

## Chapter 388-829C WAC COMPANION HOMES

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WAC

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388-829C-044 What is the application process for a potential companion home provider? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-044, filed 11/6/18, effective 12/7/18.] Repealed by WSR 25-11-093, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120.

388-829C-060 Where are companion home residential services provided? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-060, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

388-829C-061 What is initial certification? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-061, filed 11/6/18, effective 12/7/18.] Repealed by WSR 25-11-093, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120.

388-829C-062 What is standard certification? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-062, filed 11/6/18, effective 12/7/18.] Repealed by WSR 25-11-093, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120.

388-829C-063 What is provisional certification? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-063, filed 11/6/18, effective 12/7/18.] Repealed by WSR 25-11-093, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120.

388-829C-064 What must a companion home provider comply with to maintain certification? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-064, filed 11/6/18, effective 12/7/18.] Repealed by WSR 25-11-093, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120.

388-829C-065 How does DDA monitor companion homes? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-065, filed 11/6/18, effective 12/7/18.] Repealed by WSR 25-11-093, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120.

388-829C-090 What values must companion home providers focus on when implementing the ISP? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-090, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

388-829C-120 What training must a companion home provider complete within the first ninety days of serving the client? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-120, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

388-829C-130 What training must a companion home provider complete after the first year of service? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-130, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

388-829C-190 What is required for a companion home provider to perform nursing tasks under the registered nurse delegation program? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-190, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

388-829C-210 What records must the companion home provider keep regarding registered nurse delegation? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-210, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

388-829C-220 What is an individual support plan (ISP)? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-220, filed 7/31/07, effective

- 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-233 May the client or companion home provider request additional waiver-funded respite hours? [Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 23-13-030, § 388-829C-233, filed 6/12/23, effective 7/13/23. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-233, filed 11/6/18, effective 12/7/18.] Repealed by WSR 25-11-093, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120.
- 388-829C-240 Where may respite care be provided? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-240, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-260 What requirements must be met before a companion home provider transports a client? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-260, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-300 What documents must companion home providers keep to protect a client's financial interests? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-300, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-325 How must a companion home provider protect a client from risks associated with bodies of water? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-325, filed 11/6/18, effective 12/7/18.] Repealed by WSR 25-11-093, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120.
- 388-829C-420 How must DDD monitor and provide oversight for companion home services? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-420, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-430 How often must the companion home be evaluated? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-430, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-440 How must the companion home provider participate in the evaluation process? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-440, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-445 What occurs during the review and evaluation process? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-445, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-470 When may DDA deny the client's choice of a companion home provider? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-829C-470, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-470, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-492 What if the companion home provider disagrees with a certification evaluation or certification decision? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-492, filed 11/6/18, effective 12/7/18.] Repealed by WSR 25-11-093, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120.
- 388-829C-494 What if the companion home provider disagrees with a certification action or the outcome of an informal dispute resolution? [Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-494, filed 11/6/18, effective 12/7/18.] Repealed by WSR 25-11-093, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120.
- 388-829C-500 Does the provider of companion home services have a right to an administrative hearing? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-500, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

## DEFINITIONS

**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.

"Certified" or "certification" means a 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 and who has been determined DDA-eligible 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.

"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.

"Legal representative" means a parent of a client if the client is under age 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 chapter 69.41 RCW, 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 supports that will assist the client to achieve their goals and address their assessed needs.

"Plan of correction" means a 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 provider.

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

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

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-010, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-010, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-010, filed 7/31/07, effective 9/1/07.]

### **COMPANION HOME SERVICES**

**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 24 hours a day to provide supervision and support.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-020, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-020, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-020, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-030 Who may be eligible to receive residential habilitation services in a companion home?** To be eligible to receive residential habilitation services in a companion home, a person must:

- (1) Be eighteen or older; and
- (2) Have an assessed need for residential habilitation services and:
  - (a) Be authorized by DDA to receive residential habilitation services in a companion home; or
  - (b) Have a written agreement with the provider to purchase residential habilitation services in a companion home using the client's own funds, including state supplemental payments.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-030, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-030, filed 7/31/07, effective 9/1/07.]

