



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

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

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) February 1, 2016

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

The department is creating new rules that support the 2015-2017 biennium budgets for overnight planned respite services as found on pages 63 and 64 of ESSB 6052.S.L..

Citation of existing rules affected by this order:

Repealed: None
 Amended: None
 Suspended: None

Statutory authority for adoption: RCW 74.08.090

Other authority: ESSB 6052.S.L

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

The 2015-2017 biennium budgets provided funding to develop eight community respite beds for adults with developmental disabilities for the provision of short-term community-based planned respite services and eight enhanced respite beds across the state for children. The purpose for these respite beds is to provide family and caregivers relief from the intensity of personal caregiving and an opportunity for behavioral stabilization for children. Without these services some families may be unable to continue to care for their children in their own home and out of home placement could be necessary.

Date adopted:

January 28, 2016

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 29, 2016

TIME: 11:30 AM

WSR 16-04-073

**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	<u>44</u>	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 in 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	_____	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>44</u>	Amended	_____	Repealed	_____

NEW SECTION

WAC 388-825-221 Who is eligible to receive overnight planned respite services? (1) To be eligible for overnight planned respite services, you must meet the following conditions at a minimum:

(a) You have been determined eligible for DDA services per chapter 71A.10 RCW;

(b) You are at least eighteen years of age; and

(c) You live at home with your family members (paid or unpaid care provider) or nonfamily members who are not paid to provide care for you.

(2) The adult respite service committee will consider the following factors when reviewing requests for services:

(a) Whether your needs can be safely met in the respite setting;

(b) Whether there are available respite bed vacancies within ninety days of requested dates; and

(c) Whether the stay will meet the legislative intent of reducing utilization of RHCs for respite.

NEW SECTION

WAC 388-825-225 How do I access overnight planned respite services? (1) Your case resource manager will assist you with completing a brief application and to ensure overnight planned respite services are included in your individual support plan;

(2) Upon approval for services, you will work with the provider to complete an individual respite service agreement that outlines agreed support needs and activities prior to your stay.

NEW SECTION

WAC 388-825-229 Who are the qualified providers of overnight planned respite services? Qualified providers must be certified by and contracted with DDA to provide overnight planned respite.

NEW SECTION

WAC 388-825-231 What are the limitations of overnight planned respite services? Overnight planned respite services may not exceed fourteen days in a calendar year.

**Chapter 388-829R WAC
OVERNIGHT PLANNED RESPITE SERVICES**

NEW SECTION

WAC 388-829R-005 What definitions apply to this chapter? The following definitions apply to this chapter:

"Adult protective services" or "APS" means the investigative body designated by the aging and long term care services administration (AL TSA) to investigate suspected cases of abandonment, abuse, financial exploitation and neglect as defined in chapter 74.34RCW.

"Authorization" means DDA approval of funding for a service as identified in the individual support plan or evidence of payment for a service.

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

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

"DDA" or "the administration" means the developmental disabilities administration, an administration of the department of social and health services.

"Department" means the department of social and health services of the state of Washington.

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

"Health, safety, and well-being" means providing a safe living environment, meeting all the clients medical and behavioral needs, adequate staffing based on the client's needs, and access to appropriate community activities.

"Mandatory reporter" means any person working with vulnerable adults required by law to report suspected incidents of abandonment, abuse, neglect, financial exploitation under chapter 74.34RCW.

"NA-R" means nursing assistant-registered under chapter 18.88ARCW.

"NA-C" means nursing assistant-certified under chapter 18.88ARCW.

"Overnight planned respite services" means services that are intended to provide short-term intermittent relief for persons who live with the DDA client as the primary care provider and are either:

(1) a family member (paid or unpaid); or

(2) a nonfamily member who is not paid. These services provide the opportunity for the client to receive support and care while engaging in their community.

"Registered nurse delegation" means the process by which a registered nurse transfers the performance of selected nursing tasks to a NA-R or NA-C in selected situations. (For detailed information, please refer to chapter 18.79RCW and WAC 246-840-910 through 246-840-970.)

"Regulation" means any federal, state, or local law, rule, ordinance or policy.

"RCW" or "Revised Code of Washington" means all laws adopted by the state of Washington.

