

Chapter 388-829C WAC COMPANION HOMES

Last Update: 6/16/20

WAC

DEFINITIONS

388-829C-010 What definitions apply to this chapter?

COMPANION HOME SERVICES

388-829C-020 How does a companion home provider provide residential habilitation services?
388-829C-030 Who may be eligible to receive residential habilitation services in a companion home?
388-829C-040 Who may become a companion home provider?
388-829C-042 What are the qualifications for a person to provide residential habilitation services in a companion home?
388-829C-044 What is the application process for a potential companion home provider?
388-829C-050 When does DDA reject a client's choice of companion home provider?

PROVIDER CERTIFICATION

388-829C-061 What is initial certification?
388-829C-062 What is standard certification?
388-829C-063 What is provisional certification?
388-829C-064 What must a companion home provider comply with to maintain certification?
388-829C-065 How does DDA monitor companion homes?
388-829C-066 How must the companion home provider participate in the certification evaluation process?

PROVIDER QUALIFICATIONS AND RESPONSIBILITIES

388-829C-070 Who must have a background check?
388-829C-080 What minimum skills and abilities must companion home providers demonstrate?

CLIENT RIGHTS

388-829C-100 What rights do clients of DDD have?

PROVIDER TRAINING

388-829C-110 When must a companion home provider complete their training requirements?

COMPANION HOME PROVIDER RATE

388-829C-131 How does DDA determine the daily rate?

ABUSE AND NEGLECT REPORTING

388-829C-140 Is a companion home provider a mandated reporter?
388-829C-150 How must a companion home provider report abuse and neglect?

HEALTH CARE AND MEDICATIONS

388-829C-160 What health care support must a companion home provider provide?
388-829C-170 When can the companion home provider provide medication assistance?
388-829C-180 When may a companion home provider administer medication and provide delegated nursing tasks?
388-829C-200 When must a companion home provider be delegated to perform nursing tasks?

RESPIRE

388-829C-230 What is respite?
388-829C-231 What are the companion home provider's responsibilities when using respite?
388-829C-232 How does DDA determine a companion home client's annual respite allocation?
388-829C-233 May the client or companion home provider request additional respite hours?
388-829C-234 Will DDA reduce the companion home daily rate if additional respite hours are approved?

TRANSPORTATION

388-829C-250 When may a companion home provider transport a client?

MANAGEMENT OF CLIENT FUNDS

388-829C-270 May a companion home provider manage a client's funds?
388-829C-275 When must a client have an individual financial plan and what components must be included?
388-829C-280 What are the companion home provider's responsibilities when managing client funds?
388-829C-290 What is mismanagement of client funds?
388-829C-305 When must the companion home provider transfer the client's funds?
388-829C-310 Must a client pay for room and board in the companion home?
388-829C-315 What is a violation of the room and board agreement?

SAFETY

388-829C-320 What are the physical and safety requirements for companion homes?
388-829C-325 How must a companion home provider protect a client from risks associated with bodies of water?
388-829C-330 Must a companion home provider regulate the water temperature at the companion home?

PROVIDER RECORDS

388-829C-340 What client records must the companion home provider maintain?
388-829C-345 What records must the companion home provider maintain?
388-829C-350 What quarterly reports must the companion home provider submit to DDA?

388-829C-360 What are the requirements for record entries?
388-829C-370 When must a companion home provider document a client's refusal to participate in services?
388-829C-380 Must a companion home provider keep a record of a client's property?
388-829C-390 May a provider share information about a client?
388-829C-400 How long must a companion home provider keep client and provider records?

EMERGENCY PLANNING

388-829C-410 What must a companion home provider do in an emergency?

EVALUATION OF COMPANION HOMES

388-829C-449 When must DDA immediately decertify a companion home provider?
388-829C-450 What if the companion home provider fails to comply with this chapter or the companion home contract?

TERMINATION AND DENIAL OF A COMPANION HOME CONTRACT

388-829C-460 When must DDA deny payment and terminate a companion home provider's contract?
388-829C-480 What if the companion home provider is no longer willing or able to provide services to a client?

