

WSR 21-11-090

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 18, 2021, 3:09 p.m., effective June 18, 2021]

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

Purpose: The department is amending WAC 388-112A-0105 Who is required to obtain home care aide certification and by when?, and 388-112A-0550 Who is required to complete nurse delegation core training and nurse delegation specialized diabetes training and by when?, to change an outdated WAC reference from WAC 246-980-070 to 246-980-025.

Citation of Rules Affected by this Order: Amending WAC 388-112A-0105 and 388-112A-0550.

Statutory Authority for Adoption: RCW 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.351, 74.39A.341, 18.20.270, 18.88B.021, 18.88B.035, 70.128.230, 71A.12.030.

Adopted under notice filed as WSR 21-05-047 on February 12, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 18, 2021.

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Rules Coordinator

SHS-4851.1

AMENDATORY SECTION (Amending WSR 17-22-036, filed 10/24/17, effective 11/24/17)

WAC 388-112A-0105 Who is required to obtain home care aide certification and by when? Unless exempt under WAC ((~~246-980-070~~)) ~~246-980-025~~, the following individuals must be certified by the department of health as a home care aide within the required time frames:

(1) All long-term care workers, within two hundred days of the date of hire;

(2) If a long-term care worker is limited-English proficient and the department of health has issued a provisional certification, within two hundred sixty days of the date of hire;

(3) Adult family home applicants, before licensure;

- (4) Adult family home entity representatives and resident managers, before assuming the duties of the position;
- (5) Assisted living facility administrators or their designees within two hundred calendar days of the date of hire.
- (6) Enhanced services facility applicants, before licensure; and
- (7) Enhanced services facility administrators or their designees within two hundred days of the date of hire.

[Statutory Authority: RCW 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.351, 74.39A.341, 18.20.270, 18.88B.021, 18.88B.035, 70.128.230, 71A.12.030. WSR 17-22-036, § 388-112A-0105, filed 10/24/17, effective 11/24/17.]

AMENDATORY SECTION (Amending WSR 17-22-036, filed 10/24/17, effective 11/24/17)

WAC 388-112A-0550 Who is required to complete nurse delegation core training and nurse delegation specialized diabetes training and by when? (1) Before performing any delegated nursing task, long-term care workers in adult family homes and assisted living facilities must:

- (a) Successfully complete the DSHS designated nurse delegation core training, "nurse delegation for nursing assistants & home care aides";
 - (b) Be one or more of the following:
 - (i) Certified home care aide under chapter 18.88B RCW;
 - (ii) Nursing assistant certified under chapter 18.88A RCW;
 - (iii) If the long-term care worker is exempt from the home care aide certification under WAC ((~~246-980-070~~)) 246-980-025, the long-term care worker must be a nursing assistant registered and complete the core competencies of basic training, unless they already completed the twenty-eight hours of revised fundamentals of care or a department approved alternative;
 - (iv) If nurse delegation is needed to implement a care plan or negotiated service agreement earlier than home care aide certification can be obtained, the long-term care worker must become a nursing assistant registered and complete core competencies (the core basic training) of the seventy-hour long-term care worker basic training.
- (2) Before long-term care workers in adult family homes and assisted living facilities may perform the task of insulin injections, the long-term care workers must:
- (a) Meet the requirements in subsection (1)(a) and (b) of this section; and
 - (b) Successfully complete the DSHS designated specialized diabetes nurse delegation training.

[Statutory Authority: RCW 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.351, 74.39A.341, 18.20.270, 18.88B.021, 18.88B.035, 70.128.230, 71A.12.030. WSR 17-22-036, § 388-112A-0550, filed 10/24/17, effective 11/24/17.]