



# 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 department is amending WAC 388-845-1610 and WAC 388-845-1615 to remove references to overnight planned respite (OPR), which were mistakenly added to these sections under a previous rulemaking filed as WSR 16-17-003. OPR is still an available service and is not impacted by these amendments. Other amendments to these rules clarify rule language.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 388-845-1610, WAC 388-845-1615  
 Suspended:

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

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 17-08-066 on March 31, 2017 (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:**

May 24, 2017

**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: May 26, 2017**

**TIME: 8:36 AM**

**WSR 17-12-011**

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	<u>2</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	Repealed	_____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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>2</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 16-17-003, filed 8/4/16, effective 9/4/16)

**WAC 388-845-1610 Where ((ean)) may respite care be provided?**

(1) Respite care ((ean)) may be provided in any of the following ((le-  
eation)) licensed or certified settings that have a respite contract  
with the developmental disabilities administration (DDA):

- ~~(a) ((Individual's home or place of residence;~~
- ~~(b) Relative's home;~~
- ~~(c) Licensed children's foster home;~~
- ~~(d) Licensed, contracted and DDA certified group home;~~
- ~~(e) Licensed assisted living facility contracted as an adult res-  
idential center;~~
- ~~(f) Adult residential rehabilitation center;~~
- ~~(g) Licensed and contracted adult family home;~~
- ~~(h) Children's licensed group home, licensed staffed residential  
home, or licensed child care center;~~
- ~~(i) Other community settings such as camp, senior center, or  
adult day care center; and~~
- ~~(j) Certified overnight planned respite services home)) Adult  
family home;~~

(b) Assisted living facility;

(c) Child care center;

(d) Children's foster home;

(e) Children's group home;

(f) Group home;

(g) Group training home;

(h) Staffed residential home.

(2) Respite care may also be provided in:

(a) The individual's home or place of residence;

(b) The individual's relative's home; and

(c) Other DDA-contracted community settings such as a camp, se-  
nior center, and adult day care center.

~~((2) Additionally,)) (3) Your respite care provider may take you  
into the community while providing respite services.~~

AMENDATORY SECTION (Amending WSR 16-17-003, filed 8/4/16, effective 9/4/16)

**WAC 388-845-1615 Who ((are)) may be qualified providers of res-  
pite care?** Providers of respite care ((ean)) may be any of the fol-  
lowing individuals or agencies contracted with ((DDA)) the developmen-  
tal disabilities administration (DDA) for respite care:

(1) Individuals ((meeting)) who meet the provider qualifications  
under chapter 388-825 WAC;

(2) Homecare/home health agencies((7)) licensed under chapter  
246-335 WAC, Part 1;

(3) Licensed and contracted group homes, foster homes, child  
placing agencies, staffed residential homes, and foster group care  
homes;

(4) Licensed and contracted adult family homes;

(5) Licensed and contracted adult residential care facilities;

- (6) Licensed and contracted adult residential treatment facilities under chapter 246-337 WAC;
- (7) Licensed child care centers under chapter 170-295 WAC;
- (8) Licensed child day care centers under chapter 170-295 WAC;
- (9) Adult day care providers under chapter 388-71 WAC contracted with DDA;
- (10) Certified (~~provider~~) providers under chapter 388-101 WAC when respite is provided within the DDA contract for certified residential services; or
- (11) (~~Certified overnight planned respite services providers under chapter 388-829R WAC; or~~
- (12)) Other DDA contracted providers such as a community center, senior center, parks and recreation, and summer programs.