APPEAL RIGHTS

388-829C-490 What are a client's administrative hearing rights?
388-829C-492 What if the companion home provider disagrees with a certification evaluation or certification decision?
388-829C-494 What if the companion home provider disagrees with a certification action or the outcome of an informal dispute resolution?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-829C-005 What is the purpose of this chapter? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-005, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

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

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

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

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

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

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

388-829C-220 What is an individual support plan (ISP)? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-220, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

388-829C-240 Where may respite care be provided? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-240, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

388-829C-260 What requirements must be met before a companion home provider transports a client? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-260, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

388-829C-300 What documents must companion home providers keep to protect a client's financial interests? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-300, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

388-829C-420 How must DDD monitor and provide oversight for companion home services? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-420, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

- 388-829C-430 How often must the companion home be evaluated? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-430, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-440 How must the companion home provider participate in the evaluation process? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-440, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-445 What occurs during the review and evaluation process? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-445, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-470 When may DDA deny the client's choice of a companion home provider? [Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-829C-470, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-470, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.
- 388-829C-500 Does the provider of companion home services have a right to an administrative hearing? [Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-500, filed 7/31/07, effective 9/1/07.] Repealed by WSR 18-22-106, filed 11/6/18, effective 12/7/18. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040.

DEFINITIONS

WAC 388-829C-010 What definitions apply to this chapter? The following definitions apply to this chapter:

"Case manager" means the DDA case manager or DDA social worker assigned to a client.

"Certification" means a process used by DDA to determine if an applicant or service provider complies with the requirements of this chapter and the companion home contract.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(5) and who has been determined eligible to receive services by DDA under chapter 388-823 WAC.

"Companion home provider" means a provider of certified community residential support services under RCW 71A.10.020(2) who is contracted with DDA to deliver residential habilitation services. A companion home provider does not have an individual provider contract.

"Consent" means express written consent granted by the client, or the client's legal representative if the client has one, after the client or the client's legal representative has been informed of the nature of a service being offered.

"DDA" means the developmental disabilities administration.

"DSHS" or "the department" means the state of Washington department of social and health services and its employees and authorized agents.

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"Instruction techniques" means step-by-step instruction, mentoring, role modeling, and developing visual cues.

"Integrated setting" means typical community settings not designed specifically for people with disabilities in which the majority of people employed and participating are people without disabilities.

"Legal representative" means a parent of a client if the client is under age eighteen, a court-appointed guardian if a decision is within the scope of the guardianship order, or any other person authorized by law to act for the client.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, ap-

plication, or other means, to a client by a person legally authorized to do so under chapter 246-840 WAC.

"Medication assistance" means assistance with self-administration of medication under chapters 69.41 RCW and 246-888 WAC, rendered by a nonpractitioner to a person receiving certified community residential support services.

"Nurse delegation" means the process by which a registered nurse transfers the performance of select nursing tasks to a registered or certified nursing assistant under chapter 18.79 RCW and WAC 246-840-910 through 246-840-970.

"Person-centered service plan" means a document that identifies a client's goals and assessed health and welfare needs. The person-centered service plan also indicates the paid services and natural supports that will assist the client to achieve their goals and address their assessed needs.

"Plan of correction" means a signed plan developed by the companion home provider and DDA resource manager.

"Representative payee" means a person or an organization appointed by the Social Security Administration to receive Social Security or SSI benefits for anyone who cannot manage or direct the management of their benefits.

"Residential habilitation services" has the same meaning as is under WAC 388-845-1500.

"Resource manager" means the DDA employee who establishes rates, monitors contract compliance, and acts as DDA's liaison with the service provider.

"Service provider" means a person or entity contracted by DSHS and authorized to deliver services and supports to meet a client's assessed needs.

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

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

COMPANION HOME SERVICES

WAC 388-829C-020 How does a companion home provider provide residential habilitation services? (1) A companion home provider provides residential habilitation services:

- (a) To no more than one client;
- (b) In a home the companion home provider owns or leases;
- (c) In an integrated setting; and
- (d) Based on the client's person-centered service plan.

(2) The companion home provider must be available to the client twenty-four hours a day to provide supervision and support.

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

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

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

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

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

- (1) Be twenty-one or older;
- (2) Have a high school diploma or general equivalency diploma (GED);
- (3) Have a nondisqualifying background check result under chapter 388-825 WAC;
- (4) Have a Washington state business license as an independent contractor;
- (5) Meet the companion home provider qualifications and requirements under WAC 388-829C-080; and
- (6) Be selected by the client or the client's legal representative if the client has one.

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

WAC 388-829C-042 What are the qualifications for a person to provide residential habilitation services in a companion home? To provide residential habilitation services in a companion home a person must:

- (1) Complete training required under chapter 388-829 WAC;
- (2) Be certified by DDA as a companion home provider; and
- (3) Be contracted with DDA as a companion home provider.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-042, filed 11/6/18, effective 12/7/18.]

