

WSR 21-09-076

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed April 20, 2021, 1:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-04-138.

Title of Rule and Other Identifying Information: WAC 246-843-130 Continuing education requirements for nursing home administrators, the board of nursing home administrators (board) is proposing an amendment to permanently allow continuing education credit for pandemic-related training and experience and, for a limited time, allow nursing home administrators to attest to such trainings acquired under self-study methods if proof of course completion isn't otherwise provided.

Hearing Location(s): On May 27, 2021, at 1:00 p.m. In response to the coronavirus disease 2019 (COVID-19), the board will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. You can find information about how to join the meeting on the agenda posted on the board of nursing home administrators' website under Meetings <https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/NursingHomeAdministrator/BoardInformation>.

Date of Intended Adoption: May 27, 2021.

Submit Written Comments to: Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, kendra.pitzler@doh.wa.gov, by May 20, 2021.

Assistance for Persons with Disabilities: Contact Kendra Pitzler, phone 360-236-4723, fax 360-236-2901, TTY 711, email Kendra.pitzler@doh.wa.gov, by May 20, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal would permanently allow continuing education credit for pandemic-related training and experience for nursing home administrators. While this amendment includes training and experience related to the COVID-19 disease, it also allows for other pandemic-related trainings. This amendment also, for a limited time, allows nursing home administrators to attest to such trainings acquired under self-study methods if proof of course completion isn't otherwise provided.

Reasons Supporting Proposal: The proposal would permanently adopt the board's emergency rule as filed on February 10, 2021, under WSR 21-05-030. The emergency process was used to allow licensees to continue to perform their job of protecting residents and focus on immediate patient needs during the COVID-19 response, which continues to be overwhelming for many nursing homes and long-term care facilities. Permanent adoption of the emergency rule would allow administrators who are currently affected by the COVID-19 pandemic to encourage more training for licensees in the subject and to assist in avoiding a lapse in licensing, which would adversely affect residents. Permanent adoption of the rule would also allow licensees to continue with this type of continuing education through the pandemic and beyond that timeframe as it is important that administrators be prepared for pandemic emergencies in the future.

Statutory Authority for Adoption: RCW 18.52.061.

Statute Being Implemented: RCW 18.52.061.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kendra Pitzler, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4723.

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

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, TTY 711, email kendra.pitzler@doh.wa.gov.

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. The proposed rules do not impact businesses; these rules pertain only to provider's license.

April 20, 2021

U. James Chaney, Executive Director
Board of Nursing Home Administrators

OTS-2609.1

AMENDATORY SECTION (Amending WSR 19-19-050, filed 9/13/19, effective 10/14/19)

WAC 246-843-130 Continuing education requirements. (1) A licensed nursing home administrator shall demonstrate completion of thirty-six hours of continuing education every two years and comply with chapter 246-12 WAC, Part 7.

(2) Continuing education approved by the National Continuing Education Review Service (NCERS) is acceptable for continuing education credit.

(3) Continuing education that is not approved by NCERS must meet the following requirements:

(a) The basic methods of continuing education learning are:

- (i) Seminars;
- (ii) Teleconferencing;
- (iii) Webinars; and
- (iv) Self-study programs.

(b) Continuing education courses shall consist of a minimum of one hour of instruction. Hours are based upon clock hours and are calculated in half hour increments. College courses are rated at fifteen hours per each semester unit and ten hours per each quarter credit.

(c) Continuing education must relate to nursing home administration, be designed to promote continued knowledge and skills with nursing home administration standards, and improve and enhance professional competencies. Continuing education must fit within the following subjects:

- (i) Resident centered care;
- (ii) Human resources;
- (iii) Finance;

- (iv) Environment;
- (v) Leadership and management;
- (vi) Suicide prevention;
- (vii) Cultural competency training;
- (viii) Laws relating to Washington state nursing homes;

(ix) Pandemic response and compliance measures. Examples include, but are not limited to, infections control measures, resident engagement, personal protective equipment procurement and training, emergency staffing, writing and updating policies and procedures pertaining to pandemic management, and other pandemic-related training.

(d) The licensee shall retain proof of course completion. To receive full credit, attendees shall attend the full program. The maximum number of hours allowed for continuing education is twelve hours per day.

(e) Until December 31, 2022, licensees due to demonstrate completion of continuing education may accrue up to thirty-six of those hours in pandemic response and compliance measure subjects described in (c) (ix) of this subsection. During this time, if proof of course completion is not provided for pandemic response and compliance measure courses earned under self-study programs as allowed under (a) (iv) of this subsection, the licensee may sign an attestation on a form provided by the department.

(4) Continuing education credit of two hours per month may be granted to a preceptor of an administrator-in-training program.

(5) Continuing education credit of a maximum of two hours per month may be granted for serving as a board member for the board of nursing home administrators.

(6) Within one hundred eighty days after becoming licensed, a nursing home administrator shall attend a board approved course on laws relating to nursing homes in Washington. The board will grant retroactive credit to those licensees who obtain the required training as administrators-in-training under WAC 246-843-090. The state law training course consists of a minimum of a six-hour program, with formal training objectives, that covers the requirements of chapter 18.52 RCW and essential areas of laws that apply to nursing homes regulated by the department of social and health services under chapter 388-97 WAC to include:

- (a) Resident services, medical and social;
- (b) Resident rights, including resident decision making, informed consent, advance directives and notices to residents;
- (c) Enforcement;
- (d) Criminal history inquiries;
- (e) Differences between federal and state law.

[Statutory Authority: RCW 18.52.061 and 18.130.050. WSR 19-19-050, § 246-843-130, filed 9/13/19, effective 10/14/19. Statutory Authority: RCW 18.52.061, 18.130.050, 18.130.040, 18.130.062, 43.70.041, and chapter 18.52 RCW. WSR 16-17-127, § 246-843-130, filed 8/23/16, effective 9/23/16. Statutory Authority: Chapters 18.52 and 34.05 RCW. WSR 00-01-074, § 246-843-130, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 18.52.100. WSR 91-24-050 (Order 217B), § 246-843-130, filed 11/27/91, effective 12/28/91; WSR 91-06-060 (Order 141B), re codified as § 246-843-130, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(11). WSR 88-23-038 (Order PM 791), § 308-54-130, filed 11/9/88. Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). WSR 82-20-092 (Order PL 407), § 308-54-130, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110. WSR

80-01-057 (Order PL 328), § 308-54-130, filed 12/20/79; Order PL 265, § 308-54-130, filed 3/21/77; Order PL 260, § 308-54-130, filed 12/10/76; Order PL 107, § 308-54-130, filed 3/3/71.]