"WAC" or "Washington Administrative Code" means administrative codes or rules that are adopted by Washington State agencies to enact legislation and RCW.

NEW SECTION

WAC 388-829R-010 What is the purpose of this chapter? This chapter establishes rules governing the developmental disabilities administration (DDA) overnight planned respite services for eligible clients under chapter 71A.12 RCW.

NEW SECTION

WAC 388-829R-015 Who are the intended recipients of overnight planned respite services? (1) Recipients of overnight planned respite services must meet the following conditions at a minimum:

(a) Have been determined eligible for DDA services per chapter 71A RCW;

(b) Be at least eighteen years of age; and

(c) Live at home with support providers who are family members (paid or unpaid) or unpaid non-family members. For the purpose of this chapter, "family members" consists of natural, step or adoptive parents; grandparents; and siblings.

(2) The adult respite services committee will consider the following factors when reviewing requests for services:

(a) Whether the recipient's needs can be safely met in the respite setting;

(b) Whether there are available vacancies within ninety days of requested dates; and

(c) Whether the stay will reduce utilization of RHCs for respite.

NEW SECTION

WAC 388-829R-020 What are the responsibilities of overnight planned respite services providers? The overnight planned respite services provider must:

(1) Meet the requirements of this chapter and their contract;

(2) Deliver the service on the dates approved by the administration;

(3) Provide supports and services outlined in the individual respite services agreement;

(4) Provide adequate staff to administer the program and meet the needs of clients;

(5) Ensure that clients have immediate access to staff, or the means to contact staff, at all times; and

(6) Retain all records and other material related to the services contract, for six years after expiration of the contract.

NEW SECTION

WAC 388-829R-025 What requirements must an agency meet to contract with DDA to provide overnight planned respite services? To be eligible to contract with DDA to provide overnight planned respite services, an agency:

- (1) Must be certified by the DDA to perform the duties of overnight planned respite service;
- (2) Must be approved as a contractor by the department;
- (3) Must not provide respite for a client to whom they are related; and
- (4) Must not provide respite to more than one client per household.

NEW SECTION

WAC 388-829R-030 Who must have a background check? (1) Overnight planned respite service providers and their employees and volunteers are required to complete a fingerprint based background check through the DSHS background check central unit (BCCU) prior to working unsupervised with clients per RCW 74.39A.056.

(2) Rechecks are required at least every three years for overnight planned respite services providers. Rechecks must be conducted as follows:

(a) Individuals who have continuously resided in Washington State for the past three consecutive years must clear a name and date of birth check through BCCU.

(b) Individuals who have lived outside of Washington State within the past three years must be screened through a state name, date of birth, and national fingerprint based background check through BCCU.

NEW SECTION

WAC 388-829R-035 What criminal convictions, pending crimes or negative actions will prohibit overnight planned respite services providers and their employees and volunteers from working in a capacity that may involve access to individuals with a developmental disability? (1) Criminal convictions and pending charges that are disqualifying are listed in chapter **388-113WAC**.

(2) The following negative actions will automatically disqualify an individual from having unsupervised access to individuals with a developmental disability:

(a) A final finding of abuse, neglect, financial exploitation or abandonment of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003.

(b) A final finding of abuse or neglect by child protective services, unless the finding was made prior to October 1, 1998.

(c) A court ordered permanent restraining order or order of protection, either active or expired, that was based upon abuse, neglect,

financial exploitation, or mistreatment of a child or vulnerable adult.

(d) Registered sex offender status.

NEW SECTION

WAC 388-829R-040 May an individual work in an unsupervised capacity with individuals with developmental disabilities when his or her background check reveals a conviction, pending charge or negative action that is not considered disqualifying per WAC 388-113? Yes. An individual with convictions, pending charges or negative actions that are not disqualifying per chapter 388-113 WAC may work in an unsupervised capacity with individuals with developmental disabilities only after the overnight planned respite services provider conducts and documents a character, competence and suitability review.

NEW SECTION

WAC 388-829R-045 What must a character, competence and suitability review include? Character, competence and suitability reviews conducted by overnight planned respite services providers must include consideration of the following factors:

(1) The amount of time that has passed since the individual was convicted or subject to a negative action;

(2) The seriousness of the crime or action that led to the conviction or finding;

(3) The number and types of other convictions in the individual's background;

(4) Age at the time of conviction;

(5) Documentation indicating successful completion of court-ordered programs and restitution;

(6) Behavior since the conviction; and

(7) The vulnerability of those that will be under the individual's care.

