AMENDATORY SECTION (Amending WSR 26-14-005, filed 6/17/26, effective 7/18/26)

WAC 388-116-3020 Minimum qualifications. A person or entity seeking to provide long-term services and supports under this chapter must meet the following minimum qualifications:

(1) Comply with chapter 50B.04 RCW, this chapter, and other applicable federal, state, and local laws and regulations, including, but not limited to, chapters 49.60, 70.129, and 74.34 RCW;

(2) Comply with background check requirements under WAC 388-116-3030; and

(3) Hold all current licenses, certifications, credentials, trainings, and authorizations identified for the type of approved service they are seeking to provide or are registered to provide, which are not suspended or revoked. Providers seeking to deliver multiple types of approved services must meet the requirements applicable to each approved service, as follows:

(a) Adaptive equipment and technology:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Furnish, sell, or provide equipment or technology meeting the definition of adaptive equipment and technology equipment in WAC 388-116-1010.

(b) Adult day services:

(i) Adult day care providers: Requirements applicable to private pay providers as described under WAC 388-71-0702. The requirements include:

(A) WAC 388-71-0704, but the services do not need to meet the level of care needed by the client as assessed by the department case manager;

(B) WAC 388-71-0723;

(C) WACs 388-71-0736 through 388-71-0740;

(D) WAC 388-71-0744, but the individual client file does not need to include the department-authorized service plan and service authorization;

(E) WAC 388-71-0746, but the provider does not need to comply with documentation requirements under WAC 182-502-0020;

(F) WAC 388-71-0748 through 388-71-0752;

(G) WAC 388-71-0754, except subsections (6) and (7) of that section; and

(H) WACs 388-71-0760 through 388-71-0774.

(ii) Adult day health providers: Requirements applicable to private pay providers as described under WAC 388-71-0702. The requirements include:

(A) WAC 388-71-0704, but the services do not need to meet the level of care needed by the client as assessed by the department case manager;

(B) WAC 388-71-0706;

(C) WAC 388-71-0714;

(D) WAC 388-71-0723;

(E) WACs 388-71-0736 through 388-71-0740;

(F) WAC 388-71-0744, but the individual client file does not need to include the department-authorized service plan and service authorization;

(G) WAC 388-71-0746, but the provider does not need to comply with documentation requirements under WAC 182-502-0020;

(H) WAC 388-71-0748 through 388-71-0752;

(I) WAC 388-71-0754, except subsections (6) and (7) of that section; and

(J) WACs 388-71-0760 through 388-71-0774.

(c) Adult family home service providers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Adult family home license pursuant to chapter 70.128 RCW and chapter 388-76 WAC.

(d) Assisted living facility service providers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Assisted living facility license pursuant to chapter 18.20 RCW and chapter 388-78A WAC.

(e) Care transition coordination service providers:

(i) Must be a:

(A) Government agency;

(B) Organization approved as a non-profit 501 (c)(3) by the Internal Revenue Service; or

(C) Business ((~~license~~)) licensed pursuant to chapter 19.02 RCW; and

(ii) Be a:

(A) Health home care coordination organization contracted with a health home lead entity that employs nurses with the applicable license;

(B) Home health agency license pursuant to chapter 70.127 RCW; or

(C) Evidence-based program provider that meets the affiliated organization's requirements to provide care transition coordination including, but not limited to, Care Transitions Interventions®, transitional care model, and project RED (re-engineered discharge).

(f) Dementia and behavioral supports service providers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Have one of the following:

(A) Certified behavioral health agency certification or license pursuant to chapter 71.24 RCW;

(B) Agency affiliated counselor license pursuant to chapter 18.19 RCW;

(C) Certified adviser license pursuant to chapter 18.19 RCW;

(D) Certified counselor license pursuant to chapter 18.19 RCW;

(E) Hypnotherapist license pursuant to chapter 18.19 RCW;

(F) Licensed behavior analyst license pursuant to chapter 18.380 RCW;

(G) Licensed assistant behavior analyst license pursuant to chapter 18.380 RCW;

(H) Certified behavior technician license pursuant to chapter 18.380 RCW;

(I) Licensed marriage and family therapist license pursuant to chapter 18.225 RCW;

(J) Licensed marriage and family therapist associate license pursuant to chapter 18.225 RCW;

(K) Licensed mental health counselor license pursuant to chapter 18.225 RCW;

(L) Licensed mental health counselor associate license pursuant to chapter 18.225 RCW;

(M) Licensed social worker license pursuant to chapter 18.225 RCW;

(N) Licensed social worker associate license pursuant to chapter 18.225 RCW; or

(O) Licensed psychologist license pursuant to chapter 18.83 RCW.

