

WSR 22-01-207
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed December 21, 2021, 3:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-01-032.

Title of Rule and Other Identifying Information: WAC 110-145-1425

What are the qualifications of an executive director or administrator?, 110-145-1430 What are the requirements of an on-site program manager?, 110-145-1440 What are the duties and qualifications of case management staff?, 110-145-1445 What are the qualifications of direct care staff persons?, 110-145-1450 What additional qualifications must the crisis residential center direct care staff have?, 110-145-1460 Do I need to employ consultants at my facility?, 110-145-1475 What are the requirements for volunteers working directly with children and youth at my facility?, and 110-145-1725 When do I need a treatment plan for children under my care?

Hearing Location(s): On January 25, 2022, telephonic. Oral comments may be made by calling 360-902-8084 and leaving a voicemail that includes the comment and an email or physical mailing address where the department of children, youth, and families (DCYF) will send its response. Comments received through and including January 25, 2022, will be considered.

Date of Intended Adoption: February 1, 2022.

Submit Written Comments to: DCYF Rules Coordinator, P.O. Box 40975, Olympia, WA 98504-0975, email dcyf.rulescoordinator@dcyf.wa.gov, by January 25, 2022.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-902-7956, email dcyf.rulescoordinator@dcyf.wa.gov, by January 21, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: For licensed foster care, group care facilities, align the experience requirement for executive directors with program managers' experience and education requirements, expand program managers' education requirement to include associate's degrees, remove requirements for "social services or a closely related field" specific college degrees for all positions, reduce minimum years of experience required for program managers and case managers, better define and allow one year of receiving services as qualifying experience for direct care staff, expand the criteria under which 18 to 21-year olds may work in licensed facilities, and lower volunteers' minimum age from 21 to 18.

Reasons Supporting Proposal: The proposed rules give licensees more flexibility for hiring decisions, allow younger employees and broader entry into the field, and provide more pathways to higher-level positions.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DCYF at the request of, and in partnership with, licensed group care facilities and their advocates, The Mockingbird Society, Youthcare, and the Washington Association for Children and Families, public and governmental.

Name of Agency Personnel Responsible for Drafting: Tyler Farmer, Olympia, Washington, 360-628-2151; Implementation and Enforcement: DCYF, statewide.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328 (5) [(a)](i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. There are nominal to no costs associated with the proposed rules for small businesses. The rules pertain to group care facilities' potential employees' required education and work and lived experience.

December 21, 2021
Brenda Villarreal
Rules Coordinator

OTS-3325.5

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1425 What are the duties and qualifications of an executive director or administrator? (1) ~~((You must have))~~ An executive director or administrator ~~((who is available telephonically during business hours and meets the qualifications to))~~ must:

(a) Manage the financial ~~((and)),~~ administrative, and service operations of the ~~((program))~~ facility;

(b) Be available in-person or by telephone during the regularly scheduled business hours of the facility;

(c) Ensure that the program complies with all relevant and applicable laws, specifically chapter 74.15 RCW, and the licensing rules ~~((contained))~~ in this chapter;

~~((e- Effectively))~~ (d) Communicate to the department the roles, expectations, and purposes of the program;

~~((d))~~ (e) Assume responsibility for health, safety, and well-being of children in ~~((your))~~ the care of their facility; and

~~((e))~~ (f) Work with representatives of other agencies.

(2) An executive director or administrator must ~~((have))~~:

(a) ~~((Appropriate education relevant to the specific program; and))~~ Meet the experience and education requirements of a program manager, detailed in WAC 110-145-1430(4), unless the facility employs another person as the program manager;

(b) ~~((Four years of successful))~~ Have experience with the same or similar duties ~~((and responsibilities))~~ for the administrative oversight, program and fiscal management of an agency; and

(c) Meet additional duties and qualifications detailed in any written agreement between the agency and DCYF, if applicable.

[WSR 18-14-078, recodified as § 110-145-1425, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-145-1425, filed 12/11/14, effective 1/11/15.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1430 What are the ((requirements)) duties and qualifications of ((an on-site)) a program manager? (1) ~~((On days your facility is operational, you must have an on-site))~~ A program manager must be on-site at ((your)) their facility ((during business hours when youth are present. Staffed residential facilities licensed for five or fewer are required to have an on-site program manager during business hours when youth are present if the focus of the program is behavioral and a child's behavior poses a risk. The on-site program manager must meet the qualifications to:)) according to agreed upon terms detailed in a written and signed agreement between the agency and DCYF.

