

## WSR 25-07-033

## PERMANENT RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed March 11, 2025, 10:48 a.m., effective April 11, 2025]

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

Purpose: The purpose of these changes include:

- Compliance with SB 5811 passed during the 2024 legislative session;
- Clarification of continuing education (CE) requirements related to the date of hire;
- Acknowledgment of the interstate nurse licensure compact related to training requirements; and
- Combining WAC 388-71-0990 and 388-71-0991 into a single section.

Changes to law related to training and continuing education affect all long-term care workers. Rules must be changed in response to and in compliance with the new laws including SB 5811 and the interstate nurse licensure compact. Other edits related to clarity and consistency are also included along with the combining of two very similar sections.

Citation of Rules Affected by this Order: Repealing WAC 388-71-0990; and amending WAC 388-71-0523, 388-71-0839, 388-71-0875, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0971, 388-71-0977, 388-71-0991, 388-71-1001, and 388-115-0523.

Statutory Authority for Adoption: RCW 18.88B.010, 18.88B.041, 74.08.090, 74.39A.076, and 74.39A.341.

Other Authority: Chapter 18.80 RCW.

Adopted under notice filed as WSR 24-19-048 on September 11, 2024.

Changes Other than Editing from Proposed to Adopted Version: Interested parties pointed out that the language of the proposed rule failed to exempt individual providers caring for only their biological, step, or adoptive child from the 12-hour CE requirement after January 1, 2027, as required in RCW 74.39A.341 (3) (a). The department of social and health services (department) agrees and has corrected the error by amending subsections (6) and (7), and adding new subsection (8) in both WAC 388-71-0523 and 388-115-0523.

Also, interested parties expressed concern that the current CE language that states, "12 hours is required for each year worked in long-term care" may be misinterpreted as a cumulative requirement, thus increasing the amount of CE required each year. The department agrees and has changed the language to "12 hours is required every year while working in long-term care" in subsections (1), (2), (7), and (9) in both WAC 388-71-0523 and 388-115-0523.

A final cost-benefit analysis is available by contacting Dave Chappell, P.O. Box 45600, Lacey, WA 98504-5600, phone 360-725-2516, TTY 711, email david.chappell@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 11, 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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, 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 11, Repealed 1.

Date Adopted: March 11, 2025.

Lisa N.H. Yanagida  
Chief of Staff

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 25-08 issue of the Register.