

WSR 22-05-071
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 15, 2022, 9:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-16-112.

Title of Rule and Other Identifying Information: Chapter 392-198 WAC, Training—School employees—HIV/AIDS. Proposing to include blood-borne pathogens.

Hearing Location(s): On March 23, 2022, at 10:00 a.m., webinar via Zoom (call-in option will be available). Due to ongoing public health emergency related to the COVID-19 virus pandemic, this public hearing will be held by webinar via Zoom (with a call-in option). There will be no physical location for the hearing. For information on registering and participating, please visit office of superintendent of public instruction's (OSPI) website at <https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity>. For questions, please email Kristin.murphy@k12.wa.us.

Date of Intended Adoption: March 25, 2022.

Submit Written Comments to: Annie Hetzel, OSPI, P.O. Box 47200, Olympia, WA 98504, email annie.hetzel@k12.wa.us, by March 23, 2022.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, fax 360-754-4201, TTY 360-664-3631, email Kristin.murphy@k12.wa.us, by March 16, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: OSPI is considering rule making to amend the rules concerning school employee training and education for blood-borne pathogens. RCW 70.24.290 was amended (HB [ESHB] 1551, 2020) and directs OSPI to adopt rules concerning educating and training school employees on the prevention, transmission, and treatment of blood-borne pathogens. Previously, the requirement was for education and training concerning HIV/AIDS but has been amended to include blood-borne pathogens.

Reasons Supporting Proposal: The proposed rule revisions are needed to modernize the language in WAC intended to destigmatize HIV/AIDS. A more generalized approach to training staff concerning blood-borne pathogens is necessary for effective prevention of potential disease transmission.

Statutory Authority for Adoption: RCW 70.24.290.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Annie Hetzel, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6040.

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

A cost-benefit analysis is not required under RCW 34.05.328. OSPI is not subject to RCW 34.05.328 per subsection (5)(a)(i).

Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.030.

Explanation of exemptions: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed

amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

February 15, 2022
Chris P. S. Reykdal
State Superintendent
of Public Instruction

OTS-3476.1

Chapter 392-198 WAC
TRAINING—SCHOOL EMPLOYEES—((HIV/AIDS)) BLOOD-BORNE PATHOGENS

AMENDATORY SECTION (Amending WSR 91-18-006, filed 8/23/91, effective 9/23/91)

WAC 392-198-005 Authority. The authority for this chapter is RCW 70.24.290 which ~~((authorizes))~~ requires the superintendent of public instruction to adopt rules ~~((that require))~~ mandating appropriate education and training ~~((of))~~ for public school employees ~~((about))~~ on the transmission, prevention, and treatment of ~~((HIV/AIDS))~~ diseases caused by blood-borne pathogens as defined by RCW 70.24.017(1). The superintendent of public instruction is further required to develop the course content and educational material necessary in consultation with the department of health ~~((under RCW 70.24.250))~~. OSPI is adopting rules from chapter 296-823 WAC unless otherwise provided here.

[Statutory Authority: RCW 70.24.290. WSR 91-18-006 (Order 91-16), § 392-198-005, filed 8/23/91, effective 9/23/91.]

AMENDATORY SECTION (Amending WSR 91-18-006, filed 8/23/91, effective 9/23/91)

WAC 392-198-010 Purpose((s)). The purpose of this chapter is to provide public school districts with the mandatory ~~((and supplement-
tal))~~ course content requirements for training school district employees regarding the transmission, prevention, and treatment of ~~((HIV/
AIDS))~~ diseases caused by blood-borne pathogens.

[Statutory Authority: RCW 70.24.290. WSR 91-18-006 (Order 91-16), § 392-198-010, filed 8/23/91, effective 9/23/91.]

AMENDATORY SECTION (Amending WSR 91-18-006, filed 8/23/91, effective 9/23/91)

WAC 392-198-015 Course content requirements for ((HIV/AIDS)) blood-borne pathogen inservice training—Mandatory. ((Pursuant to RCW 70.24.250 and)) In accordance with RCW 70.24.290, the ((HIV/AIDS)) blood-borne pathogen training provided by public school districts ((shall)) must include ((:)

- ~~(1) History and epidemiology of HIV/AIDS;~~
- ~~(2) Methods of transmission of HIV;~~
- ~~(3) Methods of prevention of HIV including universal precautions for handling of body fluids;~~
- ~~(4) Current treatment for symptoms of HIV and prognosis of disease progression;~~
- ~~(5) State and federal laws governing discrimination of persons with HIV/AIDS;~~
- ~~(6) State and federal laws regulating confidentiality of a person's HIV antibody status))~~ the elements outlined in WAC 296-823-12005 with an emphasis on basic, essential skills such as handwashing and use of personal protective equipment.

[Statutory Authority: RCW 70.24.290. WSR 91-18-006 (Order 91-16), § 392-198-015, filed 8/23/91, effective 9/23/91.]

AMENDATORY SECTION (Amending WSR 91-18-006, filed 8/23/91, effective 9/23/91)

WAC 392-198-030 New employee training. Each school district ((shall)) must ensure that newly hired school district employees ((shall)) receive the ((HIV/AIDS)) blood-borne pathogens training prescribed in WAC 392-198-015 ((within six months from the first day of employment in the district)) prior to assigning tasks where occupational exposure might occur and at least annually and within one year of the previous training, in alignment with WAC 296-823-12005.

[Statutory Authority: RCW 70.24.290. WSR 91-18-006 (Order 91-16), § 392-198-030, filed 8/23/91, effective 9/23/91.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-198-020 Course content requirements for HIV/AIDS inservice training—Supplemental.
- WAC 392-198-025 Continuing inservice.