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

- (1) Be 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 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.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-040, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-040, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-040, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-042 Must a companion home provider be certified?**

To provide residential habilitation services as a companion home provider, a person must be certified by DDA under chapter 388-825A WAC.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-042, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-042, filed 11/6/18, effective 12/7/18.]

**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.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-043, filed 5/21/25, effective 7/1/25.]

**WAC 388-829C-050 When does DDA reject a client's choice of companion home provider?** (1) DDA may reject a client's choice of companion home provider if DDA has a reasonable, good-faith belief that:

(a) The provider is unable to appropriately meet the client's needs;

(b) The provider's home does not meet the client's needs; or

(c) The provider's other obligations prevent the provider from being available to the client twenty-four hours a day.

(2) DDA must deny a client's choice of companion home provider if the provider is the client's:

(a) Spouse;

(b) Natural, step, or adoptive parent; or

(c) Legal representative, unless the person has been the client's legal representative and companion home provider since on or before January 31, 2005.

(3) DDA must deny a client's choice of companion home provider if the provider:

(a) Provides paid services to another DSHS client or a client of the department of children, youth, and families; or

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

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-050, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-050, filed 7/31/07, effective 9/1/07.]

## PROVIDER CERTIFICATION

**WAC 388-829C-066 How must the companion home provider participate in the certification evaluation process?** The companion home provider must participate in the certification evaluation process with DDA staff and DDA-contracted evaluators by:

(1) Allowing scheduled and unscheduled home visits;

(2) Providing information and documentation as requested;

(3) Cooperating in setting up appointments;

(4) Responding to questions or issues identified; and

(5) Participating in an exit conference.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-066, filed 11/6/18, effective 12/7/18.]

## PROVIDER QUALIFICATIONS AND RESPONSIBILITIES

**WAC 388-829C-070 Who must have a background check?** (1) All people, except the client, must have a background check if they are 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 three years, or more frequently if requested by DSHS.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-070, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-070, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-070, filed 7/31/07, effective 9/1/07.]

**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;
- (14) Comply with all applicable laws, regulations, and contract requirements;
- (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 prescribed time frames.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-080, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-080, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-080, filed 7/31/07, effective 9/1/07.]

**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.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-085, filed 5/21/25, effective 7/1/25.]

## CLIENT RIGHTS

**WAC 388-829C-100 What rights do clients of DDD have?** Clients of DDD have:

(1) The same legal rights and responsibilities guaranteed to all other individuals by the United States Constitution and federal and state law;

(2) The right to be free from discrimination because of race, color, national origin, gender, age, religion, creed, marital status, disabled or veteran status, use of a trained service animal or the presence of any physical, mental or sensory handicap;

(3) The right to treatment and habilitation services to foster developmental potential and protect personal liberty in the least restrictive environment;

(4) The right to dignity, privacy, and humane care;

(5) The right to participate in an appropriate program of publicly supported education;

(6) The right to prompt medical care and treatment;

(7) The right to social interaction and participation in community activities;

(8) The right to physical exercise and recreational opportunities;

(9) The right to work and be paid for the work one does;

(10) The right to be free from harm, including unnecessary physical restraint, isolation, excessive medication, abuse, neglect, or financial exploitation;

(11) The right to be free from hazardous or experimental procedures;

- (12) The right to freedom of expression and to make decisions about one's life;
- (13) The right to complain, disagree with, and appeal decisions made by the provider or DDD; and
- (14) The right to be informed of these rights in a language that he or she understands.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-100, filed 7/31/07, effective 9/1/07.]

**PROVIDER TRAINING**

**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 orientation and safety training;
- (b) Forty hours of DDA-developed residential services curriculum;
- (c) Six hours of first aid certification and CPR training;
- (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 120 days after the date of hire, the provider must complete 18 hours of population-specific or client-specific training under chapter 388-829 WAC.

