

Chapter 388-826 WAC OUT-OF-HOME SERVICES PROGRAM

Last Update: 5/21/25

WAC

PURPOSE

388-826-0001 What is the out-of-home services program?

DEFINITIONS

388-826-0005 What definitions apply to this chapter?

ELIGIBILITY

388-826-0300 Who is eligible for the out-of-home services program?
388-826-0310 How does the provider determine if they can safely meet a client's needs?
388-826-0320 May a client age 18 or older receive residential habilitation services through the out-of-home services program?

PROVIDER QUALIFICATIONS

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388-826-0340 Must an out-of-home services provider be certified?
388-826-0350 Is a site visit required and what does DDA review during a site visit?
388-826-0360 What training must a staffed residential home provider complete?
388-826-0370 What training must a child foster home provider complete?
388-826-0380 What training must a children's state-operated living alternative provider complete?

HEALTH AND SAFETY

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388-826-0400 What infection control practices must the provider implement?
388-826-0410 What are the fire drill requirements for providers?
388-826-0420 What must the provider do to prepare for emergency evacuations?
388-826-0430 What are the requirements for storing chemicals and other substances?
388-826-0440 How must the provider store medication?
388-826-0450 When and how must the provider dispose of medication?
388-826-0460 What must the provider do if a client refuses a prescribed medication?

FACILITY REQUIREMENTS

388-826-0470 What fire safety requirements must the facility meet?
388-826-0480 What other requirements must the facility meet?

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388-826-0540 What records must the provider keep and how long must the record be retained?

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388-826-0560 What is a child and family engagement plan?
388-826-0570 Does enrollment in the out-of-home services program affect a client's parental or custodial rights and responsibilities?
388-826-0580 What are DDA's responsibilities for a client in the out-of-home services program?
388-826-0590 What are the responsibilities of the provider supporting a client in the out-of-home services program?
388-826-0600 What are a parent or legal representative's responsibilities while the client is in the out-of-home services program?
388-826-0610 What must a client pay toward the cost of services in a staffed residential home, a children's SOLA, or a group care facility?
388-826-0620 What must a client pay toward the cost of services in a child foster home?
388-826-0630 What expenses must a parent or legal representative pay for while their child is in the out-of-home services program?
388-826-0640 What does DDA pay when a client is in the out-of-home services program?
388-826-0650 What is the representative payee's role?

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388-826-0660 How does DDA determine the rate to support a client in a child foster home?
388-826-0670 What questions are in the child foster home rate assessment and how are responses scored?
388-826-0680 How does DDA determine the assessed level from the raw score in the child foster home rate assessment?
388-826-0690 What happens if a client who is receiving services in a child foster home experiences a significant change?
388-826-0700 Are child foster home rates appealable?
388-826-0710 How does DDA determine the rate to support a client in a staffed residential home?
388-826-0720 What does DDA pay a group care facility for medically fragile children that is providing services to a client?

TERMINATION AND CHANGE IN PROVIDER

388-826-0730 What happens if a provider decides to stop providing services to a client?
388-826-0740 What happens when a client, parent, or legal representative requests a different provider?
388-826-0750 When will DDA terminate a client's services?
388-826-0760 Who may appeal a DDA action?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-826-0010 Who is eligible for out-of-home services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0010, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0010, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0010, filed 10/31/02, effective 12/1/02.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0300.

388-826-0011 What do voluntary placement services include? [Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0011, filed 11/7/18, effective 12/8/18.] Repealed by WSR 21-15-059, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and Chapters 71A.28, 74.13 RCW.

388-826-0015 Who else may be eligible to participate in the voluntary placement program? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0015, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0016 Where may a client receive out-of-home services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0016, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0016, filed 11/7/18, effective 12/8/18.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0330.

388-826-0018 Does approval of out-of-home services affect a client's parental or custodial rights and responsibilities? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0018, filed 7/15/21, effective 8/15/21.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0570.

388-826-0019 When must out-of-home services be terminated? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0019, filed 7/15/21, effective 8/15/21.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0750.

388-826-0020 How does the family, whose child is a client of DDD request access to the VPP? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0020, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0025 What is the process for a child or youth who transfers from children's administration to get into the VPP? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0025, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0030 How is a decision made for out-of-home placement? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0030, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0035 How is a decision made regarding participation in the voluntary placement program? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0035, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0040 What is the out-of-home services acknowledgment? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0040, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0040, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0040, filed 10/31/02, effective 12/1/02.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0550.

388-826-0041 What is a child and family engagement plan? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0041, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0041, filed 11/7/18, effective 12/8/18.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0560.

388-826-0042 What is an individual financial plan? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0042, filed 7/15/21, effective 8/15/21.] Repealed by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-826-0043 When must an individual instruction and support plan be developed or revised? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0043, filed 7/15/21, effective 8/15/21.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0490.

388-826-0044 What requirements must the individual instruction and support plan meet? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0044, filed 7/15/21, effective 8/15/21.] Amended and decodified by WSR 25-11-094, filed

5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0500.

- 388-826-0045 What happens after a voluntary placement agreement is signed, what are the legal issues and who is responsible? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0045, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 388-826-0050 What are the judicial requirements for a child receiving voluntary placement services? [Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0050, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0050, filed 10/31/02, effective 12/1/02.] Repealed by WSR 21-15-059, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and Chapters 71A.28, 74.13 RCW.
- 388-826-0055 What basic services may a child receive from the voluntary placement program? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0055, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 388-826-0060 Are there other services a child may receive in this program? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0060, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 388-826-0065 What can parents expect if they use in-home supports under this program? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0065, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 388-826-0070 What are the department's responsibilities for a client receiving out-of-home services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0070, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0070, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0070, filed 10/31/02, effective 12/1/02.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0580.
- 388-826-0071 What are the responsibilities of the licensed or certified provider supporting a client receiving out-of-home services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0071, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0071, filed 11/7/18, effective 12/8/18.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0590.
- 388-826-0072 What training must direct care staff of a staffed residential home complete? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0072, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0072, filed 11/7/18, effective 12/8/18.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0360.
- 388-826-0073 What training must a child foster home provider complete? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0073, filed 7/15/21, effective 8/15/21.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0370.
- 388-826-0074 What training must a children's state-operated living alternative provider complete? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0074, filed 7/15/21, effective 8/15/21.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0380.
- 388-826-0075 What are a parent or legal guardian's responsibilities while the client receives out-of-home services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0075, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0075, filed 12/31/19, effective 2/1/20; WSR 18-23-004, § 388-826-0075, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0075, filed 10/31/02, effective 12/1/02.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0600.
- 388-826-0077 May a client who is receiving out-of-home services also receive respite services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0077, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0077, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.010, 71A.12.030, and Title 71A RCW. WSR 09-24-063, § 388-826-0077, filed 11/25/09, effective 12/26/09.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0510.
- 388-826-0078 Who may provide respite services to a client receiving out-of-home services in a child foster home? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0078, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0078, filed 11/7/18, effective 12/8/18.] Repealed by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-826-0079 What limits apply to respite services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0079, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0079, filed 11/7/18, effective 12/8/18.] Repealed by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040.
- 388-826-0080 What are the expectations for parents when their child is in out-of-home care? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0080, filed 10/31/02, effective

