

**WSR 24-19-054
EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed September 12, 2024, 1:14 p.m., effective September 19, 2024]

Effective Date of Rule: September 19, 2024.

Purpose: The developmental disabilities administration (DDA) is enacting these changes on an emergency basis to require providers in the scope of chapter 388-829 WAC to complete the skills demonstration portion of CPR training in person.

Citation of Rules Affected by this Order: Repealing WAC 388-101D-0105; and amending WAC 388-829-0040 and 388-829-0050.

Statutory Authority for Adoption: RCW 34.05.350 and 74.39A.074(5).

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.

Reasons for this Finding: Enacting these rules on an emergency basis is necessary in order to ensure providers delivering DDA services complete the skills portion of CPR training in person. The in-person requirement existed before the COVID-19 pandemic but was temporarily lifted during the pandemic to allow providers to complete training virtually to maintain social distancing. These rule amendments are necessary to ensure all providers return to the prepandemic requirement, and to clarify that this requirement is for all provider types of community residential services, not just exempt providers (as implied by the requirement previously existing only in a section about exempt staff).

This is the third emergency filing on these sections and is necessary to keep the rules in effect until DDA completes the permanent rule-making process. DDA held a public hearing on proposed amendments on August 27, 2024, and is reviewing public comments received.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 1.

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 2, Repealed 1.

Date Adopted: September 10, 2024.

Katherine I. Vasquez
Rules Coordinator

SHS-5018.2

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

WAC 388-829-0040 What are the training requirements for exempt individuals (~~(hired on or after January 1, 2016)~~)? (~~(Exempt individuals hired on or after January 1, 2016,)~~) An individual exempt under WAC 388-829-0035 must meet the following (~~(the)~~) training requirements:

- (1) Staff hired with a (~~(seventy-five)~~) 75-hour certificate or letter of exemption must take:
 - (a) Agency orientation; and
 - (b) Client-specific training.
- (2) The hiring or contracting entity must verify that staff hired with an HCA-C from areas outside of DDA have completed the training required in subsection (1) of this section and:
 - (a) DDA-developed specialty training; or
 - (b) Forty hours of DDA residential services curriculum.
- (3) (~~(All)~~) Exempt community residential staff must maintain current CPR and first aid training certificates as required under WAC 388-829-0050. (~~(This training must be completed in person and within sixty days of hire.)~~)
- (4) (~~(All)~~) Exempt community residential staff must complete (~~(twelve)~~) 12 hours of continuing education per year.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

WAC 388-829-0050 What is basic training? Basic training is (~~(seventy)~~) 70 hours of required training that must include:

- (1) Forty hours of DDA residential services curriculum, which includes:
 - (a) Blood-borne pathogen requirements under WAC 296-823-12005; and
 - (b) DDA specialty training requirements; and
- (2) Thirty hours of additional topics related to one or more of the following:
 - (a) Population-specific training(~~(7)~~).
 - (b) (~~(Capable caregiver)~~) Specialty training under (~~(chapter 388-112)~~) WAC 388-112A-0450 related to mental health or WAC 388-112A-0440 dementia(~~(7)~~).
 - (c) (~~(CPR and)~~) First aid training and certification (~~(as described in WAC 388-829-0040; or)~~) which must be completed no more than 60 days after date of hire and kept current.
 - (d) Cardiopulmonary resuscitation (CPR) training and certification which must be completed no more than 60 days after date of hire and kept current. The skills demonstration portion must be completed in-person.
 - (e) On-the-job training hours, including client-specific training, when the instructor is a trained peer coach as described in WAC 388-829-0060.

(3) For an employee hired on or after February 1, 2024, a provider must ensure that the new employee complies with the in-person CPR requirement under subsection (2) of this section.

(4) For an employee hired before February 1, 2024, who is CPR-certified but did not complete training in-person, the employee must meet the in-person CPR requirement no later than December 1, 2024, regardless of when the certification expires.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-101D-0105 Staff training within six months of employment.