NEW SECTION

WAC 388-829R-050 May an individual work in an unsupervised capacity with individuals with developmental disabilities pending the final results of his or her fingerprint based background check through BCCU? (1) The provider may approve individuals for a one hundred twenty-day provisional hire. During the provisional hire period, the individual may work unsupervised when:

(a) The individual has not been disqualified based on the initial result of the Washington state name and date of birth background check by BCCU; and

(b) The provider has verified that the individual submitted fingerprints for the national fingerprint based background check.

(2) If the provider does not receive BCCU's final results before expiration of the one hundred twenty day provisional hire period, the individual may no longer work unsupervised with individuals with developmental disabilities until the provider receives those results and the individual has not been disqualified.

NEW SECTION

WAC 388-829R-055 What must the overnight planned respite services providers share with its employees or potential employees regarding background check results? (1) The provider must provide a copy of the background check notification letter and all attachments to an employee or prospective employee within ten days of receipt of the results; and

(2) The provider must notify prospective hires when they have been disqualified by the background check. The notice must be in writing and include any laws and rules that require disqualification.

NEW SECTION

WAC 388-829R-060 What are the minimum requirements for overnight planned respite services providers? Overnight planned respite services providers must at a minimum:

(1) Have a high school diploma or GED equivalent, unless hired before September 1, 1991;

(2) Be at least eighteen years of age when employed as a direct care staff, or at least twenty-one years of age when employed as an administrator;

(3) Have a clear understanding of job responsibilities and knowledge of individual support plans and client needs;

(4) Have a current background check as required by WAC 388-829R-030; and

(5) Be able to:

(a) Read, understand, and provide services outlined in the individual support plan (ISP) and individual respite services agreement;

(b) Reasonably accommodate the client's individual preferences;

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

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

(e) Protect the client's financial interests;

(f) Fulfill reporting requirements as required in this chapter and the overnight planned respite services contract;

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

(h) Successfully complete the training required in this chapter.

NEW SECTION

WAC 388-829R-065 What training requirements must overnight planned respite services staff meet? Overnight planned respite services provider staff must meet all training and certification requirements that apply to community residential service businesses in accordance with 388-829 WAC. The provider must document that its staff has met these requirements and make this documentation available for DDA.

NEW SECTION

WAC 388-829R-070 What policies and procedures must overnight planned respite services providers have? (1) Overnight planned respite services providers must develop and implement policies and procedures that address:

(a) Client rights, including a client's right to file a complaint or suggestion without interference;

(b) Reporting requirements for suspected abuse, neglect, financial exploitation, or abandonment;

(c) Client protections when there have been allegations of abuse, neglect, financial exploitation, or abandonment;

(d) Emergent situations that may pose a danger or risk to the client or others, such as death or serious injury to a client;

(e) Response to a missing person and other client emergencies;

(f) Emergency response plans for natural or other disasters;

(g) Client access to medical, mental health, and law enforcement resources for clients;

(h) Notification to client's legal representative or relatives in case of emergency;

(i) Client grievances;

(j) Appropriate response and supports for clients who engage in aggressive or assaultive behavior; and

(k) All aspects of the medication support staff including but not limited to:

(i) Supervision;

(ii) Client refusal;

(iii) Services related to medications and treatments provided under the delegation of a registered nurse consistent with chapter 246-840WAC;

(iv) The monitoring of a client who self-administers medication;

(v) Medication assistance for clients who need support; and

(vi) What the service provider will do in the event they become aware that a client is no longer safe to take his or her own medications.

(2) The service provider must train staff on its policies and procedures, maintain current written policies and procedures, and make them accessible to all staff and available to clients and legal representatives upon request.

NEW SECTION

WAC 388-829R-075 What are the requirements for an individual respite services agreement? (1) Overnight planned respite services providers must develop an individual respite services agreement with the client's paid or unpaid caregiver at least three business days prior to the client's placement.

(2) The individual respite services agreement must outline supports and services to be provided during the respite stay.

