

WSR 24-20-038

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed September 24, 2024, 10:21 a.m., effective October 25, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The developmental disabilities administration amended these rules primarily to ensure providers complete the skills-demonstration portion of CPR in accordance with Occupational Safety and Health Administration guidelines. Other changes clarify the content of various training components, use terminology more consistently, and remove unused definitions and update others. Once effective, these permanent rules supersede any emergency rules in effect.

Citation of Rules Affected by this Order: Repealing WAC 388-101D-0105; and amending WAC 388-829-0010, 388-829-0015, 388-829-0020, 388-829-0035, 388-829-0040, 388-829-0050, 388-829-0055, 388-829-0060, 388-829-0065, and 388-829-0075.

Statutory Authority for Adoption: RCW 18.88B.041, 71A.12.030, 74.39A.074, and 74.39A.341.

Adopted under notice filed as WSR 24-15-124 on July 23, 2024.

A final cost-benefit analysis is available by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 10, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 1.

Date Adopted: September 24, 2024.

Lisa N. H. Yanagida
Chief of Staff

SHS-5018.7

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

WAC 388-829-0010 What definitions apply to this chapter? The following definitions apply to this chapter:

(~~"Agency orientation" is training provided to introduce a new employee to the agency.~~)

"AL TSA" (~~(refers to)~~) means the aging and long-term support administration.

"Approved training" is training submitted to and approved by DSHS as evidenced by a curriculum number.

"Basic training" is (~~(seventy)~~) 70 hours of required training that includes (~~(forty)~~) 40 hours of DDA residential services curriculum and (~~(thirty)~~) 30 hours of additional topics outlined in this chapter.

"Client-specific training" prepares (~~(the LTCW)~~) a person to provide individual support services to the client served by the community residential service business (CRSB).

"Community residential service business" or "CRSB" has the same meaning as defined in RCW 74.39A.009.

"Competency" or "core competency" means the integrated knowledge, skills, or behavior expected of a (~~(LTCW)~~) person after completing the training in a required topic area. Learning objectives are associated with each competency.

"DDA" (~~(refers to)~~) means the developmental disabilities administration.

"DDA community residential setting" within the scope of this chapter (~~(refers to)~~) means any setting where supported living, DDA group home, group training home, licensed staffed residential, companion home, or alternative living services occur.

"DSHS-approved trainer" means an individual approved by DSHS to sign the (~~(seventy-five)~~) 75-hour certificate.

"Direct support professional" or "DSP" means any person who supports an individual with a developmental disability to implement the individual's individual support plan/person-centered service plan (ISP/PCSP). This includes staff who provide instruction and support services (ISS).

"DOH" (~~(refers to)~~) means the department of health.

"DSHS" or "department" (~~(refers to)~~) means the department of social and health services.

"Habilitation" means services defined to assist participants in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

"Home care aide-certified" or "HCA-C" means a person who has been certified by the department of health as a home care aide.

"Letter of exemption" means a letter from a provider that exempts DDA community residential staff from the (~~(seventy-five)~~) 75 hours of training as required under chapter 74.39A RCW for staff hired prior to January 1, 2016.

~~(**"Long-term care worker" or "LTCW"** has the same meaning as defined in RCW 74.39A.009.)~~

"Peer coach" means a person who has been trained in (~~(twelve)~~) 12 hours of coaching skills and who works with new employees to coach them on working with individuals and their support needs.

"Population-specific" (~~(refers to)~~) means topics applicable to the unique needs of the population served.

"Training entity" means a DSHS-contracted organization or independent entity that provides training using DSHS-approved curriculum.

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

WAC 388-829-0015 What training is required for individuals hired or contracted to work in DDA community residential settings as a direct support professional (DSP) or ISS staff on or after January 1, 2016? (1) Required training for individuals hired or contracted to work in DDA community residential settings as a direct support professional or ISS staff on or after January 1, 2016, consists of ((seventy-five hours of training as follows)):

((1)) (a) Five hours of orientation and safety training as described in WAC 388-829-0045 prior to providing client care or support; ((and))

((2)) (b) Seventy hours of basic training as described in WAC 388-829-0050 must be completed within ((one hundred twenty)) 120 days of date of hire((-));

(c) First aid training, which must be completed no more than 60 days after date of hire and kept current;

(d) Cardiopulmonary resuscitation (CPR), which must be completed no more than 60 days after the date of hire and kept current;

(d) Bloodborne pathogen training, which must be completed in accordance WAC 296-823-120 and renewed annually; and

(e) Continuing education under WAC 388-829-0085.

(2) Beginning February 1, 2024, direct support professionals and ISS staff must complete CPR training that meets occupational safety and health administration (OSHA) guidelines for hands-on skills development. For an employee hired before February 1, 2024, who is CPR-certified but did not participate in hands-on skills development, the employee must complete CPR training in accordance with OSHA guidelines no later than December 1, 2024, regardless of when the certification expires.