(2) A program manager must:

(a) ~~Coordinate and oversee the facility's day-to-day ((operations of the program))~~ services provided to children or youth;

(b) ~~Supervise ((the)) case ((management))~~ managers and direct care staff; ~~((and))~~

(c) ~~((Have the responsibility to))~~ Monitor staff development and training;

(d) ~~Ensure ((the completion of)) each child's or youth's treatment and care plan ((of care and treatment.~~

~~(2) When youth are not present and the program manager))~~ is executed and completed; and

(e) Be available by telephone when not on-site((, he or she must be available by telephone)).

(3) ~~((An on-site))~~ A program manager must have one or more of the following:

(a) ~~A master's degree ((in social services or a closely related field))~~ from an accredited ((school)) college or university and one year of similar, full-time experience working with children or youth;

(b) ~~A bachelor's degree ((in social services or a closely related field))~~ from an accredited ((school)) college or university and two years of similar, full-time experience working with children or youth;

(c) ~~((Five))~~ An associate's degree from an accredited community college and three years' of similar, full-time experience working with children or youth; or

(d) Four years of ((successful)) similar, full-time work experience in a relevant field working with children or youth((; and

~~(i) Supervisory abilities that promote effective staff performance; and~~

~~(ii) Relevant experience, training and demonstrated skills in each area that he or she will be managing or supervising)).~~

(4) ~~((An on-site))~~ A program manager must not provide clinical oversight to case ((management staff)) managers unless ((they)) the program manager also meets the ((supervision requirements)) qualifications detailed in WAC ((388-145-1440(3))) 110-145-1440(2).

(5) A case ((management staff)) manager or another person with equivalent training and experience of ((an on-site)) a program manager may ((satisfy this requirement)) serve as a program manager.

(6) ((For overnight youth shelters, the required prior experience must be in working with adolescents.)) A program manager must meet additional duties and qualifications detailed in any written and signed agreement between the agency and DCYF, if applicable.

[WSR 18-14-078, recodified as § 110-145-1430, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, 74.39A.056, 43.43.832. WSR 18-11-138, § 388-145-1430, filed 5/23/18, effective 6/23/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-145-1430, filed 12/11/14, effective 1/11/15.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1440 What are the ((requirements)) duties and qualifications of a case ((management staff)) manager? (1) A case ((management staff will provide individualized case management and coordination of)) manager must coordinate and administer services ((For emergency respite centers and resource and assessment centers, the on-site program manager may provide individualized case management and coordination of services so additional case managers are not required. The on-site program manager must meet qualifications in WAC 388-145-1430)) for individual children and youth served by the agency.

(2) ((Case management staff hired before January 10, 2015 must have five years of experience or a bachelor's degree in social services or closely related field from an accredited school.)) A case manager must have:

(a) A master's degree from an accredited college or university;

(b) A bachelor's degree from an accredited college or university and consult with a person with a master's degree at least one hour for every 20 hours of case management work; or

(c) Four years' full-time work experience directly working with, managing, or overseeing children or youth in a related field and consult with a person with a master's degree at least one hour for every 20 hours of case management work.

(3) ((Case management staff hired after January 10, 2015 must have a master's or bachelor's degree in social services or a closely related field from an accredited school.

(4) Case management staff who has only a bachelor's degree must consult with a person with a master's degree in social services or closely related field. One hour of consultation must occur every twenty hours the employee works.

(5)) Case managers must maintain:

(a) Training, experience, knowledge, and demonstrated skills in each area ((s/he)) they will be supervising; and

(b) Skills and understanding needed to effectively manage cases ((; and

(c) ~~The ability to monitor staff development and training).~~

~~((6) You)~~ (4) An agency may use case (management staff) managers employed or provided by another agency if (these staff meet):

(a) The case manager meets the (educational qualifications and you have) experience and education requirements in this section; and
(b) There is a written agreement (with the agency) between the agencies describing the scope of services to be provided by the case manager.

(5) If applicable, a case manager must meet additional duties and qualifications detailed in any written and signed agreement between the agency and DCYF.