NEW SECTION

WAC 388-829R-080 What services and activities must be a part of overnight planned respite services? The overnight planned respite services provider must provide the following services and activities at no cost to the client:

(1) Support staff available, twenty-four hours per day for each day of the respite stay as determined in the individual respite services agreement, to meet the client's needs as identified in the client's assessment;

(2) A furnished home environment including a private, furnished bedroom for each respite client;

(3) An accessible site for clients with physical disabilities;

(4) Toiletries and personal care items;

(5) Bedding and towels;

(6) Access to laundry facilities;

(7) Access to a telephone for local calls;

(8) Medication monitoring, assistance and administration as needed;

(9) Instruction and support services identified in the client's individual respite services agreement;

(10) Transportation as identified in the individual respite services agreement;

(11) Supports for performing personal hygiene routines and activities of daily living as identified in the individual respite service agreement and individual support plan; and

(12) Activities within the home and community as outlined in the individual respite services agreement.

NEW SECTION

WAC 388-829R-085 Are overnight planned respite providers responsible to transport a client? (1) The client and the client's family are responsible for transportation to and from the respite services;

(2) The overnight planned respite services provider is responsible to ensure that the client's transportation needs are met during the respite stay, as identified in the client's individual respite services agreement.

NEW SECTION

WAC 388-829R-090 What requirements must be met before an overnight planned respite provider transports a client? Before transporting a client, overnight planned respite services providers must:

- (1) Carry automobile insurance per chapter 46.30RCW; and
- (2) Have a valid driver's license per chapter 46.20RCW.

NEW SECTION

WAC 388-829R-110 What health care assistance must an overnight planned respite provide a client? The overnight planned respite services provider must provide the client the following health care assistance:

- (1) Observe the client for changes in health, taking appropriate action and responding to emergencies;
- (2) Manage medication assistance per chapter 246-888 WAC and administration per WAC 246-840-910 to 246-840-970 and DDA residential medication management requirements specified in the overnight planned respite services contract;
- (3) Assist the client with any medical treatment prescribed by health professionals that does not require registered nurse delegation or professionally licensed services;
- (4) Communicate directly with health professionals when needed; and
- (5) Provide a balanced, nutritional diet.

NEW SECTION

WAC 388-829R-115 How may an overnight planned respite services provider assist a client with medications? (1) An overnight planned respite services provider may only provide medication assistance per chapter 246-888 WAC, if the client meets the following criteria:

- (a) Is able to put the medication into his or her mouth, apply, or instill the medication; and
- (b) Is aware that he or she is receiving medication.

(2) An overnight planned respite services provider may provide medication assistance under chapter 246-888 WAC.

Medication Assistance Task	May an overnight planned respite services provider complete this task if the client meets both criteria in subsections (1)(a) and (b) of this section?
Remind or coach the client to take hir or her medication.	Yes
Open the medication container.	Yes

Hand client the medication container.	Yes
Place medication in the client's hand.	Yes
Transfer medication from a container to another device for the purpose of an individual dose (e.g., pouring liquid medication from a container to a calibrated spoon, medication cup or adaptive device.	Yes
Alter a medication by crushing or mixing, or similar alterations.	Yes, if the client is aware that the medication has been altered or added to food or beverage. A pharmacist or other qualified practitioner must determine it is safe to alter a medication and this must be documented on the prescription container or in the client's record.
Handing the client a prefilled insulin syringe.	Yes, but the client must be able to inject the insulin by him or herself.
Guide or assist client to apply or instill skin, nose, eye and ear preparations.	Yes, but hand-over-hand administration is not allowed.
Assistance with injectable or IV medication.	No, this is not allowed.
Hand-over-hand assistance with medication.	No, may only be done under nurse delegation.
Assistance with medication beyond the examples provided in this chart.	No, may only be done by a licensed professional within the scope of their license or under registered nurse delegation.

NEW SECTION

WAC 388-829R-120 What is required for an overnight planned respite services provider to administer medications and provide delegated nursing tasks? Overnight planned respite services providers must meet the following requirements before administering medications and providing nursing tasks for their clients. The overnight planned respite services provider must either:

- (1) Be a registered nurse (RN) or licensed practical nurse (LPN);
- or
- (2) Be delegated to perform nursing care tasks by a registered nurse.