(3) In accordance with chapter 388-829 WAC, a provider must complete and keep current:

- (a) Continuing education;
- (b) CPR and first aid training and certification; and
- (c) Bloodborne pathogens training.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-110, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-110, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-110, filed 7/31/07, effective 9/1/07.]

**COMPANION HOME PROVIDER RATE**

**WAC 388-829C-131 How does DDA determine the daily rate?** (1) A companion home daily rate is based on the client's DDA assessment under chapter 388-828 WAC. The DDA assessment uses an algorithm to convert raw scores into support assessment scales.

(2) The following support assessment scales are used to calculate a companion home daily rate. Each support assessment scale is assigned an acuity level of "none," "low," "medium," or "high" by the DDA assessment algorithm and corresponds to the values below:

Support Assessment Scale	Acuity Levels			
	None	Low	Medium	High
Activities of daily living	0	1	2	3
Behavior	0	1	2	3
Interpersonal support	0	1	2	3

Support Assessment Scale	Acuity Levels			
	None	Low	Medium	High
Medical	0	1	2	3
Mobility	0	1	2	3
Protective supervision	0	1	2	3

(3) DDA assigns a behavior score of four if:

(a) The client has an acuity level of "high" for behavior on the support assessment scale; and

(b) The client has a behavior support plan that meets requirements under WAC 388-829C-135.

(4) The sum of the assessment scale scores corresponds to an established daily rate. Rates are set prospectively in accordance with state legislative appropriations and will be adjusted accordingly.

(5) DSHS publishes companion home daily rates on the office of rates management's website.

(6) DDA may adjust a companion home daily rate if:

(a) The sum of the client's support assessment acuity levels changes; or

(b) DDA approves additional respite hours.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 23-13-030, § 388-829C-131, filed 6/12/23, effective 7/13/23; WSR 22-04-073, § 388-829C-131, filed 1/31/22, effective 3/3/22; WSR 20-13-091, § 388-829C-131, filed 6/16/20, effective 7/17/20. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-131, filed 11/6/18, effective 12/7/18.]

**WAC 388-829C-135 What requirements must a behavior support plan meet?**

(1) A client's behavior support plan must:

(a) Be based on a functional assessment; and

(b) Describe:

(i) The target behavior;

(ii) Actions that may be taken to prevent the target behavior;

(iii) Actions that may be taken in response to the target behavior;

(iv) Actions that may be taken if the target behavior increases in frequency, duration, intensity, or impact;

(v) The replacement behavior that matches the target behavior's function;

(vi) How to teach the replacement behavior;

(vii) How to respond to the replacement behavior; and

(viii) Benchmarks to evaluate the behavior support plan's effectiveness.

(2) If the client has a behavior support plan, the provider must collect data on:

(a) The target behavior's:

(i) Frequency;

(ii) Intensity;

(iii) Duration; and

(iv) Impact;

(b) The replacement behavior's:

(i) Frequency;

(ii) Intensity;

(iii) Duration; and

(iv) Impact.

(3) The provider must analyze the data collected under subsection (2) of this section at least every six months to determine the effectiveness of the behavior support plan.

(4) If the analysis under subsection (3) of this section indicates the target behavior is not decreasing in frequency, intensity, duration, or impact, the provider must:

(a) Revise the behavior support plan; or

(b) Document the reason revising the support plan is not indicated.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 22-04-073, § 388-829C-135, filed 1/31/22, effective 3/3/22.]

## **ABUSE AND NEGLECT REPORTING**

**WAC 388-829C-140 Is a companion home provider a mandated reporter?** (1) A companion home provider is a mandated reporter under chapter 74.34 RCW.

(2) As a mandated reporter, the companion home provider must notify adult protective services and law enforcement as required under chapter 74.34 RCW.

(3) A companion home provider must complete incident reports as required by the provider's companion home contract.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-140, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-140, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-150 How must a companion home provider report abuse and neglect?** A companion home provider must immediately report suspected abandonment, abuse, financial exploitation or neglect of a vulnerable adult:

(1) As required under chapter 74.34 RCW; and

(2) In compliance with the DDA residential reporting requirements in the companion home contract.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-150, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-150, filed 7/31/07, effective 9/1/07.]

