

## WSR 25-16-084

## PERMANENT RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)

[Filed August 5, 2025, 7:38 a.m., effective October 1, 2025]

Effective Date of Rule: October 1, 2025.

Purpose: The purpose is to amend WAC 388-71-0836, 388-71-0985, 388-112A-0010, and 388-112A-0600, relating to requirements on continuing education (CE) and what topics may be covered in CE such as changes in the definitions of "compliance year," "expanded specialty training," and "professional development." Adopting these rules supports long-term care providers that have annual CE requirements. Both for the purposes of maintaining the home care aide (HCA) credential through the department of health, and as otherwise required for providers exempt from the HCA credential.

Citation of Rules Affected by this Order: Amending WAC 388-71-0836, 388-71-0985, 388-112A-0010, and 388-112A-0600.

Statutory Authority for Adoption: RCW 18.88B.010, 18.88B.021, 18.88B.041, 74.08.090, 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.076, and 74.39A.341.

Adopted under notice filed as WSR 25-12-059 on May 29, 2025.

A final cost-benefit analysis is available by contacting Brad McFadden, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2563, email Bradley.McFaddend@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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 4, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: August 5, 2025.

Katherine I. Vasquez  
Rules Coordinator

**SHS-5087.1**

AMENDATORY SECTION (Amending WSR 24-05-003, filed 2/8/24, effective 3/10/24)

**WAC 388-71-0836 What definitions apply to the long-term care worker training requirements?** The following definitions apply to the long-term care worker training requirements:

(1) "**Activities of daily living**" means self-care abilities related to personal care such as bathing, eating, using the toilet, medi-

ation assistance, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(2) "**Care team**" means the client and everyone involved in the individual's care. The care team may include family, friends, doctors, nurses, long-term care workers, social workers, and case managers. The role of the care team is to support the client's well-being. However, the client directs the care plan.

(3) "**Challenge test**" means a competency test taken for specialty training without first taking the class for which the test is designed and may only be used when basic training is not required.

(4) "**Client**" means an individual receiving in-home services.

(5) "**Competency**" means the integrated knowledge, skills, or behavior expected of a long-term care worker after completing training in a required topic area. Learning objectives are associated with each competency.

(6) "**Competency testing**" means evaluating a student to determine if the student can demonstrate the required level of skill, knowledge, and behavior with respect to the identified learning objectives of a particular course. The department only requires competency testing for nurse delegation core and specialized diabetes training, and the specialty and expanded specialty trainings. Training programs may integrate competency testing within each programs' approved curricula.

(7) "**Compliance year**" means the 12-month period allowed to complete the required 12 annual hours of continuing education, whether a caregiver's compliance year be the calendar year or birthdate to birthdate, as required by their provider type.

~~((7))~~ (8) "**Core basic training**" means the portion of the 70-hour home care aide basic training that covers the core competencies and skills that long-term care workers need in order to provide personal care services efficiently and safely. The core basic training hours also includes hours devoted to student practice and demonstration of skills.

~~((8))~~ (9) "**Date of hire**" for determining time frames related to training and certification, means the first day the long-term care worker is employed by any employer.

~~((9))~~ (10) "**DDA**" refers to the developmental disabilities administration.

~~((10))~~ (11) "**Direct care worker**" means a paid individual who provides direct, personal care services to persons with disabilities or the elderly requiring long-term care (see also the definition of long-term care worker, which includes client care workers).

~~((11))~~ (12) "**Department**" or "**DSHS**" means the department of social and health services.

~~((12))~~ (13) "**Enhancement**" means additional time provided for skills practice and additional training materials or classroom activities that help a long-term care worker to thoroughly learn the course content and skills. Enhancements can include new student materials, videos or DVDs, online materials, and additional student activities.

~~((13))~~ (14) "**Expanded specialty training**" means optional curricula that provide caregivers with advanced knowledge and skills ~~(to provide)~~ related to specialty training or providing person-centered care to clients or residents living with conditions other than developmental disabilities, dementia, and mental health. The optional expanded specialty training may include such topics as traumatic brain injury, diabetes care, and bariatric care. The optional expanded spe-

cialty training curricula must be DSHS developed and based on competencies and learning objectives established by the department.

~~((14))~~ (15) **"Guardian"** means an individual as defined in chapter 11.130 RCW.

~~((15))~~ (16) **"Home care aide" or "certified home care aide"** means a long-term care worker who has obtained and maintains a home care aide certification through the department of health.

~~((16))~~ (17) **"Hybrid"** means a combination of online training and in-person, remote, or virtual classroom instruction.