(g) Education and consultation service providers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Have or be one of the following:

(A) Registered nurse license pursuant to chapter 18.79 RCW;

(B) Licensed practical nurse license pursuant to chapter 18.79 RCW;

(C) Certified dietician license pursuant to chapter 18.138 RCW;

(D) Certified nutritionist license pursuant to chapter 18.138 RCW;

(E) Licensed physical therapist license pursuant to chapter 18.74 RCW;

(F) Licensed occupational therapist license pursuant to chapter 18.59 RCW;

(G) Licensed home health agency license pursuant to chapter 70.127 RCW;

(H) Licensed home care agency license pursuant to chapter 70.127 RCW;

(I) Community college programs license pursuant to chapter 28B.50 RCW;

(J) Behavioral health agency license pursuant to chapter 71.24 RCW;

(K) Licensed pharmacist license pursuant to chapter 18.64 RCW;

(L) Evidence-based program provider that meets the affiliated organization's requirements to provide education and consultation services including, but not limited to, chronic disease self-management programs, Enhance®Wellness, Enhance®Fitness, program to encourage active and rewarding lives for seniors (PEARLS), star-caregivers program (STAR-C), powerful tools for caregivers, and community aging in place —advancing better living for elders (CAPABLE);

(M) Recognized centers for independent living pursuant to 45 C.F.R. Part 1329;

(N) Licensed music therapist license pursuant to chapter 18.233 RCW;

(O) Registered recreational therapist license pursuant to chapter 18.230 RCW; or

(P) Health home care coordination organization contracted with a health home lead entity with the applicable license and is recognized pursuant to the Social Security Act §1945 ((~~; or~~

~~(Q) Learning management systems and community instructors that meet department training and continuing education requirements pursuant to chapter 388-112A WAC~~)) .

(h) Environmental modification service providers:

(i) Must be a:

(A) Non-profit 501 (c)(3) organization approved by the Internal Revenue Service and is bonded and insured; or

(B) Business licensed pursuant to chapter 19.02 RCW; and

(ii) Have a contractor registration pursuant to chapter 18.27 RCW.

(i) Home delivered meals service providers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Food establishment permit pursuant to chapter 43.20 RCW.

(j) Home safety evaluation service providers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Have one of the following:

(A) ((~~Home health agency license pursuant to chapter 70.127 RCW; and the staff completing evaluations must have one of the following:~~

~~(I) Physical therapist license pursuant to chapter 18.74 RCW; or~~

~~(II) Occupational therapist license pursuant to chapter 18.59 RCW;~~

~~(B)~~)) Occupational therapist license pursuant to chapter 18.59 RCW; ((~~or~~))

((~~(C)~~)) (B) Physical therapist license pursuant to chapter 18.74 RCW ;

(C) Senior home safety specialist credential from Age Safe America; or

(D) Home health agency license under chapter 70.127 RCW with at least one employee who is a licensed occupational or physical therapist and will complete the home safety evaluation.

(k) In-home personal care providers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Consumer directed employer contract pursuant to chapter 74.39A RCW; or

(iii) Home care agency license pursuant to chapter 70.127 RCW for a minimum of three consecutive years, providing long-term services and supports to in-home clients, and:

(A) Have no significant licensing deficiencies during the three-year period prior to registration. For the purposes of this requirement, significant means deficiencies related to standards of care, and beneficiary or client health and safety that result in enforcement action by the department of health; and

(B) Use electronic visit verification to document in-home visits.

(l) Memory care service providers:

(i) Business license pursuant to chapter 19.02 RCW;

(ii) Assisted living facility license pursuant to chapter 18.20 RCW and chapter 388-78A WAC; and

(iii) Meet the requirements under chapter 18.20 RCW and chapter 388-78A WAC for memory care facility or memory care unit.

(m) Nursing home service providers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Have one of the following:

(A) Nursing home license pursuant to chapter 18.51 RCW and chapter 388-97 WAC; or

(B) Critical access hospital license pursuant to 42 U.S.C. 1895i-4 and chapter 70.38 RCW.

(n) Personal emergency response system providers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Personal emergency response systems must meet the following requirements:

(A) Systems must be approved by the Federal Communications Commission. Approval will be determined by the system's Federal Communications Commission identification label being documented in the Federal Communications Commission equipment authorization database; and

(B) Systems must meet the Underwriters Laboratories solutions or Intertek Electronic Testing Laboratories standards for home health care signaling equipment. The Underwriters Laboratories or Electronic Testing Laboratories listing mark on the equipment will be accepted as evidence of the equipment's compliance with Underwriters Laboratories or Electronic Testing Laboratories standards.

(o) Professional nursing service providers:

(i) Business license pursuant to chapter 19.02 RCW;

(ii) If providing private duty nursing (PDN) services, certificate of completion from the private duty nursing program: classes for all PDN applicants available through home and community services; and

(iii) Have one of the following:

(A) Registered nurse license pursuant to chapter 18.79 RCW;

(B) Licensed practical nurse license pursuant to chapter 18.79 RCW;

(C) Home health agency license pursuant to chapter 70.127 RCW; or

(D) Health home care coordination organization contract with a health home lead entity that employs nurses with ((~~the applicable~~)) a license in subsection (A) or (B) of this section.