[WSR 18-14-078, recodified as § 110-145-1440, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-145-1440, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-145-1440, filed 12/11/14, effective 1/11/15.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1445 What are the duties and qualifications of direct care staff? (1) ~~((Each))~~ Direct care staff must:

(a) Be at least ((twenty-one)) 21 years of age, ((unless they meet the requirements)) except as provided for in subsection (2) of this section;

(b) Have a high school diploma or high school or ((equivalency course of study (GED/HSEC))) equivalent credential, for example, a GED or HSEC;

(c) ((Have one year of experience working directly with children. Two years of social services education may be substituted for the required experience;

(d)) Have the skills and ability to ((work successfully with the special)) assist with the needs of children and youth in care;

(d) Meet at least one of the following criteria:

(i) Have at least one year of full-time experience working directly with children or youth providing services similar to those offered by the agency. Experience under this subsection includes experience receiving services from a facility licensed under this chapter;

(ii) Be enrolled in or attending classes at an accredited college or university; or

(iii) Have at least 30 training hours in services similar to those provided to children or youth by the agency; and

(e) ((Have effective communication and problem solving skills.)) If applicable, meet additional duties and qualifications detailed in any written agreement between the agency and DCYF.

(2) Direct care staff may be between ((eighteen)) 18 and ((twenty-one)) 21 years of age if ((they provide sufficient documentation demonstrating one or more of the following)) the direct care staff meet the requirements detailed in subsection (1)(b) through (e) of this section, and work:

~~(a) ((They are professionals licensed by the Washington department of health;)) At a facility licensed only to provide care for children 13 years of age and younger; or~~

~~(b) ((They have an associate of arts, the equivalent degree, or greater; or~~

~~(c) They are enrolled in an internship or practicum program with an accredited college or university.) Every shift with at least one trained and experienced staff person who:~~

~~(i) Is at least 21 years of age; and~~

~~(ii) Has at least two years' full-time experience working directly with children or youth providing services similar to those offered by the agency. One year of experience required under this subsection (2)(b) may include experience receiving care from a facility licensed under this chapter.~~

~~(3) ((Direct care staff under twenty-one years of age and enrolled in an internship or practicum program must be supervised by staff at least twenty-one years of age.~~

~~(4) You)) An agency must maintain sufficient direct care staff ((who meet the education and training requirements defined in this chapter)) to ensure the health, safety, and well-being of children and youth in care.~~

~~((5)) (4) Case aides must meet the requirements for direct care staff, if applicable.~~

[WSR 18-14-078, recodified as § 110-145-1445, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-145-1445, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-145-1445, filed 12/11/14, effective 1/11/15.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1450 What are the duties and additional qualifications ((must the)) for crisis residential center direct care staff ((have))? (1) Direct care staff at a crisis residential center (CRC) must care for, supervise, and manage the behavior of children or youth in care.

(2) At least ((fifty)) 50 percent of ((the)) direct care staff at a CRC must have completed:

(a) A bachelor's degree from an accredited college or university;
or

(b) At least two academic years' worth of credit hours from an accredited college or university and one year of full-time work ((in)) experience at a group residential program for adolescents((; and (c))).

(3) Direct care staff at a CRC under subsection (2) of this section may substitute experience for ((education)) educational requirements on a year-for-year basis.

~~((2) The remaining)) (4) Direct care staff ((at a CRC)) who do not meet the requirements detailed in subsection (2) of this section must have ((a minimum of)) a high school diploma or ((high school~~

equivalency course of study (GED/HSEC)) equivalent credential, for example, a GED or HSEC and at least one of the following:

(a) One year of ((successful)) full-time experience working with youth in a group setting, which may include experience receiving services from a facility licensed under this chapter; or

(b) One year of ((successful)) experience as a foster parent((† and

(e)) with placement of one or more youth in their 24-hour care.

(5) Direct care staff at a CRC under subsection (4) of this section may substitute two academic years' worth of credit hours from an accredited college ((may be substituted)) or university for the required experience under subsection (4)(a) and (b) of this section.

((3) The primary duties of the direct care staff at a crisis residential center are the care, supervision, and behavioral management of youth.) (6) Direct care staff at a CRC must meet additional duties and qualifications detailed in any written contract between the agency and DCYF, if applicable.

[WSR 18-14-078, recodified as § 110-145-1450, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-145-1450, filed 12/11/14, effective 1/11/15.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1460 ((Do I need to employ)) What are the duties and qualifications for case management consultants ((at my facility))?

(1) ((You)) An agency must have case management consultants available as needed to work with ((your)) its staff, the children ((you serve)) and youth in care, and the ((children's)) families of children and youth in care. ((Other)) Additional consultants may be used ((for)) to support program ((support)) and services.

