

WSR 21-13-044

EMERGENCY RULES

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed June 11, 2021, 7:57 a.m., effective June 11, 2021, 7:57 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: WAC 246-843-130 Continuing education requirements for nursing home administrators, the board of nursing home administrators (board) is adopting an emergency rule to continue to allow continuing education credit for pandemic related training and experience. This is a continuance of the emergency rule filed on October 12, 2020, under WSR 20-21-035 and on February 10, 2021, under WSR 21-05-030. While this emergency rule allows continuing education credit for training and experience related to coronavirus disease 2019 (COVID-19), it also allows for other pandemic related trainings. This emergency rule 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.

The board is adopting this rule to allow licensees to continue to perform their job of protecting residents and focus on the immediate patient needs during the COVID-19 response, which continues to be a factor for many nursing homes and long-term care facilities. The rules need to continue to be in effect to allow licensees who are currently affected by the COVID-19 pandemic more trainings in the subject, and to assist in avoiding a lapse in licensing.

Citation of Rules Affected by this Order: Amending WAC 246-843-130.

Statutory Authority for Adoption: RCW 18.52.061.

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: The immediate amendment of the existing rule is necessary for the preservation of public health, safety, and general welfare. It is essential that nursing home administrators be able to continue to perform vital work within the nursing home setting, both during the initial COVID-19 response and during the ongoing pandemic. Nursing home administrators are already working overtime to learn and implement new additional state and federal regulatory requirements. They must write and adopt new policies, and adopt new treatment measures to help residents and health care personnel assure [ensure] the safety and well-being of nursing home residents. Allowing nursing home administrators to apply towards continuing education the training and learning acquired in responding to the pandemic in the long-term care environment will allow them to continue to be licensed through these earned credits and to continue to protect residents.

The board will hold a hearing for permanent rules on May 27, 2021, and, if the board votes to adopt the rules, will then work on the process of filing a rule making order (CR-103) to adopt the allowance for continuing education credits for pandemic relating [related] training and experience permanently in rule.

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: June 10, 2021.

Carl Christensen, Ph.D., RN, Chair
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.]