

WSR 22-11-020
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 10, 2022, 7:18 a.m., effective May 10, 2022, 7:18 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is amending WAC 388-76-10455 to allow adult family home providers the authority to administer epinephrine to residents in their care who have an assessed condition requiring administration of epinephrine. When individuals with severe allergies causing anaphylaxis are prescribed epinephrine, the adult family home must be able to administer the medication to residents who require assistance. Current rule requires medication administration be performed by a "practitioner," by nurse delegation, or by a family member or legally appointed resident representative. Adult family home providers do not meet the definition of "practitioner" and the task cannot be nurse-delegated. Due to the emergency nature of the medication, family or others outside the adult family home cannot administer the medication timely.

Citation of Rules Affected by this Order: Amending WAC 388-76-10455.

Statutory Authority for Adoption: RCW 70.128.040(1), 34.05.350.

Other Authority: RCW 70.54.440.

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: Individuals with severe allergies are at risk of severe illness or death and are typically prescribed medication to be administered immediately when having an allergic reaction. Spring and summer months typically bring a higher risk to individuals with bee sting allergies, as there are more bees in the environment than in colder months. Individuals living in settings licensed by the department need emergency medication to prevent severe illness or death. Amending the rule will allow adult family home providers to administer these medications to residents, minimizing risk of a severe reaction.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, 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: May 6, 2022.

Katherine I. Vasquez
Rules Coordinator

SHS-4927.2

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10455 Medication—Administration. (1) For residents assessed with requiring the administration of medications, the adult family home must ensure medication administration is:

~~((1))~~ (a) Performed by a practitioner as defined in chapter 69.41 RCW; or

~~((2))~~ (b) By nurse delegation per WAC 246-840-910 through 246-840-970; unless

~~((3))~~ (c) Done by a family member or legally appointed resident representative.

(2) Providers, caregivers, staff, resident managers, and entity representatives who have received training under RCW 70.54.440 may administer epinephrine to residents with an assessed need.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10455, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10455, filed 10/16/07, effective 1/1/08.]