## **HEALTH CARE AND MEDICATIONS**

**WAC 388-829C-160 What health care support must a companion home provider provide?** To provide the client health care support the companion home provider must:

(1) Schedule or assist the client in scheduling appointments and any follow-up appointments for dental, mental, and physical health services;

(2) Ensure the client receives an annual physical and dental examination, unless the client has a written exemption from a physician or dentist;

(3) Document the client's refusal of any annual physical or dental examination under WAC 388-829C-370;

(4) In the event of an emergency or a change in the client's health, act in the client's best interest;

(5) If necessary, provide medication assistance under chapter 246-888 WAC;

(6) If necessary, perform delegated nursing tasks and medication administration under WAC 246-840-910 through 246-840-970;

(7) Maintain health care records under WAC 388-829C-340;

(8) Assist the client to understand and follow their health care professional's instructions, referrals, and medication directions;

(9) Communicate directly with the client's health care professionals, if necessary;

(10) Provide a balanced and nutritious diet; and

(11) Assist the client to access health care benefits available through medicare, medicaid, private health insurance, and other resources while acting in the client's financial best interest and supporting client choice.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-160, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-160, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-170 When can the companion home provider provide medication assistance?** A companion home provider may provide medication assistance under chapter 246-888 WAC if the client:

(1) Is able to put the medication into their mouth or apply or instill the medication; and

(2) Is aware that they are taking medication.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-170, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-170, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-180 When may a companion home provider administer medication and provide delegated nursing tasks?** (1) A companion home provider may administer medication and perform delegated nursing tasks if the provider is:

(a) A registered nurse or licensed practical nurse; or

(b) Delegated to perform nursing care tasks by a registered nurse.

(2) To provide delegated nursing tasks, the companion home provider must:

(a) Provide the delegated nursing tasks under WAC 246-840-910 through 246-840-970;

(b) Receive client-specific training from the delegating registered nurse under WAC 246-840-930;

(c) Complete training requirements under WAC 246-840-930; and

(d) Be credentialed by the department of health under WAC 246-840-930.

(3) If the companion home provider is performing delegated nursing tasks as a nursing assistant-registered, the provider must complete seventy hours of basic training under chapter 388-829C WAC.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-180, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-180, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-200 When must a companion home provider be delegated to perform nursing tasks?** (1) The companion home provider must meet requirements for nurse delegation no more than thirty days after the client's need for medication administration or a delegated nursing task is identified by a delegating nurse when a change in the client's health or ability to manage their own medications occurs.

(2) If the companion home provider is not qualified to perform delegated nursing tasks, the task must be provided by a person legally authorized to do so until the provider meets nurse delegation requirements.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-200, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-200, filed 7/31/07, effective 9/1/07.]

## RESPIRE

**WAC 388-829C-230 What is respite and where can a client access respite?** (1) Respite is a scheduled break in caregiving to provide relief for the companion home provider.

(2) A companion home client may receive:

(a) Waiver-funded respite under chapter 388-845 WAC;

(b) Overnight planned respite services under chapter 388-829R WAC; and

(c) Planned respite at a residential habilitation center.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 23-13-030, § 388-829C-230, filed 6/12/23, effective 7/13/23. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-230, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.010, 71A.12.030, and Title 71A RCW. WSR 09-20-004, § 388-829C-230, filed 9/24/09, effective 10/25/09. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-230, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-231 What are the companion home provider's responsibilities when using respite?** (1) The companion home provider must review with the respite provider:

(a) The support needs identified in the client's person-centered service plan;

(b) The need for the client to have access to their money as identified in their plan; and

(c) Record keeping requirements.

(2) The companion home provider must inform the respite provider of any scheduled events and appointments that will occur during the planned respite period.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-231, filed 11/6/18, effective 12/7/18.]