12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0085 What other DDD services are available for a child through the voluntary placement program? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0085, filed 7/6/07, effective 8/6/07. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0085, filed 1/31/06, effective 3/3/06. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0085, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0090 What does a parent do with the child's Social Security benefits when the parent's child lives outside the parent's home? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0090, filed 10/31/02, effective 12/1/02.] Repealed by WSR 20-02-101, filed 12/31/19, effective 2/1/20. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0095 What must a client pay toward the cost of out-of-home services in a staffed residential home, a children's SOLA, or a group care facility? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0095, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0095, filed 12/31/19, effective 2/1/20. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0095, filed 10/31/02, effective 12/1/02.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0610.

388-826-0096 What must a client pay toward the cost of out-of-home services in a child foster home? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0096, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0096, filed 12/31/19, effective 2/1/20.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0620.

388-826-0097 What expenses must a parent or legal guardian pay for while their child receives out-of-home services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0097, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0097, filed 12/31/19, effective 2/1/20.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0630.

388-826-0098 What does the department pay toward out-of-home services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0098, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0098, filed 12/31/19, effective 2/1/20.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0640.

388-826-0100 What happens if the voluntary placement ends? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0100, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0200.

388-826-0105 When the child leaves the voluntary placement program for any reason, what DDD services are available to the child and family when voluntary placement ends? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0105, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0210.

388-826-0110 Will a child or youth continue to receive special education or early intervention services while in VPP? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0110, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0220.

388-826-0115 What happens after a youth turns eighteen? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0115, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0230.

388-826-0120 What happens if a parent disagrees with a decision made by DDD? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0120, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0240.

388-826-0125 Does DDD make exceptions to the requirements in this chapter? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0125, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0250.

388-826-0129 What are the residential settings that DDD uses to provide voluntary placement program services? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0129, filed 7/6/07, effective 8/6/07.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0130 How does the department determine the rate to support a client in a child foster home? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0130, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0130, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0130, filed 7/6/07, effective 8/6/07. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0130, filed 1/31/06, effective 3/3/06.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0660.

388-826-0133 What is the representative payee's role? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0133, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0133, filed 11/7/18, effective 12/8/18.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0650.

388-826-0135 When does DDD administer the foster care rate assessment tool? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0135, filed 7/6/07, effective 8/6/07.]

Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0136 How often does DDD administer the foster care rate assessment tool? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0136, filed 7/6/07, effective 8/6/07.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0138 What questions are in the child foster home rate assessment and how are responses scored? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0138, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0138, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0138, filed 7/6/07, effective 8/6/07.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0670.

388-826-0140 What areas are covered in the foster care assessment? [Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0140, filed 1/31/06, effective 3/2/06.] Repealed by WSR 07-15-003, filed 7/6/07, effective 8/6/07. Statutory Authority: RCW 74.13.750 [74.13.350].

388-826-0145 How does DDA determine the assessed level from the raw score in the child foster home rate assessment? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0145, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0145, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0145, filed 7/6/07, effective 8/6/07.] Decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0680.

388-826-0150 What happens if a client who is receiving out-of-home services in a child foster home experiences a significant change? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0150, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0150, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0150, filed 1/31/06, effective 3/3/06.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0690.

388-826-0160 Are child foster home rates appealable? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0160, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0160, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0160, filed 1/31/06, effective 3/3/06.] Decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0700.

388-826-0170 How does the department determine the rate to support a client in a staffed residential home? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0170, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0170, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0170, filed 1/31/06, effective 3/3/06.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0710.

388-826-0175 What does the department pay a group care facility for medically fragile children that is providing out-of-home services to a client? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0175, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0175, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0175, filed 7/6/07, effective 8/6/07.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0720.

388-826-0200 What happens if a licensed provider terminates a client's out-of-home services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0200, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0200, filed 11/7/18, effective 12/8/18. WSR 06-01-107, recodified as § 388-826-0200, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0100, filed 10/31/02, effective 12/1/02.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0730.

388-826-0205 What happens when a client, parent, or legal guardian requests a different provider? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0205, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0205, filed 11/7/18, effective 12/8/18.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0740.

388-826-0210 When the child leaves the voluntary placement program for any reason, what DDD services are available to the child and family when voluntary placement ends? [WSR 06-01-107, recodified as § 388-826-0210, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0105, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0220 Will a child or youth continue to receive special education or early intervention services while in VPP? [WSR 06-01-107, recodified as § 388-826-0220, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0110, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

388-826-0230 When may a client age eighteen or older continue to receive out-of-home services? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, §

388-826-0230, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0230, filed 11/7/18, effective 12/8/18. WSR 06-01-107, recodified as § 388-826-0230, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0115, filed 10/31/02, effective 12/1/02.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0320.

388-826-0231 What is initial certification? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0231, filed 7/15/21, effective 8/15/21.] Repealed by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-826-0232 What is standard certification? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0232, filed 7/15/21, effective 8/15/21.] Repealed by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-826-0233 What is provisional certification? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0233, filed 7/15/21, effective 8/15/21.] Repealed by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-826-0234 What must a children's state-operated living alternative provider comply with to maintain certification? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0234, filed 7/15/21, effective 8/15/21.] Repealed by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-826-0235 What if a children's state-operated living alternative provider disagrees with a certification evaluation or certification decision? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0235, filed 7/15/21, effective 8/15/21.] Repealed by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-826-0236 When may DDA decertify a children's state-operated living alternative provider? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0236, filed 7/15/21, effective 8/15/21.] Repealed by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-826-0237 How must the children's state-operated living alternative provider participate in the certification evaluation process? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0237, filed 7/15/21, effective 8/15/21.] Repealed by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040.

388-826-0240 Who may appeal a department action? [Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0240, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0240, filed 11/7/18, effective 12/8/18. WSR 06-01-107, recodified as § 388-826-0240, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0120, filed 10/31/02, effective 12/1/02.] Amended and decodified by WSR 25-11-094, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and 71A.12.040. Recodified as s 388-826-0760.