WAC 388-829C-044 What is the application process for a potential companion home provider? When a client identifies a person they want as their companion home provider, the prospective provider must:

- (1) Submit to DDA:
 - (a) A resume;
 - (b) A letter of interest;
 - (c) A signed application form;

- (d) All attachments required by the application;
 - (e) Contact information for three references unrelated to the provider;
 - (f) A signed outside employment disclosure and review form; and
 - (g) A copy of a current business license.
- (2) Allow DDA staff to review the home for physical, safety, and accessibility requirements; and
 - (3) Participate in a DDA panel interview.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-044, filed 11/6/18, effective 12/7/18.]

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

- (a) The provider is unable to appropriately meet the client's needs;
 - (b) The provider's home does not meet the client's needs; or
 - (c) The provider's other obligations prevent the provider from being available to the client twenty-four hours a day.
- (2) DDA must deny a client's choice of companion home provider if the provider is the client's:
 - (a) Spouse;
 - (b) Natural, step, or adoptive parent; or
 - (c) Legal representative, unless the person has been the client's legal representative and companion home provider since on or before January 31, 2005.
 - (3) DDA must deny a client's choice of companion home provider if the provider:
 - (a) Provides paid services to another DSHS client or a client of the department of children, youth, and families; or
 - (b) Fails to maintain certification as a companion home provider.

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

PROVIDER CERTIFICATION

WAC 388-829C-061 What is initial certification? (1) Initial certification is a document issued by DDA that indicates a provider meets the requirements under this chapter to deliver residential habilitation services in a companion home.

- (2) To obtain initial certification, the companion home provider must:
 - (a) Meet requirements under WAC 388-829C-040;
 - (b) Complete the application process under WAC 388-829C-044;
 - (c) Meet training requirements under WAC 388-829C-110; and
 - (d) Comply with the physical and safety requirements under WAC 388-829C-320.
- (3) An initial certification is valid for no more than one hundred and twenty days.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-061, filed 11/6/18, effective 12/7/18.]

WAC 388-829C-062 What is standard certification? (1) Standard certification is a document issued by DDA that:

- (a) Allows a provider to deliver residential habilitation services in a companion home; and
 - (b) Verifies the provider is qualified.
- (2) During the initial certification period, a DDA-contracted evaluator conducts an on-site evaluation of the home.
- (3) Based on the findings of the evaluation, DDA may:
- (a) Issue standard certification;
 - (b) Issue provisional certification; or
 - (c) Decertify the provider.
- (4) A standard certification is valid for no more than twelve months.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-062, filed 11/6/18, effective 12/7/18.]

WAC 388-829C-063 What is provisional certification? (1) If a companion home provider is not in compliance with this chapter or the companion home contract, DDA may impose a provisional certification for a maximum of ninety days.

- (2) DDA may impose a provisional certification if the provider:
- (a) Fails to comply with this chapter or the companion home contract;
 - (b) Fails or refuses to cooperate with the evaluation and certification process;
 - (c) Prevents or interferes with a certification or monitoring visit, or complaint investigation by DSHS;
 - (d) Fails to comply with chapter 74.34 RCW;
 - (e) Knowingly makes a false statement of material fact to DSHS;
 - (f) Fails to implement a plan of correction; or
 - (g) Fails to cooperate during monitoring activities.
- (3) At the end of the provisional certification, if the provider has complied with certification requirements, DDA may approve the provider for standard certification.
- (4) At the end of the provisional certification, if the provider has not complied with certification requirements, DDA must decertify the companion home provider, unless DDA extends the provisional certification to develop or implement a transition plan for the client.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-063, filed 11/6/18, effective 12/7/18.]

WAC 388-829C-064 What must a companion home provider comply with to maintain certification? (1) To maintain certification a companion home provider must comply with:

- (a) Requirements under this chapter;
- (b) Laws governing this chapter, including chapter 71A.12 RCW;
- (c) Requirements under chapter 74.34 RCW;
- (d) The companion home contract; and

(e) Other relevant federal, state and local laws, requirements, and ordinances.

(2) If a requirement in the companion home contract conflicts with any requirement under this chapter, the requirement in this chapter prevails.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-064, filed 11/6/18, effective 12/7/18.]

WAC 388-829C-065 How does DDA monitor companion homes? (1) To ensure a client's needs are being met, a client's DDA case manager must:

(a) Review all written reports from the provider for compliance with the instruction and support goals specified in the client's person-centered service plan; and

(b) Conduct an in-home visit at least every twelve months.

(2) DDA monitors a companion home provider through certification evaluation to ensure that the client's needs are being met and the provider is in compliance with this chapter and the companion home contract. The DDA-contracted evaluator conducts the evaluation in the companion home.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-065, filed 11/6/18, effective 12/7/18.]