**WAC 388-829C-232 How does DDA determine the amount of waiver-funded respite a client may receive?** For waiver-funded respite, DDA determines a companion home client's annual respite allocation by adding the client's companion home services support score under WAC 388-828-6010 to their adjusted companion home services support score under WAC 388-828-6011.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 23-13-030, § 388-829C-232, filed 6/12/23, effective 7/13/23. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-232, filed 11/6/18, effective 12/7/18.]

**WAC 388-829C-234 Will DDA reduce the companion home daily rate if additional waiver-funded respite hours are approved?** (1) If DDA approves waiver-funded respite hours in addition to the client's annual respite allocation, DDA will reduce the companion home daily 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)  $\$200/24$  hours per day = \$8.33 cost of respite per hour.

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

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

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

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

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-234, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 23-13-030, § 388-829C-234, filed 6/12/23, effective 7/13/23. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-234, filed 11/6/18, effective 12/7/18.]

**WAC 388-829C-235 Will DDA reduce the companion home daily rate if a client receives state-funded respite?** DDA may reduce a companion home daily rate if the client receives state-funded overnight planned respite services or state-funded planned respite at a residential habilitation center.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 23-13-030, § 388-829C-235, filed 6/12/23, effective 7/13/23.]

## **TRANSPORTATION**

**WAC 388-829C-250 When may a companion home provider transport a client?** (1) The companion home provider may transport a client if the provider has:

- (a) A valid driver's license under chapter 46.20 RCW; and
- (b) Automobile insurance under chapters 46.29 and 46.30 RCW.

(2) The companion home provider must ensure all transportation needs identified in the client's person-centered service plan are met.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-250, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-250, filed 7/31/07, effective 9/1/07.]

## **MANAGEMENT OF CLIENT FUNDS**

**WAC 388-829C-270 May a companion home provider manage a client's funds?** A companion home provider may manage a client's funds if the provider:

- (1) Has written consent from the client, or the client's legal representative if the client has one; or
- (2) Is the client's representative payee.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-270, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-270, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-275 When must a client have an individual financial plan and what components must be included?** (1) The companion home provider must develop and implement an individual financial plan if:

- (a) The client's person-centered service plan identifies that the client needs support to manage their funds; and
- (b) The companion home provider manages any portion of the client's funds.

(2) The client's individual financial plan must be accurate and current, and:

- (a) List all of the client's income sources, such as wages, Social Security benefits, supplemental security disability income, retirement income, and the projected monthly amount of the income;
- (b) Identify all known client accounts and who manages each account, such as a checking account, savings account, and cash account;

(c) Include a budget and describe how the client's funds will be spent during a typical month;

(d) Identify all known client assets and who manages each asset, such as a burial plan, retirement funds, stocks, trusts, and vehicles; and

(e) Include a plan for maintaining resources under WAC 182-513-1350.

(3) The companion home provider must review the individual financial plan with the client and the client's legal representative if the client has one:

(a) At least every twelve months; and

(b) If the client's income, expenses, or assets change, or if there is a change in who manages an asset.

(4) The provider, the client, and the client's legal representative if the client has one, must sign the individual financial plan when it is developed and each time it is revised.

(5) Every twelve months, or more often if the plan has been revised, the companion home provider must provide a copy of the individual financial plan to the:

(a) Client;

(b) Client's legal representative if the client has one; and

(c) Client's case manager.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-275, 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 made with client funds;

(g) Notify DDA if the client's resources reach \$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 \$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 provider is the client's representative payee; and

(b) The Social Security Administration requirement conflicts with these rules.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-280, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-280, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-280, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-290 What is mismanagement of client funds? (1)**

Mismanagement of client funds includes any action or inaction by the companion home provider when managing a client's funds that results in:

(a) Interest charges;

(b) Late payment fees;

(c) Overdraft and nonsufficient funds fees;

(d) A violation of the room and board agreement;

(e) Any stolen, missing, or misplaced funds;

(f) Expenditures over twenty-five dollars without documentation;

or

(g) Past-due financial obligations.

