety risks posed by the ~~((refusal))~~ client declining to participate in the service.
- (3) The ~~((companion home))~~ provider must ~~((give written notice to the client's case manager and legal representative, if the client has one, if the client's))~~ develop a plan for action the provider will take to address health and safety ~~((is adversely affected by their refusal to participate in a service))~~ risks due to repeatedly declined services. The plan must include recommendations from the client's health care provider.
- (4) The companion home provider must:

(a) Review the (~~refusal of service document~~) documentation with the client, or the client's legal representative if the client has one, at least every six months;

(b) Request that the client, or the client's legal representative if the client has one, sign and date the document after reviewing it; and

(c) Document the review in the quarterly report under WAC 388-829C-350.

(5) The provider must notify the case manager if a client's health and safety may be adversely affected when the client declines to participate in services.

NEW SECTION

WAC 388-829C-371 Must a provider document when a client declines to take a prescribed medication? When a client who is receiving medication support from the provider declines to take a prescribed medication, the provider must:

(1) Respect the client's right to choose not to take the medication;

(2) Document the reason for the decline, if provided;

(3) Document the time, date, and medication the client did not take;

(4) Document the number of medication support attempts; and

(5) Unless a written plan between the provider and prescriber or primary care practitioner is in effect, notify the client's prescriber or primary care practitioner and document directions received and follow-up action taken by the provider.

AMENDATORY SECTION (Amending WSR 18-22-106, filed 11/6/18, effective 12/7/18)

WAC 388-829C-460 When must DDA deny payment (~~and terminate~~) to a companion home (~~provider's contract~~) provider? DDA must deny payment (~~and terminate~~) to a companion home (~~provider's contract~~) provider if the provider:

(1) Is no longer providing paid services to the client; or

(2) Fails to maintain certification as a companion home provider.

NEW SECTION

WAC 388-829C-461 When may DDA withhold payment to a companion home provider? DDA may withhold payment to a provider if the provider fails to:

(1) Timely submit records when requested by DDA; or

(2) Correct a DDA-identified issue of noncompliance within the specified timeline.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-829C-044 What is the application process for a potential companion home provider?
- WAC 388-829C-061 What is initial certification?
- WAC 388-829C-062 What is standard certification?
- WAC 388-829C-063 What is provisional certification?
- WAC 388-829C-064 What must a companion home provider comply with to maintain certification?
- WAC 388-829C-065 How does DDA monitor companion homes?
- WAC 388-829C-233 May the client or companion home provider request additional waiver-funded respite hours?
- WAC 388-829C-325 How must a companion home provider protect a client from risks associated with bodies of water?
- WAC 388-829C-492 What if the companion home provider disagrees with a certification evaluation or certification decision?
- WAC 388-829C-494 What if the companion home provider disagrees with a certification action or the outcome of an informal dispute resolution?