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

(1) Allowing scheduled and unscheduled home visits;

(2) Providing information and documentation as requested;

(3) Cooperating in setting up appointments;

(4) Responding to questions or issues identified; and

(5) Participating in an exit conference.

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

PROVIDER QUALIFICATIONS AND RESPONSIBILITIES

WAC 388-829C-070 Who must have a background check? (1) All people, except the client, must have a background check if they are sixteen or older and:

(a) Live in or routinely stay overnight in the companion home; or

(b) May have unsupervised access to the client in the companion home.

(2) Any person required to have a background check under this section must have a nondisqualifying background check result every two years, or more frequently if requested by DSHS.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-070, filed 11/6/18, effective 12/7/18. Statutory

Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. WSR 07-16-102, § 388-829C-070, filed 7/31/07, effective 9/1/07.]

WAC 388-829C-080 What minimum skills and abilities must companion home providers demonstrate? A companion home provider must:

- (1) Be able to read, understand, and provide the services outlined in the client's person-centered service plan;
- (2) Participate in the development of the person-centered service plan;
- (3) Communicate with the client in the client's preferred language;
- (4) Accommodate the client's preferences;
- (5) Know the community resources, such as medical facilities, emergency resources, and recreational opportunities;
- (6) Enable the client to keep in touch with family and friends in a way preferred by the client;
- (7) Use instruction techniques appropriate for the client's learning style;
- (8) Protect the client's financial interests;
- (9) Follow mandatory reporting requirements under chapter 74.34 RCW;
- (10) Know how and when to contact the client's legal representative;
- (11) Know how and when to contact the client's case manager;
- (12) Meet training requirements under chapter 388-829 WAC;
- (13) Maintain all necessary license and certification requirements under this chapter; and
- (14) Comply with all applicable laws, regulations, and contract requirements; and
- (15) Complete nurse delegation training if the client needs medication administration or delegated nursing tasks.

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

CLIENT RIGHTS

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

- (1) The same legal rights and responsibilities guaranteed to all other individuals by the United States Constitution and federal and state law;
- (2) The right to be free from discrimination because of race, color, national origin, gender, age, religion, creed, marital status, disabled or veteran status, use of a trained service animal or the presence of any physical, mental or sensory handicap;
- (3) The right to treatment and habilitation services to foster developmental potential and protect personal liberty in the least restrictive environment;
- (4) The right to dignity, privacy, and humane care;
- (5) The right to participate in an appropriate program of publicly supported education;

- (6) The right to prompt medical care and treatment;
- (7) The right to social interaction and participation in community activities;
- (8) The right to physical exercise and recreational opportunities;
- (9) The right to work and be paid for the work one does;
- (10) The right to be free from harm, including unnecessary physical restraint, isolation, excessive medication, abuse, neglect, or financial exploitation;
- (11) The right to be free from hazardous or experimental procedures;
- (12) The right to freedom of expression and to make decisions about one's life;
- (13) The right to complain, disagree with, and appeal decisions made by the provider or DDD; and
- (14) The right to be informed of these rights in a language that he or she understands.

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

PROVIDER TRAINING

WAC 388-829C-110 When must a companion home provider complete their training requirements? (1) Before a companion home provider may deliver services to a client, the provider must complete:

- (a) Five hours of safety and orientation training;
- (b) Forty hours of DDA-developed residential services curriculum;
- (c) Six hours of first aid certification and CPR training; and
- (d) Six hours of DDA companion home orientation.

(2) No more than one hundred twenty days after the effective date of the companion home provider's contract, the provider must complete eighteen hours of population-specific or client-specific training under chapter 388-829 WAC.

(3) A companion home provider must complete twelve continuing education credits annually.

(4) If the client needs medication administration or delegated nursing tasks, the companion home provider must complete nurse delegation training before they deliver services to the client.

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

COMPANION HOME PROVIDER RATE

WAC 388-829C-131 How does DDA determine the daily rate? (1) A companion home daily rate equals the sum of the client's support assessment scale scores multiplied by 14.2.

(2) The residential algorithm under chapter 388-828 WAC determines the level of services and supports a companion home client may receive.

(3) The CARE assessment assigns support levels of "none," "low," "medium," or "high" to each support assessment scale that correspond to the values below:

Category	None	Low	Medium	High
Activities of daily living	0	1	2	3
Behavior	0	1	2	3
Interpersonal support	0	1	2	3
Medical	0	1	2	3
Mobility	0	1	2	3
Protective supervision	0	1	2	3

- (4) DDA assigns a behavior score of four if the client has a:
- (a) Behavior score of three on the support assessment scale;
 - (b) Challenging behavior documented on form DSHS 10-234; and
 - (c) Current positive behavior support plan.