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

WAC 388-829-0020 What is the ((seventy-five)) 75-hour certificate? The ((seventy-five)) 75-hour certificate is a combination of orientation, safety, and basic training that when completed adds up to ((seventy-five)) 75 hours. The certificate covers:

(1) Five hours of orientation and safety training as described in WAC 388-829-0045; and

(2) Seventy hours of basic training as described in WAC 388-829-0050, which includes:

(a) Forty hours of DDA-developed residential services curriculum; and

(b) Thirty hours of ((additional)) population-specific training as described in WAC 388-829-0050.

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

WAC 388-829-0035 Who is exempt from the DDA community residential ((seventy-five)) 75-hour training requirement? Beginning January

1, 2016, the following individuals are exempt from the DDA community residential (~~(seventy-five)~~) 75-hour training requirement:

- (1) DDA community residential staff who have:
 - (a) Been continuously employed since December 31, 2015;
 - (b) Completed training requirements that were in place when (~~he or she was~~) hired;
 - (c) Completed the training requirements by February 29, 2016; and
 - (d) Proof that (~~(twelve)~~) 12 hours of continuing education were completed during the previous year;
- (2) Under RCW 18.88B.041, an individual with special education training and an endorsement granted by the superintendent of public instruction; and
- (3) Registered nurses, licensed practical nurses, nurse technicians, advanced registered nurse practitioners as defined in chapter 18.79 RCW, and nursing assistants-certified (~~(CAN)~~) as defined in chapter 18.88A RCW.

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)~~) Five-hour orientation and safety training; and
 - (b) (~~(Client)~~) Thirty-hour population-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? (1) Basic training is (~~(seventy)~~) 70 hours of required training that must include:

- (~~(1)~~) (a) Forty hours of DDA residential services curriculum(~~(which includes)~~); and
- (b) Thirty hours of population-specific training.

(2) The 40-hour DDA residential services curriculum 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)~~ (3) The 30-hour population-specific training includes one or more of the following:

- ~~(a) ((Population-specific training;~~
- ~~(b) Capable caregiver)) Specialty training under ((chapter 388-112)) WAC 388-112A-0450 related to mental health or WAC 388-112A-0440 dementia(~~(7)~~).~~
- ~~((e) CPR and)) (b) First aid training and certification ((as described in WAC 388-829-0040; or)).~~
- ~~((d)) (c) Cardiopulmonary resuscitation (CPR) training and certification.~~
- (d) On-the-job training hours, including client-specific training, when the instructor is a trained peer coach as described in WAC 388-829-0060.
- (e) Other curriculum approved by DDA.

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

WAC 388-829-0055 How are training entities and instructors for DDA community residential settings approved? The training entities and instructors for DDA community residential settings are approved as follows:

- (1) Supported living and group home providers are approved as training entities through a contract exhibit.
- (2) Supported living and group home providers must ensure their employed or contracted instructors meet the instructor criteria described in this chapter and in:
 - (a) ~~((Chapter 388-112))~~ WAC 388-112A-1240 for DDA community residential instructors to teach the DDA ~~((forty-hour))~~ 40-hour residential training; and
 - (b) ~~((RCW 74.39A.112))~~ Chapter 74.39A RCW for five-hour orientation and safety training and ~~((thirty))~~ 30 hours of ~~((client))~~ population-specific training.
- (3) Other training entities must be approved by DDA or ALTSA and entities must ensure their instructors meet the criteria described in chapter ~~((388-112))~~ 388-112A WAC.

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

WAC 388-829-0060 What are the qualifications for on-the-job training, including client-specific training? Instructors who provide on-the-job training, including client-specific training, must:

- (1) Meet the instructor qualifications for basic training described in ~~((chapter 388-112))~~ WAC 388-112A-1240; and
- (2) Complete at least ~~((twelve))~~ 12 hours of department approved peer coaching.

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

WAC 388-829-0065 What are the requirements for DDA community residential instructors to teach the DDA (~~forty-hour~~) 40-hour residential training? DDA community residential instructors who want to instruct staff on the DDA (~~forty-hour~~) 40-hour residential training curriculum must:

(1) Meet the instructor qualifications described in (~~chapter 388-112~~) WAC 388-112A-1240;

(2) Complete the train the trainer course using DDA-developed curriculum;

(3) Be approved as an instructor and receive an instructor code through DDA; and

(4) Use the (~~forty-hour~~) 40-hour DDA residential services curriculum to teach the course.

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

WAC 388-829-0075 What is nurse delegation core training? Nurse delegation core training is described in (~~chapter 388-112~~) WAC 388-112A-0500 through 388-112A-0590.

REPEALER

The following section of the Washington Administrative Code is repealed:

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