(p) Respite for family caregivers service providers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) Have or be one of the following:

(A) Adult family home license pursuant to chapter 70.128 RCW;

(B) Assisted living facility license pursuant to chapter 18.20 RCW;

(C) Consumer directed employer contract pursuant to chapter 74.39A RCW;

(D) Home care agency license pursuant to chapter 70.127 RCW, and meet the additional requirements under subsection (3)(k)(iii);

(E) Nursing home license pursuant to chapter 18.51 RCW; or

(F) Adult day care provider under (3)(b)(1) of this section.

(q) Services that assist paid and unpaid family caregivers:

(i) Business license pursuant to chapter 19.02 RCW; and

(ii) ((~~One~~)) At least one year legally operating as a business in the state of Washington providing services that assist paid and unpaid family caregivers.

(r) Transportation service providers:

(i) Business license pursuant to chapter 19.02 RCW;

(ii) Driver license pursuant to chapter 46.20 RCW; and

(iii) Have one of the following:

(A) Auto transportation company certification from the Washington utilities and transportation commission pursuant to chapter 81.68 RCW and chapter 480-30 WAC;

(B) Private, non-profit transportation provider certification from the Washington utilities and transportation commission pursuant to chapter 81.66 RCW and chapter 480-31 WAC; or

(C) For-hire endorsement from the department of revenue.

AMENDATORY SECTION (Amending WSR 25-20-048, filed 9/25/25, effective 10/26/25)

WAC 388-116-4020 Maximum rates. (1) The department will pay long-term services and supports providers, for approved services rendered, up to the following maximum rates:

(a) Adaptive equipment and technology: ((~~$15,450.00 each~~)) $15,914.00 per item;

(b) Adult day services: ((~~$338.00~~)) $352.00 per day or ((~~$11~~)) $11.00 per 15-minute unit;

(c) Adult family home services: ((~~$473.00~~)) $492.00 per day;

(d) Assisted living services: ((~~$562.00~~)) $584.00 per day;

(e) Care transition coordination: ((~~$374.00~~)) $389.00 per month for up to two consecutive months;

(f) Dementia and behavioral supports: ((~~$42.00~~)) $43.00 per 15-minute unit;

(g) Education and consultation: ((~~$83.00~~)) $90.00 per 15-minute unit;

(h) Environmental modifications: Up to the fund's maximum benefit amount;

(i) Home delivered meals: ((~~$16.00 each~~)) $17.00 per meal;

(j) Home safety evaluation: ((~~$47.00~~)) $49.00 per 15-minute unit, not to exceed ((~~$300.00~~)) $324.00 total;

(k) In-home personal care: $12.00 per 15-minute unit;

(l) Memory care: ((~~$624.00~~)) $649.00 per day;

(m) Nursing home services: ((~~$556.00~~)) $579.00 per day;

(n) Personal emergency response system: ((~~$103.00~~)) $106.00 per installation and ((~~$85.00 monthly~~)) $88.00 per month;

(o) Professional nursing services: ((~~$68.00~~)) $70.00 per 15-minute unit;

(p) Respite for family caregivers:

(i) In-home respite: $12.00 per 15-minute unit;

(ii) Adult day service: ((~~$338.00 per day or~~)) $11.00 per 15-minute unit;

(iii) Adult family home: ((~~$473.00 per day~~)) $6.00 per 15-minute unit;

(iv) Assisted living services: ((~~$562.00 per day~~)) $6.00 per 15-minute unit; and

(v) Nursing homes: ((~~$556.00 per day~~)) $6.00 per 15-minute unit;

(q) Services that assist paid and unpaid family members caring for eligible beneficiaries:

(i) Housework and errands: Not to exceed ((~~$412.00~~)) $446.00 per month;

(ii) Yardwork and snow removal: ((~~$36.00~~)) $38.00 per 15-minute unit, not to exceed ((~~$412.00~~)) $446.00 per month; and

(r) Transportation. Up to ((~~$412~~)) $437.00 per month for the total of:

(i) 260 miles per month, paid at the self-employed and business standard ((~~federal~~)) mileage rate ((~~as~~)) set by the internal revenue service; and

(ii) Monthly transportation expenses, such as public transit passes, ferry tickets, parking, and other transportation-related expenses.

(2) For the purposes of this section, the following definitions apply.

(a) "Maximum rate" means the highest amount ((~~per unit~~)) the department will pay for an approved service.

(b) "Unit" means the ((~~smallest amount in which an approved service is claimed~~)) metric for a specific measured amount, quantity, or time frame of a service or good.