(5) DDA reviews a companion home daily rate annually and if a significant change assessment occurs during the plan year.

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

- (a) Any of the client's support assessment scale levels change;
- (b) The multiplier changes due to a vendor rate change; or
- (c) The annual cost of respite services increased because DDA approved additional respite hours under WAC 388-829C-234(3) and the client's assessed support needs remain unchanged since the most recent CARE assessment.

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

ABUSE AND NEGLECT REPORTING

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

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

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

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

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

(1) As required under chapter 74.34 RCW; and

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

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

HEALTH CARE AND MEDICATIONS

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

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

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

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

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

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

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

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

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

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

(10) Provide a balanced and nutritious diet; and

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

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

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

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

(2) Is aware that they are taking medication.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESPIRE

WAC 388-829C-230 What is respite? (1) Respite is short-term, intermittent care to provide relief for the companion home provider.

(2) The DDA assessment determines a client's annual allocation of respite hours.

(3) Respite may be provided in:

(a) The companion home where the client lives;

(b) A community setting available to an adult, such as a camp, senior center, or adult day care center;

(c) An adult family home;

(d) An assisted living facility;

(e) A group home; or

(f) A group training home.

(4) To be a qualified respite provider, a person or agency must be contracted with DDA to provide respite services.

(5) A companion home client must not receive overnight planned respite services under chapter 388-829R WAC.

(6) A companion home client must not receive respite at a residential habilitation center.

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

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

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

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

(c) Record keeping requirements.

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

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

WAC 388-829C-232 How does DDA determine a companion home client's annual respite allocation? DDA determines a companion home client's annual respite allocation by adding the client's companion home services support score under WAC 388-828-6010 to their adjusted companion home services support score under WAC 388-828-6011.

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

WAC 388-829C-233 May the client or companion home provider request additional respite hours? (1) A client may request respite hours in addition to their annual respite allocation, or the companion home provider may request additional respite on behalf of the client in consultation with the client's legal representative if the client has one.

(2) DDA may approve additional respite hours if a temporary and unexpected event occurs in the client or the companion home provider's life, such as an illness or injury.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-233, filed 11/6/18, effective 12/7/18.]

WAC 388-829C-234 Will DDA reduce the companion home daily rate if additional respite hours are approved? (1) If DDA approves additional respite hours under WAC 388-829C-233(2), the daily rate remains unchanged.

(2) If DDA approves additional respite hours for any reason not under WAC 388-829C-233(2), DDA may reduce the companion home daily rate.

(3) If DDA approves additional respite hours under subsection (2) of this section, DDA:

(a) Divides the cost of the additional respite hours by the number of days remaining in the client's plan year; and

(b) Subtracts that amount from the companion home daily rate for the remaining number of days in the plan year.

(4) The cost of the additional respite hours is based on the identified respite provider's hourly rate.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-234, filed 11/6/18, effective 12/7/18.]

TRANSPORTATION

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

(a) A valid driver's license under chapter 46.20 RCW; and

(b) Automobile insurance under chapters 46.29 and 46.30 RCW.

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

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

MANAGEMENT OF CLIENT FUNDS

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

(1) Has written consent from the client, or the client's legal representative if the client has one; or

(2) Is the client's representative payee.

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

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

- (a) The client's person-centered service plan identifies that the client needs support to manage their funds; and
- (b) The companion home provider manages any portion of the client's funds.
- (2) The client's individual financial plan must be accurate and current, and:
 - (a) List all of the client's income sources, such as wages, Social Security benefits, supplemental security disability income, retirement income, and the projected monthly amount of the income;
 - (b) Identify all known client accounts and who manages each account, such as a checking account, savings account, and cash account;
 - (c) Include a budget and describe how the client's funds will be spent during a typical month;
 - (d) Identify all known client assets and who manages each asset, such as a burial plan, retirement funds, stocks, trusts, and vehicles; and
 - (e) Include a plan for maintaining resources under WAC 182-513-1350.
- (3) The companion home provider must review the individual financial plan with the client and the client's legal representative if the client has one:
 - (a) At least every twelve months; and
 - (b) If the client's income, expenses, or assets change, or if there is a change in who manages an asset.
- (4) The provider, the client, and the client's legal representative if the client has one, must sign the individual financial plan when it is developed and each time it is revised.
- (5) Every twelve months, or more often if the plan has been revised, the companion home provider must provide a copy of the individual financial plan to the:
 - (a) Client;
 - (b) Client's legal representative if the client has one; and
 - (c) Client's case manager.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-275, filed 11/6/18, effective 12/7/18.]

