

WSR 22-23-028
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed November 7, 2022, 7:47 a.m., effective November 16, 2022]

Effective Date of Rule: November 16, 2022.

Purpose: The developmental disabilities administration (DDA) is amending WAC 388-101D-0030 to allow providers to hire a person without a high school diploma or GED.

Citation of Rules Affected by this Order: Amending WAC 388-101D-0030.

Statutory Authority for Adoption: RCW 71A.12.030 and 71A.12.120.

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: This subsequent filing is necessary to keep the emergency rule in effect until the CR-103P is effective, December 5, 2022. The CR-103P was filed as WSR 22-23-022. DDA is adopting this rule on an emergency basis to align with the education qualifications for direct support professionals in chapter 388-112A WAC and chapter 74.39A RCW, which do not require a GED or high school diploma. Immediate adoption allows providers to hire staff quickly, enabling providers to meet client health and safety needs.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.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: November 7, 2022.

Katherine I. Vasquez
Rules Coordinator

SHS-4900.3

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

WAC 388-101D-0030 Staffing requirements. (1) The ((service)) provider must ensure each ((staff meets the following minimum requirements)) of its employees:

~~((1) Have))~~ (a) Has a high school diploma or GED equivalent, unless the ~~(employees were)~~ employee was hired before September 1, 1991, or is exempt under subsection (2) of this section;

~~((2) Be at least eighteen years of age)~~ (b) Is age 18 or older when employed as a direct ~~(care staff, or at least twenty-one years of age)~~ support professional who provides support services to a client;

(c) Is age 21 or older when employed as an administrator;

~~((3) Have))~~ (d) Has a clear understanding of job responsibilities and knowledge of individual support plans and client needs; and

~~((4) Passed))~~ (e) Passes the department background check ~~(as)~~ required ~~(by)~~ under WAC 388-101-3250.

(2) The provider may hire a person without a high school diploma or GED if while working directly with clients the employee has access to another employee or a volunteer who:

(a) Has a high school diploma or GED; or

(b) Was hired before September 1, 1991.

(3) If the provider hires a person under subsection (2) of this section, the provider must have a written plan that states when and how the person must contact another employee for assistance.

[WSR 16-14-058, recodified as § 388-101D-0030, filed 6/30/16, effective 8/1/16. Statutory Authority: Chapter 71A.12 RCW. WSR 08-02-022, § 388-101-3200, filed 12/21/07, effective 2/1/08.]