NEW SECTION

WAC 388-829R-125 What is required for an overnight planned respite services provider to perform nursing tasks under the registered nurse delegation program? In order to be delegated to perform nursing tasks, an overnight planned respite services provider must:

(1) Verify with the delegating registered nurse that it has complied with chapter 18.79 RCW and WAC 246-840-910 through 246-840-990 by:

(a) A current NA-R or NA-C registration or certification as a home care aide (HCA-C) without restriction;

(b) Certification showing completion of the "nurse delegation for nursing assistants" class;

(c) The "nurse delegation training: special focus on diabetes" class when the provider anticipates that the NA-R, NA-C or HCA-C may be administering insulin injections under nurse delegation; or

(d) Certification showing completion of "fundamentals of caregiving" if the overnight planned respite services provider is an NA-R.

(2) Receive client-specific training from the delegating registered nurse.

NEW SECTION

WAC 388-829R-130 When must an overnight planned respite services provider become delegated to perform nursing tasks? (1) The overnight planned respite services provider must comply with the requirements necessary to perform delegated nursing tasks for a client. An overnight planned respite services provider may not offer support to a client whose needs it is unable to meet.

(2) If the overnight planned respite services provider is not eligible to perform nursing tasks, the task must be provided by a person legally authorized to do so such as an RN or LPN.

NEW SECTION

WAC 388-829R-135 What records must the overnight planned respite services provider keep regarding registered nurse delegation? (1) The overnight planned respite services provider must keep the following records when participating in registered nurse delegation:

(a) Written instructions for performing the delegated task from the delegating RN;

(b) The most recent six months of documentation showing that the task was performed; and

(c) Validation of nursing assistant registrations or certifications.

(2) These records must be accessible to the delegating nurse at all times.

NEW SECTION

WAC 388-829R-140 Where may overnight planned respite services be provided? (1) Overnight planned respite services may only be provided in a residence that is maintained and furnished by the overnight planned respite services provider.

(2) No more than one respite client can be served at a time in each residence.

NEW SECTION

WAC 388-829R-145 How must overnight planned respite services providers regulate the water temperature at their residence? (1) Overnight planned respite services providers must regulate the water temperature at their residence by:

(a) Maintaining the water temperature in the household between one hundred five degrees and one hundred twenty degrees fahrenheit; and

(b) Checking the water temperature at least every six months (the water temperature is best measured two hours after substantial hot water usage).

(2) The overnight planned respite services provider must document compliance with these requirements.

NEW SECTION

WAC 388-829R-150 What are the requirements for record entries?

(1) The overnight planned respite services provider must:

(a) Make entries at the time of or immediately following the event; and

(b) Maintain both the original and corrected entries when an error in the record is made;

(2) Written entries must be:

(a) Legible;

(b) In ink; and

(c) Signed and dated.

(3) Electronic record entries must identify the date the entry was made and the person making the entry by a unique user ID.

NEW SECTION

WAC 388-829R-155 Are client records considered confidential?

The overnight planned respite services provider must consider all client information privileged and confidential.

(1) Any transfer or inspection of records to parties other than DSHS, must be authorized by DDA or through a release of information form that:

(a) Includes a specific description of the records the client consents to be released; and

(b) Is signed by the client or the client's legal representative.

(2) A signed release of information is valid for up to one year and must be renewed annually from the signature date.

NEW SECTION

WAC 388-829R-160 How long must an overnight planned respite services provider keep client records? An overnight planned respite provider must keep a client's records for a period of six years from end of the respite stay.

NEW SECTION

WAC 388-829R-165 What must overnight planned respite services providers do when emergencies occur? (1) The overnight planned respite services provider must develop an emergency response plan to address natural and other disasters.

(2) In an emergency, the overnight planned respite services provider must:

(a) Immediately call 911 if it is a life threatening emergency;

(b) Provide emergency services;

(c) Notify DDA and the client's legal representative; and

(d) Submit a written report to DDA, as required by the DDA residential reporting requirements specified in the overnight planned respite services contract.

