

WSR 25-04-078

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed January 31, 2025, 2:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-13-042.

Title of Rule and Other Identifying Information: This proposal would update chapter 388-101 WAC, Certified community residential services and supports (CCRSS); amending WAC 388-101-3020 Compliance; and adding new WAC 388-101-30201 Infection control.

Hearing Location(s): On March 11, 2025, at 10:00 a.m., virtually via 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 March 12, 2025.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, beginning noon on February 5, 2025, by 5:00 p.m. on March 11, 2025.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email shelley.tencza@dshs.wa.gov, by 5:00 p.m. on February 25, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is necessary to help the regulated community comply with the rules by providing clear language about CCRSS compliance and infection control practices.

Reasons Supporting Proposal: These rules are necessary to instruct and inform CCRSS service providers about staying in compliance with infection control policy and practices.

Statutory Authority for Adoption: RCW 71A.12.030 and 71A.26.040.

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Debra Hoeman, P.O. Box 45600, Olympia, WA 98504, 360-764-6632.

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 Debra Hoeman, P.O. Box 45600, Olympia, WA 98504, phone 360-764-6632, TTY 711 relay service, email debra.hoeman@dshs.wa.gov.

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

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or in-

corporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Scope of exemption for rule proposal:

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 cost associated with this proposal are for infection control supplies already being purchased by or available to providers. We determined that these supplies do not impose more-than-minor cost to the regulated businesses and that the benefits outweigh the costs.

A copy of the detailed cost calculations may be obtained by contacting Debra Hoeman, P.O. Box 45600, Olympia, WA 98504, phone 360-764-6632, TTY relay service 711, email debra.hoeman@dshs.wa.gov.

January 30, 2025
Katherine I. Vasquez
Rules Coordinator

SHS-5067.1

AMENDATORY SECTION (Amending WSR 22-06-008, filed 2/18/22, effective 3/21/22)

WAC 388-101-3020 Compliance. The service provider must (~~be in compliance~~) comply with:

(1) All the requirements of this chapter and chapter 388-101D WAC, except that the licensing requirements for adult family homes and assisted living facilities supersede these chapters if the requirements under respective chapters 388-76 and 388-78A WAC conflict with these chapters;

(2) The laws governing this chapter, including chapter 71A.12, 71A.22, and 71A.26 RCW;

(3) The requirements of chapter 74.34 RCW;

(4) The department's residential services contract (~~(. Except)~~), except that, the requirements of this chapter supersede any conflicting requirements with the contract, or appendices to the contract; and

(5) Other relevant federal, state, county, tribal, territorial, (and) local (laws), and municipal statutes, rules, codes, requirements, and ordinances.

NEW SECTION

WAC 388-101-30201 Infection control. (1) To manage infection control the service provider must:

(a) Comply with nationally recognized infection control standards when providing client care and supports;

(b) Develop and implement sufficient procedures to identify, prevent, and control infections caused by communicable disease; and

(c) Provide staff with the necessary training, supplies, equipment, and protective clothing for preventing and controlling the spread of infections.

(2) Whenever an outbreak of suspected food poisoning or communicable disease occurs, the provider must:

(a) Follow local health jurisdiction directions and recommendations pertaining to infection control and prevention including measures to control, mitigate, and manage communicable disease outbreaks; and

(b) Restrict a staff person's contact with clients when the staff person has a known communicable condition in the infectious stage that is likely to be spread by casual contact.