

WSR 25-05-021

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed February 7, 2025, 3:21 p.m., effective March 10, 2025]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule making supports and protects residents by adding time frames to existing WAC requirements and adding clarifying language. The rule requires adult family homes (AFHs) to dispose of expired, discontinued, and refused medications within a specific time frame and development of a policy to address the transfer of medications when residents permanently leave the home. Residents are less likely to receive expired or unused medications and those who leave the AFH will receive support to ensure they take their medications with them.

Citation of Rules Affected by this Order: Amending WAC 388-76-10490.

Statutory Authority for Adoption: RCW 70.128.007 and 70.128.040.

Adopted under notice filed as WSR 24-24-020 on November 22, 2024.

Changes Other than Editing from Proposed to Adopted Version: A minor change was made to require that AFHs include in their medication disposal policy the disposal of "refused" medications.

The changes were made because the department of social and health services received internal feedback regarding medications that residents refuse. In the proposed rule, the term "unused" was replaced with "discontinued." Removing "unused" from the current rule without addressing "refused" medications would leave a gap in the new rule. This gap would remove the requirement to dispose of medications residents refuse, which would negate the purpose of this rule making.

A final cost-benefit analysis is available by contacting Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 564-999-3182, TTY 711 relay service, email colleen.jensen1@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 7, 2025.

Lisa N.H. Yanagida
Chief of Staff

SHS-5060.3

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10490 Medication disposal—Written policy—Required.

(1) For the purposes of this section, "discontinued" means medication that is no longer prescribed or being used to treat a condition, as directed by the resident's physician or health care professional with prescriptive authority.

(2) The adult family home must ((have)) develop and implement a written policy addressing the safe disposal of ((unused or expired)) resident medications that have been discontinued, have expired, or were refused by the resident. The policy must: ((Unused and expired medication must be disposed of in a safe manner for:

- (1) Current residents living in the adult family home; and
- (2) Residents who have left the home.)

(a) Comply with all federal and state laws and regulations regarding medication disposal;

(b) Address the safe disposal of medications for current residents, deceased residents, and residents who have discharged from the facility; and

(i) For current residents the facility must safely dispose of discontinued medications, expired medications, and refused medications within 30 calendar days of discontinuation, expiration, or resident refusal;

(ii) For deceased residents the facility must safely dispose of all medications within 30 calendar days of the resident's death; and

(iii) For discharged residents the facility must:

(A) Assist with the transfer of the resident's medications to the resident's new setting, when needed;

(B) End fulfillment, delivery, and receipt of prescription medications within 10 calendar days; and

(C) Safely dispose of any medications left at the adult family home after 90 calendar days.

(c) Require that the safe disposal of the medication is recorded in a document that includes:

(i) Name of resident;

(ii) Name of medication;

(iii) Amount of medication;

(iv) Date of disposal or transfer; and

(v) Name of individual completing the task.