(2) A case management consultant is responsible for:

(a) Reviewing treatment or case plans as appropriate;

(b) ((Providing one hour of consultation/supervision to)) Consulting with or supervising case ((management staff)) managers at least one hour for every ((twenty)) 20 hours ((a person works)) of case management work. Staff consultations ((shall)) must be documented and available ((to)) for staff ((on an as-needed basis)) to review as needed; and

(c) Monitoring ((staff's)) and documenting the skill development ((in order to effectively manage their cases)) of staff.

(3) Each case management consultant must have:

(a) A master's degree ((in social services or a closely related field)) from an accredited ((school)) college or university;

(b) The training, experience, knowledge, and demonstrated skills for each area ((in)) which ((he or she)) they will be supervising or advising;

(c) The ability to ensure staff develop their skills, are adequately trained, and have the understanding needed to effectively manage cases; and

(d) Knowledge of mandatory child abuse and neglect reporting requirements.

(4) A case management consultant((s)) may be ((hired as staff)) employed by an agency or operate under a contract ((and)).

(5) A case management consultant must meet or exceed the ((full)) professional competency requirements and academic training ((in)) re-quired by their ((respective)) professional field((s)).

((5) If you have) (6) In addition to the requirements in this section, a case management consultant((s)) working in an emergency respite center((s, they)) must also have training and experience in early childhood education.

(7) A case management consultant must meet additional duties and qualifications detailed in any written contract between the agency and DCYF, if applicable.

[WSR 18-14-078, recodified as § 110-145-1460, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, 74.39A.056, 43.43.832. WSR 18-11-138, § 388-145-1460, filed 5/23/18, effective 6/23/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-145-1460, filed 12/11/14, effective 1/11/15.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1475 What are the requirements for volunteers working directly with children and youth at my facility? ((1) These) Volunteers who do or may have access to children or youth must ((meet the licensing requirements listed in this chapter, including meeting the qualifications for direct care staff and must)):

((a)) (1) Be at least ((twenty-one)) 18 years of age ((unless they are between eighteen and twenty-one years of age in an internship or practicum program as per WAC 388-145-1445; and

((b)):

(2) Be supervised by a staff person who:

(a) Is at least 21 years of age; and

(b) Has at least two years' experience working directly with children or youth providing services similar to those offered by the agency;

(3) Receive the facility's preservice training that addresses the roles, responsibilities, and duties of a volunteer, as well as the needs of the population of children in care who the volunteer will be working with;

(4) Not have unsupervised access to children in care, unless the volunteer satisfies the preservice training requirements detailed in WAC 110-145-1490;

(5) Meet all other relevant requirements detailed in this chapter and Title 110 WAC, including background check requirements under chapter 110-04 WAC; and

(6) Meet additional duties and qualifications detailed in any written agreement between the agency and DCYF, if applicable.

[WSR 18-14-078, recodified as § 110-145-1475, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, 74.39A.056, 43.43.832. WSR 18-11-138, §

388-145-1475, filed 5/23/18, effective 6/23/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-145-1475, filed 12/11/14, effective 1/11/15.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1725 When do I need a treatment plan for children ((under my)) in care and what must be included in the plan? (1) ~~((If you are providing care to))~~ An agency must develop and implement an individualized written treatment plan for each child or youth in care if the agency:

(a) Provides care or services to children or youth who are under the care and authority of the department~~((, and you have contracts or agreements))~~; and

(b) Has an agreement with the department to provide treatment or therapeutic services~~((, you must assist in developing and implementing a written treatment plan for each child by the thirtieth day in care))~~.

(2) ~~((The))~~ Treatment plans required by this section must:

(a) Be developed and implemented on or before the child or youth's 30th day in care;

(b) Be approved by a master's level case manager or consultant;

(c) Identify the service needs of the child~~((r))~~ or youth and the child or youth's parent or guardian;

~~((b))~~ (d) Describe the treatment goals and strategies for achieving those goals;

~~((e))~~ (e) Include an ongoing account of the treatment received by the child or youth and others involved in the treatment plan, such as any group treatment or individual counseling; and

~~((d))~~ (f) Be updated at least quarterly to show the progress toward meeting goals and~~((list))~~ identify barriers to the permanent plan.

(3) ~~((A master's level case management staff person or consultant must review and sign approving the child's treatment plan.))~~ The individual instruction and support plan required by WAC 388-826-0044 for youth receiving out-of-home services administered by the department of social and health services, developmental disabilities administration will satisfy the requirement in subsection (1) of this section.

[WSR 18-14-078, recodified as § 110-145-1725, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-145-1725, filed 12/11/14, effective 1/11/15.]