- WAC 388-829C-280 What are the companion home provider's responsibilities when managing client funds?** (1) When managing a client's funds, the companion home provider must:
- (a) Protect the client's financial interests;
 - (b) Include the client to the highest degree possible in decision making about how their funds are spent;
 - (c) Maintain a detailed ledger with a running balance for each account managed by the provider, including:
 - (i) Cash received from writing checks over the purchase amount; and
 - (ii) A list of where the money was spent or gift card funds were used;
 - (d) Deposit any client funds into the client's bank account within one week of receiving the funds;
 - (e) Reconcile the client's accounts, including cash and gift card accounts, on a monthly basis;
 - (f) Retain receipts, bills, and invoices for purchases over twenty-five dollars;

- (g) Notify DDA if the client's resources reach one thousand seven hundred dollars; and
- (h) Assist the client with writing checks, if needed.
- (2) When managing a client's funds, the companion home provider must not:
 - (a) Commingle the client's funds with the provider's funds;
 - (b) Ask the client to sign a blank check unless stated otherwise in the client's individual financial plan;
 - (c) Let the client's bank account be overdrawn; or
 - (d) Let the client's cash funds exceed seventy-five dollars, unless stated otherwise in the client's individual financial plan.
- (3) If the client manages their own funds and requests that the companion home provider hold their checkbook, debit card, or credit card:
 - (a) The provider is not considered to be managing the client's funds;
 - (b) The client must continue to have access to their funds; and
 - (c) The provider must document the request in the client's individual financial plan.
- (4) Social Security Administration requirements for managing the client's Social Security benefits take precedence over these rules if:
 - (a) The service provider is the client's representative payee; and
 - (b) The Social Security Administration requirement conflicts with these rules.

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

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

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

- (a) Interest charges;
- (b) Late payment fees;
- (c) Overdraft and nonsufficient funds fees;
- (d) A violation of the room and board agreement;
- (e) Any stolen, missing, or misplaced funds;
- (f) Expenditures over twenty-five dollars without documentation;

or

- (g) Past-due financial obligations.

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

- (a) Reimburse the client for any mismanagement, including punitive charges, under subsection (1)(a) through (f) of this section;
- (b) Pay for past-due financial obligations under subsection (1)(g) of this section; and
- (c) Submit proof of the transaction to the client's case manager.

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

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

(1) If a client chooses a new service provider and the current provider manages the client's funds, the current provider must:

(a) Establish a written agreement with the client, before the client moves, that states the amount of money the provider may withhold to cover any unpaid bills and room and board;

(b) Provide to the client's case manager a copy of any agreement under subsection (1)(a) of this section;

(c) Give the client, and the client's legal representative if the client has one, a ledger of all known client funds;

(d) Transfer the funds to the client or the client's designee as soon as possible, but no more than thirty days after the client leaves the companion home;

(e) Give the new provider a ledger of all transferred client funds if the new provider manages the client's funds; and

(f) Obtain a written receipt for all transferred funds.

(2) If the companion home provider manages a client's funds and the client's whereabouts are unknown, the provider must transfer the client's funds no more than ninety days after notifying DDA the client's whereabouts are unknown to:

(a) The client's legal representative, if the client has one; or

(b) The department of revenue, unclaimed property.

(3) If the companion home provider manages the client's funds and the client dies, the provider must transfer the client's funds within ninety days to:

(a) The client's legal representative;

(b) The requesting governmental entity; or

(c) The DSHS office of financial recovery if the client does not have a legal heir.

(4) The Social Security Administration's requirements for managing the client's Social Security benefits take precedence over these rules for transferring client funds if:

(a) The service provider is the client's representative payee; and

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

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-305, filed 11/6/18, effective 12/7/18.]

WAC 388-829C-310 Must a client pay for room and board in the companion home?

(1) A client who receives residential habilitation services in a companion home must pay monthly room and board to the companion home provider.

(2) The monthly room and board the client pays to the provider must be specified in a room and board agreement that includes:

(a) Rent;

(b) Utilities;

(c) Food costs; and

(d) The date the provider collects the room and board payment each month.

(3) The room and board agreement must be:

(a) Developed by the provider, the client, or the client's legal representative if the client has one;

(b) Developed before the client moves into the companion home;

- (c) Signed by the client or the client's legal representative if the client has one;
 - (d) Signed by the provider; and
 - (e) Submitted to DDA for review.
- (4) Before implementing any changes to the room and board agreement, the companion home provider must submit the proposed agreement to DDA for review.

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

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

- (a) Requests the client's room and board payment earlier than the due date established in the room and board agreement; or
 - (b) Requests a payment other than the amount established in the room and board agreement.
- (2) If the provider violates the room and board agreement, the provider must reimburse the client under WAC 388-829C-290.