388-826-0250 Does DDD make exceptions to the requirements in this chapter? [WSR 06-01-107, recodified as § 388-826-0250, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0125, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

PURPOSE

WAC 388-826-0001 What is the out-of-home services program? The out-of-home services (OHS) program is administered by the developmental disabilities administration (DDA) through a person-centered service plan to provide residential habilitation services for a client in a qualified setting outside of the family home that is agreed to by the client's parent or legal representative. The program does not include behavioral health services or care that is provided by other paid supports or the client's family. The OHS program does not include education and related services, including services provided under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), which are the responsibility of state and local education agencies.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0001, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0001, filed 7/15/21, effective 8/15/21. Statutory Authority:

DEFINITIONS

WAC 388-826-0005 What definitions apply to this chapter? "Child and family engagement plan" means a written agreement between the client's parent or legal representative and the provider.

"Child foster home" means a private home licensed under chapter 110-148 WAC by the department of children, youth, and families (DCYF) to provide 24-hour care to children.

"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.

"Client responsibility" means the total amount of a client's participation.

"Community inclusion activities" means person-centered activities where clients engage with others in their local community.

"Custody" means:

- (1) Protective care or guardianship of someone; or
- (2) Parental responsibility, especially as allocated by a court to one of two parents under a parenting plan.

"DCYF" means the department of children, youth, and families. DCYF is the licensing entity for contracted out-of-home services (OHS) providers.

"DDA" means the developmental disabilities administration within the department of social and health services.

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

"Facility" means a home that is licensed by DCYF or certified by DDA where DDA-eligible clients receive residential habilitation services from an OHS provider.

"Family" means one or more of the following relatives: Spouse or registered domestic partner; natural, adoptive, or stepparent; grandparent; child; stepchild; sibling; stepsibling; uncle; aunt; first cousin; niece; or nephew.

"Group care facility" means a facility licensed under chapter 110-145 WAC by DCYF that is maintained and operated on a 24-hour basis to provide a safe and healthy living environment that meets the developmental needs of the children in care.

"Habilitation" means support provided by a DCYF-licensed or DDA-certified provider that assists people with developmental disabilities to acquire, retain, or improve upon the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

"Individual instruction and support plan" or "IISP" means a written document that describes how staff will provide habilitation and supports to meet the needs identified in the client's person-centered service plan, which are assigned to and agreed upon by the out-of-home service provider.

"Individual team meeting" means a strengths-based meeting to review the client's individual support needs and ensure coordination with the client's team. The meeting is driven by the perspectives of the family and the client.

"Legal representative" means a parent of a client if the client is under age 18 and parental rights have not been terminated or relinquished, 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 by injection, inhalation, ingestion, application, or other means, to a client by a person legally authorized to do so under chapter 246-945 WAC.

"Medication assistance" means support from a non-practitioner to a client to self-administer their own medication under chapter 246-945 WAC.

"Out-of-home services acknowledgment" means a document that outlines the rights and responsibilities of the client, parent or legal representative, and the provider while a client is receiving services through the OHS program.

"Parent" means a biological or adoptive parent with legal authority to make decisions on behalf of the client.

"Participation" has the same meaning as is under WAC 182-513-1100.

"Personal needs allowance" or **"PNA"** means an amount set aside from a client's income under WAC 182-513-1105.

"Person-centered service plan" or **"PCSP"** has the same meaning as is under WAC 388-845-0001.

"Physical intervention" means the use of a manual technique intended to interrupt or stop a behavior from occurring due to safety concerns. Physical intervention includes using physical restraint to release or escape from a dangerous or potentially dangerous situation.

"Registered nurse delegator" means a licensed registered nurse who delegates specific nursing care tasks to a qualified nursing assistant or home care aide, and supports clients in a community-based care setting or in-home care setting under RCW 18.79.260.

"Residential habilitation services" means instruction and support services under WAC 388-845-1500.

"Respite care" means short-term, intermittent care to relieve a primary caregiver under WAC 388-845-1600.

"Significant change," as defined in WAC 388-832-0001, means a change in a client's medical condition, caregiver status, behavior, living situation, or employment status.

"SOLA" means a certified state-operated living alternative program.

"Staffed residential home," as defined in WAC 110-145-1305, means a licensed group care facility that provides 24-hour care to six or fewer children who require more supervision than can be provided in a foster home.

"Supplemental security income" or **"SSI"** means a needs-based assistance program administered by the federal Social Security Administration for blind, disabled, and aged individuals.

"Treating professional" means a professional who specializes in the discipline within the professional's scope of practice.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0005, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0005, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0005, filed

11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0005, filed 10/31/02, effective 12/1/02.]

ELIGIBILITY

WAC 388-826-0300 Who is eligible for the out-of-home services program? A person is eligible for the out-of-home services program if:

- (1) The person:
 - (a) Is between ages eight through 17, unless the client meets criteria under WAC 388-826-0230;
 - (b) Is DDA-eligible under chapter 388-823 WAC;
 - (c) Is eligible for the core waiver under chapter 388-845 WAC, or roads to community living under WAC 182-513-1235;
 - (d) Has received medically necessary inpatient treatment—when recommended by the client's treating professional;
 - (e) Does not have a treatment recommendation for a locked or secure facility; and
 - (f) Is not:
 - (i) The subject of court-ordered out-of-home care through a dependency action under RCW 13.34.060; or
 - (ii) The subject of court-ordered out-of-home care through a tribal child welfare action; and
- (2) The person's parent or legal representative:
 - (a) Requests out-of-home services in accordance with RCW 71A.28.030; and
 - (b) Acknowledges and understands that enrollment in the out-of-home services program does not affect the legal rights and responsibilities of a client's parent or legal representative.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0300, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0010, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0010, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0010, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0310 How does the provider determine if they can safely meet a client's needs? To determine whether they can safely meet a client's needs, the out-of-home services provider reviews client information, such as:

- (1) The client's referral packet;
- (2) Information gathered from the client, collateral contacts, or case manager; and
- (3) Composition of clients currently supported by the provider.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0310, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0320 May a client age 18 or older receive residential habilitation services through the out-of-home services program?

(1) A client age 18 or older may receive residential habilitation services through the out-of-home services program if the client is:

(a) Under age 21;

(b) Receiving residential habilitation services the day before their 18th birthday; and

(c) Participating in continued public school services, pursuing a high school equivalency certificate (GED/HSEC), or participating in a vocational program.

(2) If a client over age 18 and under 21 is no longer pursuing their GED, HSEC, or attending a vocational program, DDA will begin the process of transitioning the client to adult services.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0320, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0230, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0230, filed 11/7/18, effective 12/8/18. WSR 06-01-107, recodified as § 388-826-0230, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0115, filed 10/31/02, effective 12/1/02.]