(2) No more than fourteen days after a companion home provider becomes aware of an error that resulted in mismanagement of client funds, the provider must:

(a) Reimburse the client for any mismanagement, including punitive charges, under subsection (1)(a) through (f) of this section;

(b) Pay for past-due financial obligations under subsection (1)(g) of this section; and

(c) Submit proof of the transaction to the client's case manager.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-290, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-290, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-305 When must the companion home provider transfer the client's funds? (1)**

If a client chooses a new 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 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 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 provider is the client's representative payee; and
  - (b) The Social Security Administration requirement conflicts with these rules.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-305, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-305, 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;
  - (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 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.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-310, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-310, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-310, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-315 What is a violation of the room and board agreement?** (1) A provider violates the room and board agreement if the provider:

(a) Requests the client's room and board payment earlier than the due date established in the room and board agreement; or

(b) Requests a payment other than the amount established in the room and board agreement.

(2) If the provider violates the room and board agreement, the provider must reimburse the client under WAC 388-829C-290.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-315, filed 11/6/18, effective 12/7/18.]

## **SAFETY**

**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;
  - (n) Have a railing for any patio, deck, porch, or balcony 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.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-320, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-320, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-320, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-330 Must a companion home provider regulate the water temperature at the companion home?** The companion home provider must:

- (1) Maintain the water temperature in the home no higher than 120 degrees Fahrenheit;
- (2) Check the water temperature when the client moves into the home and monthly thereafter; and
- (3) Document compliance with this requirement under WAC 388-829C-345.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-330, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-330, filed 7/31/07, effective 9/1/07.]

## PROVIDER RECORDS

**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, protocols, or therapy plans the provider receives from the client's health care providers, if the provider admin-

isters 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;
  - (h) Written documentation that instructions from the client's health care providers have been followed;
  - (i) A copy of the client's medical insurance card;
  - (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.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-340, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-340, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-340, filed 7/31/07, effective 9/1/07.]

**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;
- (10) The provider profile under WAC 388-829C-085;
- (11) Documentation of successful completion of required background checks; and
- (12) Financial records under WAC 388-829C-270 through 388-829C-280, if the provider is managing any portion of the client's funds.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-345, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-345, filed 11/6/18, effective 12/7/18.]

**WAC 388-829C-350 What quarterly reports must the companion home provider submit to DDA?**

- (1) The companion home provider must submit a quarterly report to DDA that describes the instruction and support activities performed as identified in the person-centered service plan.
- (2) The quarterly report must:
  - (a) Be submitted every three months and upon DDA's request;
  - (b) Include a list of community and other activities the client has participated in;
  - (c) List health care appointments that have occurred during the quarter;
  - (d) Document the client's progress toward each goal identified in the client's person-centered service plan;
  - (e) Document the client's progress toward their habilitation goal; and
  - (f) Document the review of any client refusal under WAC 388-829C-370.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-350, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-350, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-360 What are the requirements for record entries?**

- (1) The companion home provider must ensure all record entries are:
  - (a) Made at the time of or immediately following the event;
  - (b) Made electronically or written legibly in ink;
  - (c) Signed and dated by the person making the entry;
  - (d) Stored securely; and
  - (e) Kept confidential.
- (2) To correct an error in a record entry, the provider must strike through the error in a way that the underlying text remains legible.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-360, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-360, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-370 Must a companion home provider document when a client declines to participate in services?** (1) The companion home provider must document when a client declines to participate in:

(a) Monthly evacuation drills under WAC 388-829C-320;  
(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 declines to participate in a service, the companion home provider must document:

(a) A description of events related to the client declining to participate in the service;

(b) When the client was informed of the benefits of the service and the possible risks of declining;

(c) A description of the provider's efforts to provide or acquire the service for the client;

(d) A description of alternatives offered instead of current services; and

(e) Any health or safety risks posed by the client declining to participate in the service.

(3) The provider must develop a plan for action the provider will take to address health and safety 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 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.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-370, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-370, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-370, filed 7/31/07, effective 9/1/07.]

**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.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-371, filed 5/21/25, effective 7/1/25.]