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

SAFETY

WAC 388-829C-320 What are the physical and safety requirements for companion homes? (1) A companion home must:

- (a) Be accessible to the client;
 - (b) Provide the client direct, unrestricted access to all common areas;
 - (c) Have adequate space for mobility aids, such as a wheelchair, walker, or lifting device;
 - (d) Have unblocked exits;
 - (e) Be maintained in a safe and healthy manner;
 - (f) Safely store flammable and combustible materials;
 - (g) Have a working smoke detector, located close to the client's bedroom, that meets the client's specialized needs, including any vision or hearing loss;
 - (h) Have a five-pound 2A:10B-C fire extinguisher;
 - (i) Have a first-aid kit;
 - (j) Provide the client access to a telephone;
 - (k) Provide the client access to a working flashlight or alternative light source;
 - (l) Display emergency contact information in a manner accessible to the client;
 - (m) Display an evacuation plan, which must be practiced monthly with the client; and
 - (n) Have a railing for any patio, deck, porch, or balcony that is more than twelve inches off the ground.
- (2) The companion home client must have a private bedroom with:

(a) A door that locks from the inside, unless the client's person-centered service plan indicates that it is unsafe for the client to have a locking door; and

(b) An exit that does not rely solely on a window, ladder, folding stairs, or trap door.

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

WAC 388-829C-325 How must a companion home provider protect a client from risks associated with bodies of water? (1) Any body of water at the companion home over twenty-four inches deep must be enclosed by a fence at least forty-eight inches high.

(2) Any door or gate that directly leads to the body of water must have an audible alarm.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-325, filed 11/6/18, effective 12/7/18.]

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

(1) Maintain the water temperature in the home no higher than 120 degrees Fahrenheit;

(2) Check the water temperature when the client moves into the home and monthly thereafter; and

(3) Document compliance with this requirement under WAC 388-829C-345.

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

PROVIDER RECORDS

WAC 388-829C-340 What client records must the companion home provider maintain? A companion home provider must maintain all of the following client records:

(1) The client's name, address, and Social Security number.

(2) The name, address, and telephone number of the client's legal representative, if the client has one, and any of the client's relatives that the client chooses to include:

(3) Appropriate documents establishing the legal representative's legal authority to act on behalf of the client, if applicable.

(4) Signed authorization for release of information forms.

(5) Health care information, including:

(a) The name, address, and telephone number of the client's health care providers;

(b) Instructions from the client's health care providers;

(c) The client's health care appointment dates;

- (d) The client's known major health events;
- (e) The client's medication, health, and surgery records;
- (f) Written documentation that instructions from the client's health care providers have been followed;
- (g) A copy of the client's medical insurance card; and
- (h) Refusals to participate in services under WAC 388-829C-370.
- (6) If the client receives nurse delegation services, nurse delegation records including:
 - (a) A signed consent for nurse delegation;
 - (b) Written instructions from the delegating nurse for performing each delegated nursing task; and
 - (c) A log of each delegated nursing task performed in the last six months.
- (7) Current service and support plans, including the client's:
 - (a) Person-centered service plan;
 - (b) Individual education plan, if the client is in school;
 - (c) Individual employment plan, if the client has one;
 - (d) Positive behavior support plan, if the client has one; and
 - (e) Cross-systems crisis plan, if the client has one.
- (8) Financial information, including:
 - (a) The client's individual financial plan under WAC 388-829C-270;
 - (b) Documentation of any money management and instruction provided to the client;
 - (c) The client's property records under WAC 388-829C-380;
 - (d) The client's burial plan, if the client has one; and
 - (e) The client's will, if the client has one.

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

WAC 388-829C-345 What records must the companion home provider maintain? The companion home provider must maintain:

- (1) Client records under WAC 388-829C-340;
- (2) Water temperature monitoring records under WAC 388-829C-330;
- (3) Provider training records under WAC 388-829C-110;
- (4) An evacuation plan and practice records under WAC 388-829C-320;
- (5) An emergency response plan under WAC 388-829C-410;
- (6) Quarterly reports under WAC 388-829C-350;
- (7) A signed copy of form DSHS 10-403;
- (8) Nurse delegation records under WAC 388-829C-340;
- (9) The room and board agreement under WAC 388-829C-310; and
- (10) Financial records under WAC 388-829C-270 through 388-829C-280, if the provider is managing any portion of the client's funds.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-345, filed 11/6/18, effective 12/7/18.]