PROVIDER QUALIFICATIONS

WAC 388-826-0330 Who can be an out-of-home services provider?

To be an out-of-home services provider, an entity must be one of the following:

(1) A children's state-operated living alternative; or

(2) A home contracted with DDA and licensed under chapter 74.15 RCW as a:

(a) Child foster home;

(b) Staffed residential home; or

(c) Group care facility for medically fragile children.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0330, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0016, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0016, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0340 Must an out-of-home services provider be certified? An out-of-home services provider must be certified by DDA under chapter 388-825A WAC.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0340, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0350 Is a site visit required and what does DDA review during a site visit? (1) To be a certified provider, a provider

must participate in site visits in accordance with certification requirements under chapter 388-825A WAC.

(2) During a site visit, DDA confirms the provider's compliance with the following safety requirements:

(a) The common areas of the home are unrestricted.

(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 at least one on 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) The home has an evacuation plan and an emergency food and water supply.

(o) The home meets integrated setting requirements under WAC 388-823-1096.

(p) 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 and 71A.12.040. WSR 25-11-094, s 388-826-0350, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0360 What training must a staffed residential home provider complete? To support a client in the out-of-home services program, a direct support professional of a staffed residential home must complete:

(1) Training required under chapter 110-145 WAC;

(2) Training and continuing education required under chapter 388-829 WAC;

(3) Client-specific training based on the individual instruction and support plan; and

(4) Nurse delegation training if the client needs delegation and criteria are met under WAC 246-840-930.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0360, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0072, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0072, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0370 What training must a child foster home provider complete? To support a client in the out-of-home services program, a child foster home provider must complete:

(1) Training required to maintain licensing under chapter 110-148 WAC; and

(2) Nurse delegation training if the client needs delegation and criteria are met under WAC 246-840-930.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0370, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0073, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0380 What training must a children's state-operated living alternative provider complete? (1) To provide direct support to a client in the out-of-home services program, a direct support professional at a children's state-operated living alternative must complete:

(a) Training and continuing education required under chapter 388-829 WAC;

(b) Training according to the timelines in chapter 388-101D WAC; and

(c) Nurse delegation training if delegation criteria are met under WAC 246-840-930.

(2) The provider must ensure that each employee providing direct support keeps their first-aid training, CPR certification, food worker card, and bloodborne pathogens training current.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0380, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0074, filed 7/15/21, effective 8/15/21.]

HEALTH AND SAFETY

WAC 388-826-0390 What water temperature safety measures must be met? (1) The provider must regulate the facility's water temperature no higher than 120 degrees Fahrenheit.

(2) The provider must complete and document monthly water temperature checks.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0390, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0400 What infection control practices must the provider implement? (1) The provider must have written policies and procedures about the control of infections. These must include, but are not limited to, the following areas:

(a) Isolation of sick individuals;

(b) Germ control procedures;

(c) Hygiene, including hand washing, toileting, and laundering;

(d) Prevention of the transmission of communicable diseases including management and reporting;

- (e) First aid;
- (f) Care of minor illnesses;
- (g) Actions to be taken for medical emergencies; and
- (h) General health practices.

(2) The provider must promote personal hygiene to help prevent the spread of germs.

(3) The provider must provide staff with the supplies necessary for limiting the spread of infections.

(4) Staff with a reportable communicable disease or a notifiable disease condition in an infectious stage, as defined by the department of health in chapter 246-101 WAC, must not be on duty until they have a healthcare professional's approval for returning to work.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0400, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0410 What are the fire drill requirements for providers? (1) The provider must conduct a fire drill at least once each month at varying times of the day and night so that staff on all shifts practice the procedures with the clients they support.

(2) The provider must maintain a written record on the premises that indicates the date and time each fire drill is completed.

(3) If a provider supports a nonambulatory child, the provider must consult with and follow the Washington state patrol/fire protection bureau (WSP/FPB) protocol for simulated fire drills.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0410, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0420 What must the provider do to prepare for emergency evacuations? (1) The provider must display an emergency evacuation plan in a common area on every floor of the home.

(2) The emergency evacuation plan must include:

- (a) A floor plan of the home with clearly marked exits;
- (b) Emergency evacuation routes; and
- (c) The location for the clients to meet outside the home.

(3) The provider must be able to evacuate all clients to a safe location outside the home.

(4) If a client requires assistance during an evacuation, the provider's evacuation plan must describe the type of assistance that will be provided.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0420, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0430 What are the requirements for storing chemicals and other substances? (1) The provider must safely secure cleaning supplies, flammables, and other combustible materials, toxic or poisonous substances, and aerosols.

(2) If a container is filled with a toxic substance from a bulk supply, the provider must clearly label the container.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0430, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0440 How must the provider store medication? (1)

The provider must store a client's medication:

- (a) In a locked container, such as a lockbox;
 - (b) Separate from food and toxic chemicals;
 - (c) Under proper conditions for sanitation, temperature, and ventilation; and
 - (d) In the original medication container with the pharmacist-prepared or manufacturer's label, which must include the:
 - (i) Name of the client for whom the medication is prescribed;
 - (ii) Name of the medication; and
 - (iii) Dosage and frequency.
- (2) The provider may store a client's medication in a medication organizer if the medication organizer was prepared by a pharmacist or registered nurse.
- (3) Life-saving medications must be accessible in an emergency.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0440, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0450 When and how must the provider dispose of medication? (1) The provider must follow the Food and Drug Administration guidelines on proper disposal of medications.

- (2) When disposing a client's medication, the provider must list the:
- (a) Client's name;
 - (b) Medication name;
 - (c) Amount disposed; and
 - (d) Date of disposal.
- (3) Two people must verify the disposal by signature.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0450, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0460 What must the provider do if a client refuses a prescribed medication? If a client refuses a prescribed medication, the provider must:

- (1) Document the refusal, including the time, date, and medication refused;
- (2) Inform the client of the benefit of the medication;
- (3) Consult a pharmacist or licensed medical provider with prescription authority to determine if medication refusal could significantly harm the client;
- (4) If recommended, continue to offer the medication following consultation with subsection (3) of this section; and
- (5) Inform the client's parent or legal representative of the refusal and any reasons for the refusal if shared by the client.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0460, filed 5/21/25, effective 7/1/25.]

FACILITY REQUIREMENTS

WAC 388-826-0470 What fire safety requirements must the facility meet? (1) The provider must be located in an area with public fire protection.

(2) The provider must have working smoke and carbon monoxide detectors installed. Each smoke and carbon monoxide detector must address the needs of clients who are deaf or hard of hearing.

(3) Smoke detectors must:

(a) Be in operating condition both inside and outside of all sleeping areas.

