



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

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 Developmental Disabilities Administration (DDA) is making these changes because the majority of individual and family services (IFS) clients will start to receive Medicaid with the implementation of the IFS waiver, and DDA wants to evenly apply the adjustment based on Medical acuity and activities of daily living (ADL) support needs to all clients, regardless of Medicaid eligibility. The consequences of not making these changes would be that an estimated 75% of IFS clients would experience a reduction in their IFS allocation at their next assessment, with the receipt of Medicaid.

Citation of existing rules affected by this order:

Repealed: None
 Amended: WAC 388-828-9060, WAC 388-828-9100, WAC 388-828-9120, and WAC 388-832-0120
 Suspended: None

Statutory authority for adoption: RCW 71A.12.030 General authority of secretary — Rule adoption, and RCW 71A.12.140 - Duties of state agencies generally.

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 15-17-091 on August 18, 2015 (date).
Describe any changes other than editing from proposed to adopted version: None

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

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted: October 26, 2015

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: October 28, 2015

TIME: 11:43 AM

WSR 15-22-039

**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Federal statute:	New	_____	Amended	_____	Repealed	_____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	<u>4</u>	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	_____	Amended	<u>4</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 09-21-033, filed 10/13/09, effective 11/13/09)

WAC 388-828-9060 How does DDD determine your individual and family services support rating? ~~((+1))~~ Your individual and family services support rating is determined by using the following table:

If your unadjusted individual and family services level is:	Then your individual and family services support rating is:
1	0
2	240
3	336
4	432
5	528

AMENDATORY SECTION (Amending WSR 08-16-121, filed 8/5/08, effective 9/5/08)

WAC 388-828-9100 How does DDD determine the number to use in the adjustment of your individual and family services support rating? DDD determines the amount of the adjustment for your individual and family services support rating using the following tables:

~~((+1))~~

If your individual and family services level is 1, 2, 3, 4, or 5, ((and you are not eligible for medicaid personal care))		And your ADL support needs level for the SIS per WAC 388-828-5480			
		None	Low	Medium	High
And your medical acuity level per WAC 388-828-5700	None	57	57	76	85
	Low	57	57	76	85
	Medium	57	88	122	145
	High	57	145	245	287

~~((+2))~~

If your individual and family services level is 1, 2, 3, 4, or 5 and you are eligible for medicaid personal care per chapter 388-106 WAC		And your ADL support needs level for the SIS per WAC 388-828-5480			
		None	Low	Medium	High
And your medical acuity level per WAC 388-828-5700	None	0	0	0	0
	Low	0	0	0	0
	Medium	0	0	0	0
	High	0	0	0	0))

Example: If your individual and family service level is 3 ~~((and you are not eligible for medicaid personal care services))~~ and your ADL support needs level is "low" and your medical acuity level is "medium," the amount of your adjustment is 88.

AMENDATORY SECTION (Amending WSR 08-16-121, filed 8/5/08, effective 9/5/08)

WAC 388-828-9120 How does DDD determine your individual and family services score? DDD adds your individual and family services support rating from WAC 388-828-9060 to the adjustment amount in WAC 388-828-9100 to determine your individual and family services score.

Example: If (~~you are not eligible for medicaid personal care services and~~) your individual and family services support rating is 336 and the amount of your adjustment is 122, your individual and family services score is 458.

AMENDATORY SECTION (Amending WSR 09-11-054, filed 5/13/09, effective 6/13/09)

WAC 388-832-0120 Will my IFS allocation be impacted if I am eligible for medicaid personal care services? (~~If you meet financial and functional eligibility for medicaid personal care services, your IFS allocation will be adjusted according to WAC 388-828-9100 through 388-828-9140.~~) Financial and functional eligibility for medicaid personal care services will not impact your IFS allocation.