

WSR 24-12-061
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed June 3, 2024, 11:44 a.m., effective June 7, 2024]

Effective Date of Rule: June 7, 2024.

Purpose: The developmental disabilities administration (DDA) is enacting these changes on an emergency basis to ensure that when a client requires a medication for which there is a prescription but no pharmacist-prepared label, the medication is labeled in a way that promotes safety.

Citation of Rules Affected by this Order: Amending WAC 388-101D-0295 and 388-101D-0330.

Statutory Authority for Adoption: RCW 34.05.350.

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: These amendments would allow a provider to support a client who requires a medication for which there is no pharmacist-prepared label available. These changes are necessary to reduce the possibility of medication error and provider citation, which can impact client services, and to promote client choice. This is the second emergency filing on these sections and is necessary to keep them in effect until DDA can complete the permanent rule-making process. DDA is proceeding through the permanent process and the proposed rules are scheduled for public hearing on June 4, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: May 21, 2024.

Katherine I. Vasquez
Rules Coordinator

SHS-5020.2

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, 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~~), have 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(~~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.