(b) Be installed on each story of the facility, in all play areas, and in the basement.

(c) Be installed and maintained according to the manufacturer's specifications.

(d) If mounted on a wall, be 12 inches from the ceiling and a corner.

(e) Be tested twice a year to ensure they are in working order. The provider must document the date and time of the test.

(4) Carbon monoxide detectors must be located in or near each client's bedroom and on every floor of the facility.

(5) The provider must have at least one approved 2A10BC-rated five pound or larger all-purpose (ABC) fire extinguisher readily available at all times. "Approved 2A10BC-rated" means a fire extinguisher with an underwriters laboratory label on the nameplate classifying the extinguisher as 2A10BC-rated or larger.

(6) The provider must maintain and service fire extinguishers according to manufacturer's specifications.

(7) An approved fire extinguisher must be located in the area of the normal path of exiting. The maximum travel distance to an extinguisher from any place on the premises must not exceed 75 feet. When the travel distance exceeds 75 feet, additional extinguisher(s) are required.

(8) The provider must install at least one fire extinguisher on each floor of a multilevel facility.

(9) Fire extinguishers must:

(a) Be mounted in a bracket or in a fire extinguisher cabinet so that the top of the extinguisher is no more than five feet above the floor; and

(b) Receive an annual maintenance certification by a licensed firm specializing in this work, based on the manufacturer's recommended schedule. Maintenance means a thorough check of the extinguisher for:

(i) Mechanical parts;

(ii) Extinguishing agent; and

(iii) Expelling means.

(10) New fire extinguishers do not need to receive an additional certification test during the first year.

(11) DDA may require that additional fire extinguishers be available on the premises, in consultation with the local fire authority or Washington state patrol's fire protection bureau.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0470, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0480 What other requirements must the facility meet?

(1) The provider must maintain buildings, premises, and equipment in a

clean and sanitary condition, free of hazards, and in good repair. The provider must ensure the facility has:

(a) Handrails for steps, stairways, and ramps if identified as a safety need.

(b) Appropriate furnishings, based on the age and activities of the client supported.

(c) Washable, water-resistant floors in bathrooms, kitchens, and other rooms exposed to moisture. Washable short-pile carpeting may be approved in kitchen areas if kept clean and sanitary.

(d) Tamper-proof or tamper-resistant electrical outlets or blank covers installed in areas accessible to clients who might be endangered by access to them.

(e) Easy access to the outdoors and rooms occupied by children in case an emergency arises.

(f) Non-breakable light fixture covers or shatter-resistant light bulbs or tubes in food preparation and dining areas.

(2) Adequate indoor and outdoor space, ventilation, light, and heat to ensure the health and comfort of all members of the household.

(3) The bathroom facilities must include:

(a) Toilets, urinals, and handwashing sinks appropriate to the height for the clients supported, or have a safe and easily cleaned step stool or platform that is water-resistant; and

(b) Soap and clean towels, disposable towels, or other approved hand-drying devices.

(4) The cleanliness and care of the premises must meet generally accepted health standards for the storage and preparation of food.

(5) The provider must make reasonable attempts to keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

(6) The provider must have an immediate plan to address hazardous conditions on the property or in the facility.

(7) The facility must be accessible to emergency vehicles and the address must be clearly visible on the facility or mailbox so that first responders can easily find the facility.

(8) The facility must be located on a well-drained site, free from hazardous conditions.

(9) Utility rooms with mop sinks that do not have windows opening to the outside must be ventilated with a mechanical exhaust fan to the outside of the building.

(10) The use of window blinds or other window coverings with pull cords capable of forming a loop and posing a risk of strangulation to children are prohibited under RCW 43.216.380.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0480, filed 5/21/25, effective 7/1/25.]

SERVICE DELIVERY

WAC 388-826-0490 When must an individual instruction and support plan be developed or revised? (1) The provider must develop and implement an individual instruction and support plan for each client they support.

(2) The provider must develop and implement a client's instruction and support plan no more than 30 days after the client begins receiving services.

(3) The provider must revise a client's individual instruction and support plan:

(a) As goals are achieved or as the client's assessed needs change;

(b) At least semiannually; and

(c) If requested by the client or the client's parent or legal representative.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0490, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0043, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0500 What requirements must the individual instruction and support plan meet? The individual instruction and support plan must:

(1) Describe habilitation goals that the provider and client will work on together while the provider supports the client;

(2) List the instruction and support activities the provider will provide to the client and explain how those activities meet the assessed needs identified in the client's person-centered service plan;

(3) Describe other relevant support and service information; and

(4) For clients over age 16, include a plan for promoting independent living skills, including financial readiness education.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0500, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0044, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0510 May a client in the out-of-home services program also receive respite services? (1) A client in the out-of-home services program in a child foster home may be eligible for respite services under chapter 388-828 WAC.

(2) A client in the out-of-home services program in a staffed residential, children's SOLA, or group home for medically fragile children is not eligible for respite services.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0510, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0077, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0077, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.010, 71A.12.030, and Title 71A RCW. WSR 09-24-063, § 388-826-0077, filed 11/25/09, effective 12/26/09.]

RECORDKEEPING

WAC 388-826-0520 What are the quarterly report requirements?

(1) A quarterly report from a staffed residential provider, a children's SOLA, or group care facility for medically fragile children must:

(a) Be submitted to DDA and sent to the client's parent or legal representative no more than 10 business days after the end of each quarter; and

(b) Include:

(i) A copy of the client's current positive behavior support plan and individual instruction and support plan, including progress charts or graphs;

(ii) A document that tracks community inclusion activities and a running balance of funds;

(iii) A brief summary of progress toward habilitation goals listed in the individual instruction and support plan;

(iv) A summary of target behaviors and any notable observations;

(v) Description of significant incidents;

(vi) Total number and type of physical interventions implemented;

(vii) Integrated settings modifications being requested, if any;

(viii) Any significant changes in the client's condition or prescribed medications;

(ix) Summary of school participation;

(x) Additional resources needed to support the client; and

(xi) A summary of staff training hours per month if the client receives enhanced out-of-home services.

(2) Quarterly reports from a child foster home provider must:

(a) Be submitted to DDA and sent to the client's parent or legal representative no more than 10 business days after the end of each quarter; and

(b) Include:

(i) A brief summary of progress toward habilitation goals listed in the individual instruction and support plan;

(ii) Description of significant incidents;

(iii) A list of community and other activities the client has participated in;

(iv) Any significant changes in the client's condition or prescribed medications;

(v) Summary of school participation; and

(vi) Resources the provider needs to support the client.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0520, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0530 Must the provider keep a record of a client's property? The provider must maintain current, written property records. The record must consist of:

(1) A list of personal possessions with a value of at least \$25.00 that the client owns when moving into the program;

(2) A list of personal possessions with a value of \$75.00 or more per item after the client moves into the program;

(3) Description and identifying numbers, if any, of the property.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0530, filed 5/21/25, effective 7/1/25.]