WAC 388-829C-350 What quarterly reports must the companion home provider submit to DDA? (1) The companion home provider must submit a

quarterly report to DDA that describes the instruction and support activities performed as identified in the person-centered service plan.

(2) The quarterly report must:

(a) Be submitted every three months and upon DDA's request;

(b) Include a list of community and other activities the client has participated in;

(c) List health care appointments that have occurred during the quarter;

(d) Document the client's progress toward each goal identified in the client's person-centered service plan;

(e) Document the client's progress toward their habilitation goal; and

(f) Document the review of any client refusal under WAC 388-829C-370.

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

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

(1) The companion home provider must ensure all record entries are:

(a) Made at the time of or immediately following the event;

(b) Made electronically or written legibly in ink;

(c) Signed and dated by the person making the entry;

(d) Stored securely; and

(e) Kept confidential.

(2) To correct an error in a record entry, the provider must strike through the error in a way that the underlying text remains legible.

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

WAC 388-829C-370 When must a companion home provider document a client's refusal to participate in services?

(1) The companion home provider must document a client's refusal to participate in:

(a) Monthly evacuation drills under WAC 388-829C-320; and

(b) Health care support under WAC 388-829C-160.

(2) If a client refuses a service, the companion home provider must document:

(a) Events related to the client's refusal to participate in the service;

(b) That the client was informed of the benefits of the service and the possible risks of refusal;

(c) The service provider's efforts to provide or acquire the service for the client; and

(d) Any health or safety risks posed by the refusal.

(3) The companion home provider must give written notice to the client's case manager and legal representative, if the client has one, if the client's health and safety is adversely affected by their refusal to participate in a service.

(4) The companion home provider must:

(a) Review the refusal of service document with the client, or the client's legal representative if the client has one, at least every six months;

(b) Request that the client, or the client's legal representative if the client has one, sign and date the document after reviewing it; and

(c) Document the review in the quarterly report under WAC 388-829C-350.

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

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

(2) The property record must include:

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

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

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

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

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

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

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

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

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

EMERGENCY PLANNING

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

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

(a) Immediately call 911 in a life threatening emergency;

(b) Provide first aid or CPR if necessary, unless limited by physician orders for life-sustaining treatment (POLST) or an advance directive;

(c) Follow the emergency response plan then notify:

(i) The client's legal representative if the client has one; and

(ii) The client's case manager.

(3) Following an emergency, the companion home provider must submit a written incident report to the client's case manager.

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

EVALUATION OF COMPANION HOMES

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

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

(2) Has a negative action under WAC 388-825-640.

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

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

(2) The plan of correction must:

(a) Outline methods for the provider to complete corrective actions; and

(b) Provide a time frame for the provider to complete the corrective actions.

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

TERMINATION AND DENIAL OF A COMPANION HOME CONTRACT

WAC 388-829C-460 When must DDA deny payment and terminate a companion home provider's contract? DDA must deny payment and terminate a companion home provider's contract if the provider:

- (1) Is no longer providing paid services to the client; or
- (2) Fails to maintain certification as a companion home provider.

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

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

- (a) The client;
- (b) The client's legal representative if the client has one; and
- (c) DDA.

(2) If a companion home provider must terminate services immediately due to unforeseen circumstances, the provider must give a three business days' written notice to:

- (a) The client;
- (b) The client's legal representative if the client has one; and
- (c) DDA.

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

APPEAL RIGHTS

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

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

WAC 388-829C-492 What if the companion home provider disagrees with a certification evaluation or certification decision? If a companion home provider disagrees with a certification evaluation or certification decision under this chapter, the companion home provider may request an informal dispute resolution meeting with DDA by:

- (1) Submitting a written request to DDA no more than ten days after receiving the final certification letter and report; and
- (2) Including a written statement that identifies the challenged action, describes the provider's concerns, and lists regulations and contract standards cited.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-492, filed 11/6/18, effective 12/7/18.]

WAC 388-829C-494 What if the companion home provider disagrees with a certification action or the outcome of an informal dispute resolution? (1) If a companion home provider disagrees with a certification action or the outcome of an informal dispute resolution, the companion home provider may request an administrative hearing under chapter 388-02 WAC.

(2) To request an administrative hearing the companion home provider must submit a written request to the office of administrative hearings no more than twenty-eight days after receiving the written notice of the outcome of the informal dispute resolution.

(3) The administrative hearing request must include:

- (a) A copy of the contested certification action; and
- (b) The reason the provider is contesting the certification action.

[Statutory Authority: RCW 71A.12.030, 71A.10.020 and 71A.12.040. WSR 18-22-106, § 388-829C-494, filed 11/6/18, effective 12/7/18.]