

WSR 11-02-041

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Administration)

[Filed December 30, 2010, 10:22 a.m. , effective January 1, 2011]

Effective Date of Rule: January 1, 2011.

Purpose: Amending [WAC 388-106-0125](#) to reduce personal care hours in order to implement Governor's Executive Order 10-04 to reduce current year spending by 6.287%. In addition, the governor's proposed 2011 supplemental budget proposes an average ten percent acuity-based reduction in personal care hours. The actual reduction will range between six percent and eighteen percent per client depending on acuity.

Citation of Existing Rules Affected by this Order: Amending [WAC 388-106-0125](#).

Statutory Authority for Adoption: [RCW 74.08.090](#), 74.09.520.

Other Authority: Governor's Executive Order 10-04.

Under [RCW 34.05.350](#) the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: State law authorizes and directs the governor to implement across-the-board reductions of allotments of appropriations to avoid a projected cash deficit. Governor's Executive Order 10-04 reduces current year spending by 6.287%, and the department is proposing these amendments to stay within the reduced appropriation. In addition, the governor's proposed 2011 supplemental budget proposes an average ten percent acuity-based reduction in personal care hours.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 30, 2010.

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Rules Coordinator

4262.2

AMENDATORY SECTION(Amending WSR 10-11-050, filed 5/12/10, effective 6/12/10)

WAC 388-106-0125 If I am age twenty-one or older, how does CARE use criteria to place me in a classification group for in-home care? CARE uses the criteria of cognitive performance score as determined under [WAC 388-106-0090](#), clinical complexity as determined under [WAC 388-106-0095](#), mood/behavior and behavior point score as determined under [WAC 388-106-0100](#), ADLS as determined under [WAC 388-106-0105](#), and exceptional care as determined under [WAC 388-106-0110](#) to place you into one of the following seventeen in-home groups. CARE classification is determined first by meeting criteria to be placed into a group, then you are further classified based on ADL score or behavior point score into a classification sub-group following a classification path of highest possible base hours to lowest qualifying base hours.

(1) If you meet the criteria for exceptional care, then CARE will place you in **Group E**. CARE then further classifies you into:

(a) **Group E High** with ~~((446))~~ 393 base hours if you have an ADL score of 26-28; or

(b) **Group E Medium** with ~~((346))~~ 327 base hours if you have an ADL score of 22-25.

(2) If you meet the criteria for clinical complexity and have cognitive performance score of 4-6 or you have cognitive performance score of 5-6, then you are classified in **Group D** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

- (a) **Group D High** with ~~((277))~~ 260 base hours if you have an ADL score of 25-28; or
- (b) **Group D Medium-High** with ~~((234))~~ 215 base hours if you have an ADL score of 18-24; or
- (c) **Group D Medium** with ~~((485))~~ 168 base hours if you have an ADL score of 13-17; or
- (d) **Group D Low** with ~~((438))~~ 120 base hours if you have an ADL score of 2-12.

(3) If you meet the criteria for clinical complexity and have a CPS score of less than 4, then you are classified in **Group C** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

- (a) **Group C High** with ~~((494))~~ 176 base hours if you have an ADL score of 25-28; or
- (b) **Group C Medium-High** with ~~((474))~~ 158 base hours if you have an ADL score of 18-24; or
- (c) **Group C Medium** with ~~((432))~~ 115 base hours if you have an ADL score of 9-17; or
- (d) **Group C Low** with ~~((87))~~ 73 base hours if you have an ADL score of 2-8.

(4) If you meet the criteria for mood and behavior qualification and do not meet the classification for C, D, or E groups, then you are classified into **Group B**. CARE further classifies you into:

- (a) **Group B High** with ~~((447))~~ 129 base hours if you have an ADL score of 15-28; or
- (b) **Group B Medium** with ~~((82))~~ 69 base hours if you have an ADL score of 5-14; or
- (c) **Group B Low** with ~~((47))~~ 39 base hours if you have an ADL score of 0-4; or

(5) If you meet the criteria for behavior points and have a CPS score of greater than 2 and your ADL score is greater than 1, and do not meet the classification for C, D, or E groups, then you are classified in **Group B**. CARE further classifies you into:

- (a) **Group B High** with ~~((447))~~ 129 base hours if you have a behavior point score 12 or greater; or
- (b) **Group B Medium-High** with ~~((404))~~ 84 base hours if you have a behavior point score greater than 6; or
- (c) **Group B Medium** with ~~((82))~~ 69 base hours if you have a behavior point score greater than 4; or
- (d) **Group B Low** with ~~((47))~~ 39 base hours if you have a behavior point score greater than 1.

(6) If you are not clinically complex and your CPS score is less than 5 and you do not qualify under either mood and behavior criteria, then you are classified in **Group A**. CARE further classifies you into:

- (a) **Group A High** with ~~((74))~~ 59 base hours if you have an ADL score of 10-28; or
- (b) **Group A Medium** with ~~((56))~~ 47 base hours if you have an ADL score of 5-9; or
- (c) **Group A Low** with ~~((26))~~ 22 base hours if you have an ADL score of 0-4.

[Statutory Authority: [RCW 74.08.090](#), [74.09.520](#), 2009 c 564 § 206(5), 10-11-050, § 388-106-0125, filed 5/12/10, effective 6/12/10. Statutory Authority: [RCW 74.08.090](#), [74.09.520](#), and 2007 c 522, 08-10-022, § 388-106-0125, filed 4/25/08, effective 5/26/08. Statutory Authority: [RCW 74.08.090](#), [74.09.520](#), 05-11-082, § 388-106-0125, filed 5/17/05, effective 6/17/05.]