WAC 388-826-0540 What records must the provider keep and how long must the record be retained? (1) The provider must keep the following in the client's record:

(a) Referral packet contents;

- (b) Service notes;
- (c) The client's individual instruction and support plan;
- (d) The client's positive behavior support plan;
- (e) Signed out-of-home services acknowledgment;
- (f) Child and family engagement plan;
- (g) Log of client expenses for community inclusion;
- (h) Medication records; and
- (i) Incident reports.

(2) The provider must retain a client's records for at least six years after delivering services to the client.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, s 388-826-0540, filed 5/21/25, effective 7/1/25.]

RIGHTS AND RESPONSIBILITIES

WAC 388-826-0550 What is the out-of-home services acknowledgment? (1) The out-of-home services (OHS) acknowledgment is a document that outlines the rights and responsibilities of the client, parent or legal representative, and the provider while a client is in the OHS program. The OHS acknowledgment is signed annually by the client's parent or legal representative, client if 18 or older, and the provider designee.

(2) An OHS acknowledgment must state the following:

(a) Integrated setting requirements under 42 C.F.R. 441.301 (c) (4).

(b) The rights and responsibilities of the parent or legal representative.

(c) DSHS and DDA are offering services through medicaid or roads to community living.

(d) That services provided are voluntary and can be terminated at any time and include termination requirements for the provider under RCW 71A.26.030.

(e) The provider will assist in accessing non-DDA related services including but not limited to education and medically necessary treatments. This includes participation in individual team meetings and development of an individualized education program.

(f) The provider will participate in the creation and implementation of a child and family engagement plan.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0550, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0040, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0040, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0040, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0560 What is a child and family engagement plan?

(1) A child and family engagement plan is a written agreement between the client's parent or legal representative and the provider.

(2) A child and family engagement plan must:

- (a) Outline the parent or legal representative's role while their child is in the out-of-home services program, including:
 - (i) A visitation schedule for both the facility and family home;
 - (ii) Assistance in maintaining the client's significant relationships, such as transportation assistance and coordination; and
 - (iii) Participation in scheduling and attending medical and dental appointments, school meetings, and community inclusion activities;
- (b) Outline the provider's role, including:
 - (i) Participation in scheduling and attending medical and dental appointments, school meetings, and community inclusion activities;
 - (ii) Supporting the client, parent, or legal representative's cultural or religious practices; and
 - (iii) Celebrating holidays and special occasions;
- (c) Be developed before the start date of the client's services;
- (d) Be reviewed during the annual assessment or more frequently upon request; and
- (e) Be updated when the client turns age 18 to reflect the client's individualized transition goals, and legal guardianship if applicable.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0560, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0041, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0041, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0570 Does enrollment in the out-of-home services program affect a client's parental or custodial rights and responsibilities? (1) Enrollment in the out-of-home services (OHS) program does not affect the legal rights and responsibilities of a client's parent or legal representative.

(2) When a client enrolls in the OHS program, neither DSHS nor DDA takes custodial responsibility of the client.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0570, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0018, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0580 What are DDA's responsibilities for a client in the out-of-home services program? When a client receives services through the out-of-home services program, DDA must:

- (1) Facilitate the development of the child and family engagement plan under WAC 388-826-0560 before the start of service and at each annual assessment;
- (2) Visit the client in their setting at least every 90 days;
- (3) Develop the client's person-centered service plan as required under WAC 388-845-3055;
- (4) Assist families to access a client's medically necessary physical or behavioral health benefits, which may include attending care conferences and sharing information with medicare, medicaid, or private health insurance representatives for purposes of care coordination;

- (5) Assist families to access a client's necessary educational services, which may include attending school meetings;
- (6) Monitor the client's services by:
 - (a) Facilitating individual team meetings on a quarterly basis;
 - (b) Reviewing the individual instruction and support plan;
 - (c) Reviewing the quarterly report;
 - (d) Reviewing incident reports and follow-up measures involving the client; and
 - (e) Authorizing payment for services.
- (7) Determine eligibility for medicaid coverage under chapters 182-513 and 182-515 WAC;
- (8) Determine the client's participation amount, if any;
- (9) Monitor the provider to ensure the provider complies with contract requirements, which includes compliance with DDA policies; and
- (10) Refer a client for a nurse delegation assessment by a registered nurse delegator, if required under chapter 246-945 WAC.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0580, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0070, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0070, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0070, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0590 What are the responsibilities of the provider supporting a client in the out-of-home services program? When a client is in the out-of-home services program, the provider must:

- (1) Ensure the health and safety of the client;
- (2) Provide adequate staff to meet the needs of clients as identified in the rate assessment;
- (3) Develop and implement an individual instruction and support plan;
- (4) Complete quarterly reports as outlined under WAC 388-826-0520;
- (5) Participate in the development of the child and family engagement plan with the client, the client's parent or legal representative, and social service specialist;
- (6) Implement the child and family engagement plan;
- (7) Support the client in regular school attendance, including following the school's reporting requirements when the client is absent or has an appointment during the school day;
- (8) With the parent or legal representative's consent, maintain regular communication with school representatives and attend school-related meetings;
- (9) Participate in the client's individualized education program and collaborate with the school and parent or legal representative to ensure timely and continuous access to a free and appropriate public education in the least restrictive environment;
- (10) Maintain regular communication with the client's parent or legal representative; and
- (11) Develop and practice evacuation plans in case of fire, natural disaster, or other emergencies in accordance with WAC 388-826-0420;

(12) Maintain a client rights policy in accordance with chapter 71A.26 RCW;

(13) Request an assessment for nurse delegation if the client needs medication administration; and

(14) If the provider receives funding for community inclusion activities for the client, the provider must:

(a) Discuss and schedule community inclusion activity options with the client; and

(b) Track, and make available to DDA upon request, the client's participation in community inclusion activities, including:

(i) Date of each activity;

(ii) Cost of each activity; and

(iii) A running balance of the client's community inclusion activities funds.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0590, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0071, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0071, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0600 What are a parent or legal representative's responsibilities while the client is in the out-of-home services program? While a client is in the out-of-home services program, the client's parent or legal representative must:

(1) Maintain weekly contact with the client and actively participate in care planning;

(2) Participate in the development and ongoing assessment of the client's individual educational plan and maintain regular communication and collaboration with the provider and school representatives to ensure timely and continuous access to a free and appropriate public education in the least restrictive environment;

(3) Coordinate and maintain medically necessary physical or behavioral health benefits available through private insurance, medicare, or the medicaid state plan;

(4) Participate in:

(a) The development and implementation of the child and family engagement plan;

(b) Individual team meetings; and

(c) The DDA annual assessment, including the person-centered service plan;

(5) Ensure management of the client's finances and benefits, including:

(a) Apply for income and benefits available to the client;

(b) Manage, or appoint a representative payee to manage, the client's social security or supplemental security income in accordance with federal social security rules and in accordance with the client responsibility and basic expenses required in this chapter; and

(c) Ensure payment of the client responsibility or basic expenses. Nonpayment may jeopardize the client's services with a provider.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0600, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0075, filed 7/15/21, effective 8/15/21.]

Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0075, filed 12/31/19, effective 2/1/20; WSR 18-23-004, § 388-826-0075, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0075, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0610 What must a client pay toward the cost of services in a staffed residential home, a children's SOLA, or a group care facility? (1) To receive services in a staffed residential home, a children's SOLA, or a group care facility for medically fragile children, a client may be required to pay client responsibility as required under this section.

(2) DDA determines the amount of client responsibility and participation a client must pay under:

(a) WAC 182-515-1510 if the client is enrolled on a DDA home and community-based services (HCBS) waiver under chapter 388-845 WAC; or

(b) WAC 182-513-1235 if the client is enrolled in roads to community living under chapter 388-106 WAC.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0610, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0095, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0095, filed 12/31/19, effective 2/1/20. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0095, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0620 What must a client pay toward the cost of services in a child foster home? (1) To receive services in a child foster home, a client must pay the provider a fixed monthly amount referred to as basic expenses, which must be outlined in a basic expense agreement.

(2) The written basic-expense agreement must include:

(a) Monthly amounts for rent, utilities, and food costs; and

(b) The day of the month the payment is due to the provider.

(3) The total monthly obligation in the basic-expense agreement must not exceed the client's available income minus the personal needs allowance under WAC 182-513-1105(5).

(4) Before the client moves into the child foster home, the basic-expense agreement must be:

(a) Signed by the client's parent or legal representative;

(b) Signed by the provider; and

(c) Sent to DDA.

(5) Changes to the basic-expense agreement must be reviewed by DDA before implementation.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0620, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0096, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0096, filed 12/31/19, effective 2/1/20.]

WAC 388-826-0630 What expenses must a parent or legal representative pay for while their child is in the out-of-home services program? While their child is in the out-of-home services program, a parent or legal representative remains financially responsible for all expenses for their minor child that are not included in client responsibility.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0630, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0097, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0097, filed 12/31/19, effective 2/1/20.]

WAC 388-826-0640 What does DDA pay when a client is in the out-of-home services program? (1) For a client residing in a staffed residential home, a children's SOLA, or a group care facility for medically fragile children, DDA pays the cost of services minus the amount of client responsibility under WAC 388-826-0610.

(2) For a client residing in a child foster home, DDA pays the cost of services minus basic expenses under WAC 388-826-0620.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0640, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0098, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 20-02-101, § 388-826-0098, filed 12/31/19, effective 2/1/20.]

WAC 388-826-0650 What is the representative payee's role? The representative payee:

(1) Manages the client's social security or supplemental security income;

(2) Uses the client's income to contribute toward the cost of the client's participation;

(3) Places the client's personal needs allowance and any conserved funds in a payee account; and

(4) Monitors the child's payee account to maintain eligibility for supplemental security income and medicaid.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0650, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0133, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0133, filed 11/7/18, effective 12/8/18.]

RATES

WAC 388-826-0660 How does DDA determine the rate to support a client in a child foster home? (1) DDA determines the rate that is paid to support a client in a child foster home by conducting a child foster home rate assessment.

(2) DDA conducts the child foster home rate assessment with the child foster home provider before services begin.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0660, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0130, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0130, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0130, filed 7/6/07, effective 8/6/07. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0130, filed 1/31/06, effective 3/3/06.]

WAC 388-826-0670 What questions are in the child foster home rate assessment and how are responses scored? (1) The child foster home rate assessment consists of 13 questions.

(2) Scores are based on the parent or legal representative's report, natural supports available, documented support plans (e.g., nursing, physical therapy, occupational therapy), and report of care provided by the child foster home provider.

(3) The assessment excludes any additional paid supports provided, such as nursing and therapies.

(4) The hours are assessed against the number of hours expected to support a typically developing child the same age as the client.

(5) Daily living: What is the average number of hours per day spent supporting the client with daily living tasks like dressing, grooming, toileting, feeding, and providing specialized body care? Do not include private duty nursing hours in this average.

Hours per day	Score
0 to 1	30
2 to 5	91
6 to 9	213
10 to 20	396
Over 20	609

(6) Physical needs: What is the average number of hours per day spent providing assistance to the client that is not included in the "daily living" category in this section? Examples include assistance with: Mobility; prosthetics; communication; other assistive devices; airway management (monitors, ventilators); pressure sores; and enteral nutrition. Do not include private duty nursing hours in this average.

Hours per day	Score
0 to 1	30
2 to 5	91
6 to 20	274
Over 20	609

(7) Behavioral needs: What is the average number of hours per day spent providing behavioral, emotional, and mental health supports to the client? Do not include hours under subsection (8)(b) of this section in this average.

Hours per day	Score
0 to 1	30
2 to 5	91
6 to 13	335
14 to 24	578
Over 24	731

(8) Therapeutic plan: What is the average number of hours per week spent implementing a plan prescribed by a professional related to the child's physical, behavioral, emotional, or mental health therapy? The foster parent must provide a copy of each plan to the assessor.

(a) What is the average number of hours per week spent providing or attending physical, occupational, and speech therapy?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 9	30
10 to 46	65
Over 46	390

(b) What is the average number of hours per week spent participating in or implementing services identified in the client's behavioral support plan, such as applied behavior analysis (ABA) or counseling?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 19	48
20 to 60	104
Over 60	390

(9) Appointments: What is the average number of hours per week spent scheduling, traveling to and from, and participating in appointments? The foster parent must provide documentation of appointments to the assessor.

(a) What is the average number of hours per week spent scheduling, traveling to and from, and participating in doctor visits, dental visits, rehabilitation, and therapy visits?

Hours per week	Score
0 to 1	4
2 to 5	13
6 to 14	39
Over 14	82

(b) What is the average number of hours per week spent scheduling, traveling to and from, and participating in community activities, such as recreation, leisure, sports, and extra-curricular activities?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 7	30

Hours per week	Score
8 to 20	48
Over 20	130

(10) House care: What is the average number of times per week spent repairing, cleaning, and replacing household items and medical equipment, over and above normal wear and tear, due to:

(a) A chronic medical condition?

