

**WSR 24-10-046**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed April 24, 2024, 1:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-05-005.

Title of Rule and Other Identifying Information: WAC

388-101D-0295 Medication services—General and 388-101D-0330 Storage of medications.

Hearing Location(s): On June 4, 2024, at 10:00 a.m., virtually via Microsoft Teams or call in. See the department of social and health services (DSHS) website at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than June 5, 2024.

Submit Written Comments to: Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, by 5:00 p.m. on June 4, 2024.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay, email [shelley.tencza@dshs.wa.gov](mailto:shelley.tencza@dshs.wa.gov), by 5:00 p.m. on May 21, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The developmental disabilities administration amended these rules to amend the labeling requirements for prescribed and over-the-counter medications for clients who receive services from providers under chapter 388-101D WAC, group homes, group training homes, supported living, and state-operated living alternatives for adults.

Reasons Supporting Proposal: The proposed changes are intended to support client choice and reduce medication error. The amendments would allow providers delivering medication management or medication administration to support clients taking medications lacking a pharmacist label (as long as other criteria are met), such as a homeopathic or other medication that typically does not include a pharmacist label.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 71A.12.120.

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

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-790-4732; Implementation and Enforcement: Megan Kwak, P.O. Box 45310, Olympia, WA 98504-5310, 360-764-9909.

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 Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, email [chantelle.diaz@dshs.wa.gov](mailto:chantelle.diaz@dshs.wa.gov).

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

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. The new requirements added to the proposed rules involve medication labels, which, most of the time, will already be adhered to the medication container and do not cost anything. In some instances, the provider may need to add the client's name to a container or other information to a medication organizer. To add any missing information to a medication container or organizer, the provider may need labeling materials (marker, label). Any material costs should not exceed \$50 annually per client or other appropriate unit of service (RCW 19.85.020).

April 22, 2024  
Katherine I. Vasquez  
Rules Coordinator

### SHS-5020.3

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

**WAC 388-101D-0295 Medication services—General.** (1) If the service provider (~~(is involved in assisting any)~~) supports a client with ((medications)) a prescribed or over-the-counter medication, as identified in the client's ((individual support)) person-centered service plan, the service provider must do all of the following:

(a) Have systems in place to ensure that medications are given as ordered and in a manner that safeguards the client's health and safety(~~(†)~~) .

(b) Ensure that each client receives their medication as prescribed, except as provided for in the medication refusal section or in the medication assistance section regarding altering medication(~~(† and)~~) .

(c) (~~(Have a legible prescription label completed by a licensed pharmacy before providing medication assistance or medication administration to a client for prescribed medications.)~~) Ensure each medication has a legible:

(i) Pharmacist-prepared label; or

(ii) Manufacturer label with the name of the client for whom the medication is prescribed added to the container.

(2) Group homes licensed as an assisted living facility or adult family home must meet the medication management requirements of chapter 388-78A or 388-76 WAC. For any difference in requirements the assisted living facility or adult family home medication rules take precedence over the medication rules of this chapter.

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

**WAC 388-101D-0330 Storage of medications.** (1) The service provider must keep a client's medications so they are not readily available to other clients.

(2) The service provider must store medications:

- (a) Under proper conditions for sanitation, temperature, moisture, and ventilation, and separate from food or toxic chemicals; and
- (b) In the original medication (~~containers~~) container with a pharmacist-prepared label, a (~~or~~) manufacturer's label in accordance with WAC 388-101D-0295, or in a medication (~~organizers which are~~) organizer clearly labeled with the:
- (i) Name of the client for whom the medication is prescribed;
  - (ii) Name of (~~the medications~~) each medication; (~~and~~)
  - (iii) (~~Dosage and~~) Medication dose and frequency(~~or~~) to be given; and
  - (iv) Route each medication is to be administered.
- (3) Group homes must:
- (a) Keep all medications in locked storage; and
  - (b) Use medication organizers only when filled by a pharmacist.