

WSR 25-08-059

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Division of Vocational Rehabilitation)

[Filed March 31, 2025, 12:43 p.m., effective March 31, 2025, 12:43 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: By the department of social and health services amending the language of WAC 388-892-0500, the language changes alter the cadence and parameters for setting rates for contracted services and specify more explicitly the services for which rates will be set. The changes better align with the division of vocational rehabilitation's (DVR) current processes and guidance from federal partners.

Citation of Rules Affected by this Order: Amending WAC 388-892-0500.

Statutory Authority for Adoption: RCW 43.20A.310(2), 74.29.020(3), and 74.29.080(8).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The proposed rule making is necessary pursuant to a corrective action plan required by the Department of Education's Rehabilitation Services Administration for DVR to come into compliance with 34 C.F.R. 361, which is a condition of receiving federal vocational rehabilitation funding. DVR must align WAC with current practices and provide clarity to interested parties. Failure to implement this change immediately could result in disciplinary action by the rehabilitation services administration and could include loss of federal funds. See RCW 34.05.350 (1)(b) (authorizing immediate adoption of a rule when necessary for the state to receive federal funding).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 31, 2025.

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Rules Coordinator

SHS-5076.2

AMENDATORY SECTION (Amending WSR 03-19-075, filed 9/12/03, effective 10/13/03)

WAC 388-892-0500 What is DVR's payment system for VR service contracts? In order to establish reasonable reimbursement rates for vocational rehabilitation services while providing informed choice and access, DVR establishes fixed fees for VR contract services as follows:

(1) ((DVR identifies geographic VR service delivery areas based on economic cost of living data)) Every six years, or on an interval as announced, and with input received from the service providers, DVR will conduct a fee study to establish community rehabilitation program/independent living and preemployment transition services/transition rates for the services outlined in WAC 388-891A-0527, 388-891A-0705, 388-891A-0715, 388-891A-0725 through 388-891A-0732, 388-891A-0760 through 388-891A-0769.

(2) ((Every two years or on an interval as announced in the contract RFQ, with input received from the service providers, DVR will establish and publish a schedule of fixed payment fee for each contracted VR service)) As needed, DVR will establish and publish a schedule of fixed payment fee for each contracted VR service, which may include an increase, if the budget allows, based on the following:

(a) The percentage increase of the Consumer Price Index (CPI), CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. department of labor or successor agency for the 12 months preceding the previous May 1; or

(b) Five percent, whichever is smaller, but in no event shall the fees or maximums be decreased.

(3) ((All VR service contractors, within each geographic VR service delivery area, are paid the fixed payment fee for each contracted VR service)) DVR will publish a schedule of the new fixed payment fee for each contracted VR service.

(4) All VR service contractors are paid the fixed payment fee for each contracted VR service.