Times per week	Score
0 to 1	6
2 to 7	24
8 to 19	58
20 to 38	91
Over 38	238

(b) Destructive behavior?

Times per week	Score
0 to 1	6
2 to 3	15
4 to 9	28
10 to 22	58
Over 22	162

(11) Development and socialization skills: What is the average number of hours per week spent providing guidance and assistance?

(a) What is the average number of hours per week spent helping with homework and learning new activities?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 11	30
12 to 30	87
Over 30	249

(b) What is the average number of hours per week spent interacting with other professionals, such as meeting with teachers, visiting the client's school, speaking on the phone with school personnel, participating in individual education plan development and review?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 5	22
6 to 12	30
Over 12	82

(c) What is the average number of hours per week spent developing socialization and functional life skills, like making positive choices, being accountable, managing money, exploring the community, and relating to peers, adults, and family members?

Hours per week	Score
0 to 1	4

Hours per week	Score
2 to 7	22
8 to 19	56
20 to 60	173
Over 60	403

(12) Child and family engagement plan: What is the average number of hours per week spent coordinating the child and family engagement plan? The plan must be available for review by the assessor.

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 12	30
Over 12	82

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0670, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0138, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0138, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0138, filed 7/6/07, effective 8/6/07.]

WAC 388-826-0680 How does DDA determine the assessed level from the raw score in the child foster home rate assessment? (1) The following are the assessed levels based on the range of aggregate scores:

Level	Low Score	High Score
1	0	320
2	321	616
3	617	1501
4	1502	2085
5	2086	2751
6	2752	9999999

(2) A standardized rate for out-of-home services is assigned to levels one through six.

(3) The standardized rate is published by DDA and is paid monthly to the child foster home provider.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, recodified as s 388-826-0680, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0145, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0145, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0145, filed 7/6/07, effective 8/6/07.]

WAC 388-826-0690 What happens if a client who is receiving services in a child foster home experiences a significant change? (1) If

a client who is receiving services in a child foster home experiences a significant change, DDA conducts:

- (a) A reassessment under WAC 388-828-1500; and
- (b) A child foster home rate assessment.

(2) If the child foster home rate assessment results in a rate change, the foster parent receives a 30-day written notice that includes the effective date of the change.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0690, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0150, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0150, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0150, filed 1/31/06, effective 3/3/06.]

WAC 388-826-0700 Are child foster home rates appealable? A child foster home rate is not appealable through the administrative hearing process.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, recodified as s 388-826-0700, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0160, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0160, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0160, filed 1/31/06, effective 3/3/06.]

WAC 388-826-0710 How does DDA determine the rate to support a client in a staffed residential home? (1) DDA determines the rate to support a client in a staffed residential home by assessing the client's identified needs.

(2) DDA completes a rate assessment, which consists of four cost centers:

(a) Administrative and nonstaff costs, including transportation and damage reimbursement, if applicable;

(b) Funds for community inclusion activities;

(c) Consultant and training costs; and

(d) Instruction and support services, which are determined by assessing a client's identified needs and supervision in the following areas:

(i) Activities of daily living as defined in WAC 388-106-0010;

(ii) Instrumental activities of daily living as defined in WAC 388-106-0010; and

(iii) Support and supervision.

(3) Instruction and support services provided by the school district are not included in the rate assessment to support a client in the out-of-home services program.

(4) A rate assessment must be completed before start of services, if a significant change occurs, or when the household composition changes.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0710, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0170, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0170, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0170, filed 1/31/06, effective 3/3/06.]

WAC 388-826-0720 What does DDA pay a group care facility for medically fragile children that is providing services to a client?

(1) To support a client receiving services in a group care facility for medically fragile children, DDA pays the provider a DDA-established, per-person, monthly rate.

(2) Program services must not replace or duplicate services or benefits available through private insurance, medicare, or the medic-aid state plan.

(3) Program services must not replace or duplicate education and related services available through a state or local education agency.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0720, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0175, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0175, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0175, filed 7/6/07, effective 8/6/07.]

TERMINATION AND CHANGE IN PROVIDER

WAC 388-826-0730 What happens if a provider decides to stop providing services to a client? (1) If a provider decides to stop providing services to a client, the provider must:

(a) Notify the client's parent or legal representative, and DDA in writing at least 30 days before the termination;

(b) Provide one of the following reasons:

(i) The provider cannot meet the needs of the client;

(ii) The client's safety or the safety of other people in the home or facility is endangered;

(iii) The client's health or the health of other people in the home or facility would otherwise be endangered; or

(iv) The provider ceases to operate; and

(c) Participate in the development of a transition plan.

(2) If a provider decides to stop providing services to a client, DDA will assess the client's health and welfare needs and authorize services within the scope of the home and community-based services waiver identified in the client's person-centered service plan.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0730, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0200, filed 7/15/21, effective 8/15/21.]

Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0200, filed 11/7/18, effective 12/8/18. WSR 06-01-107, recodified as § 388-826-0200, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0100, filed 10/31/02, effective 12/1/02.]

WAC 388-826-0740 What happens when a client, parent, or legal representative requests a different provider? (1) A client, parent, or legal representative requesting a change in provider must notify the DDA social service specialist and provider.

(2) DDA will work with the parent or legal representative to determine whether the parent or legal representative's concerns can be addressed with the current provider.

(3) If the parties do not come to a resolution:

(a) The client may return to the family home until a qualified residential service provider is identified; or

(b) The client may remain with the current provider until another qualified provider is selected by the parent or legal representative.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0740, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0205, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0205, filed 11/7/18, effective 12/8/18.]

WAC 388-826-0750 When will DDA terminate a client's services?

(1) DDA may terminate a client's services if the client is receiving services in a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, or other institution for 30 consecutive days or longer.

(2) DDA must terminate services if:

(a) The client's parent or legal representative terminates services; or

(b) The client is over age 18 and terminates services.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0750, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0019, filed 7/15/21, effective 8/15/21.]

WAC 388-826-0760 Who may appeal a DDA action? A client, the client's parent, or the client's legal representative may appeal DDA decisions under WAC 388-825-120.

[Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 25-11-094, amended and recodified as s 388-826-0760, filed 5/21/25, effective 7/1/25. Statutory Authority: RCW 71A.12.030 and chapters 71A.28, 74.13 RCW. WSR 21-15-059, § 388-826-0240, filed 7/15/21, effective 8/15/21. Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0240, filed 11/7/18, effective 12/8/18. WSR 06-01-107, recodified as § 388-826-0240, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0120, filed 10/31/02, effective 12/1/02.]