NEW SECTION

WAC 388-829R-170 What records must overnight planned respite services providers maintain? (1) Overnight planned respite services providers must keep the following information in client records:

(a) Client's name and address;

(b) Name, address, and telephone number of the client's relative or legal representative;

(c) A copy of the most recent ISP;

(d) A copy of the individual respite services agreement;

(e) Nurse delegation records;

(f) Water temperature monitoring records;

(g) Staff training records;

(h) Staff time sheets specific to locations worked;

(i) Payment records;

(j) Dates and times of service;

(k) Progress notes and incident reports;

- (l) Medication intake records;
- (m) A list of the client's personal property upon arrival and departure; and
- (n) A record of money or gift cards managed by the respite provider on behalf of the client during the respite stay.

NEW SECTION

WAC 388-829R-175 Are overnight respite services providers mandatory reporters? (1) Yes. Overnight respite services providers are mandatory reporters. They must report all instances of suspected abandonment, abuse, financial exploitation or neglect of vulnerable adults as defined in chapter 74.34 RCW.

(2) Overnight respite services providers must comply with DDA's residential reporting requirements specified in their contract.

(3) Providers must retain a signed copy of the DDA policy on residential reporting requirements specified in their contract and submit a signed copy of the policy to DDA.

NEW SECTION

WAC 388-829R-180 How must overnight respite services providers report abuse and neglect? Overnight respite services providers must immediately report suspected abandonment, abuse, financial exploitation or neglect of vulnerable adults to:

(1) Adult protective services using the DSHS toll free telephone number, 1-866-END-HARM or 1-866-363-4276;

(2) DDA in compliance with the DDA residential reporting requirements as specified in the overnight planned respite services contract; and

(3) Law enforcement agencies, as required under chapter 74.34RCW, including when there is reason to suspect sexual or physical abuse.

NEW SECTION

WAC 388-829R-185 Who provides evaluation and overnight planned respite services? DDA provides oversight and monitoring of the overnight planned respite services provider. DDA will conduct an evaluation in the home where the respite is provided at least every twelve months.

NEW SECTION

WAC 388-829R-190 How often must overnight planned respite services be evaluated? (1) An initial evaluation must be completed within

the first ninety days after the overnight planned respite services provider begins providing respite services.

(2) Following the initial evaluation, the overnight planned respite services provider must be evaluated at least every twelve months.

(3) DDA may conduct additional reviews at its discretion.

NEW SECTION

WAC 388-829R-195 How must the overnight planned respite services provider participate in the evaluation process? The overnight planned respite services provider must participate in the evaluation process by:

(1) Allowing scheduled and unscheduled home visits by DDA staff and the DDA contracted evaluators;

(2) Providing information and documentation as requested by the DDA and the DDA contracted evaluators; and

(3) Cooperating in setting up appointments with the DDA and the DDA contracted evaluators.

NEW SECTION

WAC 388-829R-200 What occurs during the review and evaluation process? During the review and evaluation process, DDA contracted evaluators will review compliance with this chapter, and the DDA overnight planned respite services provider contract.

NEW SECTION

WAC 388-829R-205 What happens if the overnight planned respite services providers is found to be out of compliance? (1) If an evaluation finds the overnight planned respite services provider out of compliance with any part of this chapter or the DDA contract, the provider and DDA must develop a corrective action plan.

(2) The corrective action plan must:

(a) Outline methods for the provider to comply with the required corrections; and

(b) Provide a time frame for the provider to complete the corrective actions.

NEW SECTION

WAC 388-829R-210 When may DDA stop the authorization for payment or terminate a contract for overnight planned respite services provider? DDA may stop the authorization for payment or terminate a con-

tract for the services of an overnight planned respite services provider, when that provider:

(1) Demonstrates inadequate performance or inability to deliver quality care that jeopardizes the client's health, safety, or well-being. DDA may terminate the contract based on a reasonable, good faith belief that the client's health, safety, or well-being is at risk;

(2) Does not complete the corrective actions within the agreed upon time frame; or

(3) Fails to comply with the requirements of this chapter or the overnight planned respite services provider contract.

NEW SECTION

WAC 388-829R-215 May the overnight planned respite services provider contest the department's decision to stop payment or to terminate its contract by administrative hearing? No, the overnight planned respite services provider may not contest the decision to stop payment or termination of the contract by administrative hearing. A client may challenge the department's decision to deny a provider of choice.