**WAC 388-829C-380 Must a companion home provider keep a record of a client's property?** (1) A companion home provider must assist a client to maintain a current, written record of the client's property.

(2) The property record must include:

(a) A descriptive list of items with an original purchase price of twenty-five dollars or more that the client owned when residential habilitation services in the companion home began;

(b) A descriptive list of items with an original purchase price of twenty-five dollars or more that the client has acquired while living in the companion home; and

(c) A date, explanation, and review by the client's legal representative if the client has one, for any item with an original purchase price of twenty-five dollars or more that is removed from the client's property record.

(3) For any item originally purchased for seventy-five dollars or more, the companion home provider must record the item's serial number in the client's property record if the item has one.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-380, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-380, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-390 May a provider share information about a client?** To transfer or access information about a client, the provider must have a legally valid authorization for release of information.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-390, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-390, filed 7/31/07, effective 9/1/07.]

**WAC 388-829C-400 How long must a companion home provider keep client and provider records?** A companion home provider must keep client and provider records for six years.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-400, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-400, filed 7/31/07, effective 9/1/07.]

## EMERGENCY PLANNING

**WAC 388-829C-410 What must a companion home provider do in an emergency?** (1) The companion home provider must develop an emergency response plan and practice it with the client.

(2) In a medical emergency, the companion home provider must:

- (a) Immediately call 911 in a life threatening emergency;
- (b) Provide first aid or CPR if necessary, unless limited by physician orders for life-sustaining treatment (POLST) or an advance directive;
- (c) Follow the emergency response plan then notify:
  - (i) The client's legal representative if the client has one; and
  - (ii) The client's case manager.
- (3) Following an emergency, the companion home provider must submit a written incident report to the client's case manager.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-410, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-410, filed 7/31/07, effective 9/1/07.]

### **EVALUATION OF COMPANION HOMES**

**WAC 388-829C-449 When must DDA immediately decertify a companion home provider?** DDA must immediately decertify a companion home provider if the provider or another person age sixteen or older living in the companion home:

- (1) Has been convicted of, or has a pending charge for a crime that is disqualifying under chapter 388-113 WAC; or
- (2) Has a negative action under WAC 388-825-640.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-449, filed 11/6/18, effective 12/7/18.]

**WAC 388-829C-450 What if the companion home provider fails to comply with this chapter or the companion home contract?** (1) If a companion home provider fails to comply with any part of this chapter or the companion home contract, the provider and DDA resource management must develop a plan of correction.

- (2) The plan of correction must:
  - (a) Outline methods for the provider to complete corrective actions; and
  - (b) Provide a time frame for the provider to complete the corrective actions.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-450, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-450, filed 7/31/07, effective 9/1/07.]

### **TERMINATION AND DENIAL OF A COMPANION HOME CONTRACT**

**WAC 388-829C-460 When must DDA deny payment to a companion home provider?** DDA must deny payment to a companion home 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.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-460, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-460, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-829C-460, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-460, filed 7/31/07, effective 9/1/07.]

**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.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 71A.12.110, and 71A.12.120. WSR 25-11-093, s 388-829C-461, filed 5/21/25, effective 7/1/25.]

**WAC 388-829C-480 What if the companion home provider is no longer willing or able to provide services to a client?** (1) If a companion home provider is no longer willing or able to provide services to a client, they must provide a sixty-day written notice to:

- (a) The client;
  - (b) The client's legal representative if the client has one; and
  - (c) DDA.
- (2) If a companion home provider must terminate services immediately due to unforeseen circumstances, the provider must give a three business days' written notice to:
- (a) The client;
  - (b) The client's legal representative if the client has one; and
  - (c) DDA.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-480, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-480, filed 7/31/07, effective 9/1/07.]

## **APPEAL RIGHTS**

**WAC 388-829C-490 What are a client's administrative hearing rights?** A client has the right to an administrative hearing to appeal department decisions under WAC 388-825-120.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-490, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-490, filed 7/31/07, effective 9/1/07.]