~~((17))~~ (18) **"Individual provider" or "IP"** means a person employed by the consumer directed employer to provide personal care or respite care services to persons with functional disabilities under a medicaid state plan program, such as the medicaid personal care or community first choice programs, under a federal medicaid waiver program, or through the veteran directed home care (VDHC) program.

~~((18))~~ (19) **"Learning objectives"** means measurable, written statements that clearly describe what a long-term care worker must minimally learn to meet each competency. Learning objectives are identified for each competency. Learning objectives provide consistent, common language and a framework for curriculum designers, the curriculum approval process, and testing. Curriculum developers have the flexibility to determine how learning objectives are met and may include additional content deemed necessary to best meet the competency in a particular setting.

~~((19))~~ (20) **"Long-term care worker"** means:

(a) All persons who provide paid, personal care services for the elderly or persons with disabilities, including but not limited to, individual providers of home care services, direct care workers employed by home care agencies, providers of home care services to persons with developmental disabilities under Title 71A RCW, all direct care workers in state-licensed assisted living facilities, adult family homes, respite care providers, community residential service providers, and any other direct care staff who provide home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(b) Long-term care workers do not include:

(i) Persons employed by the following facilities or agencies: Nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, residential habilitation centers under chapter 71A.20 RCW, facilities certified under 42 C.F.R., Part 483, hospice agencies subject to chapter 70.127 RCW, adult day care centers; or

(ii) Persons who are not paid by the state, by a private agency, or facility licensed by the state to provide personal care services.

~~((20))~~ (21) **"Online training"** means a course taken through an automated, asynchronous learning management system or other technology that conforms to the online training standards posted on the DSHS website at <https://bit.ly/dshs-online-standards>.

~~((21))~~ (22) **"Personal care services"** means physical or verbal assistance with activities of daily living, or activities of daily living and instrumental activities of daily living that are provided to the client.

(23) **"Professional development"** for long-term care workers means training related to enhancing and improving the skills and knowledge required in their current caregiving role. Information related to home care aide advancement into administrative duties may be included as part of an overall conference experience related to the current caregiving role.

~~((22))~~ (24) **"Remote skills training"** means training conducted in a virtual classroom environment, or online when a student either demonstrates a skill live or provides a video recorded file of themselves performing a skill that is forwarded for feedback to an approved instructor or a proctor trained by an approved instructor, or both. A training program must be approved by DSHS to provide remote skills training.

~~((23))~~ (25) **"70-hour home care aide training"** means the 70 hours of required training that a new long-term care worker must complete within 120 days of hire. It has three components: Core competencies, practice of skills, and population specific topics, which may include specialty and nurse delegation training.

~~((24))~~ (26) **"Specialty training"** means curricula that meets the requirements of RCW 18.20.270 and 70.128.230 to provide basic core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents living with mental illness, dementia, or developmental disabilities. The specialty training curricula may be DSHS developed or DSHS approved and must be based on the competencies and learning objectives in WAC 388-112A-0430, 388-112A-0440, or 388-112A-0450.

~~((25))~~ (27) **"Training entity"** means an organization, including an independent contractor, who provides or may provide training under this chapter using approved curriculum. Training entities may only deliver approved curriculum.

~~((26))~~ (28) **"Training partnership"** means a joint partnership or trust that includes the office of the governor, and the exclusive bargaining representative of individual providers under RCW 74.39A.270 with the capacity to provide training, peer mentoring, and workforce development, or other services to individual providers.

~~((27))~~ (29) **"Virtual classroom"** means a synchronous, instructor-led, remote learning environment conducted in real time that conforms to the virtual classroom standards posted on the DSHS website at <https://bit.ly/dshs-online-standards>. A training program must be approved by DSHS to provide virtual classroom instruction.

AMENDATORY SECTION (Amending WSR 23-01-022, filed 12/9/22, effective 1/9/23)

**WAC 388-71-0985 What is continuing education and what topics may be covered in continuing education?** (1) Continuing education is annual training designed to promote professional development and increase a person's knowledge, expertise, and skills. DSHS must approve continuing education curricula and instructors.

~~((2) The same continuing education course must not be repeated for credit unless it is a new or more advanced training on the same topic. However, a long-term care worker may repeat up to five credit hours per year [on] the following topics:~~

- ~~(a) Bloodborne pathogens and infection control;~~
- ~~(b) CPR training;~~
- ~~(c) First-aid training;~~
- ~~(d) Food handling training;~~
- ~~(e) Health Insurance Portability and Accountability Act (HIPAA);~~
- ~~(f) Medication assistance;~~
- ~~(g) Disaster preparedness;~~
- ~~(h) Aging sensitivity;~~

- ~~(i) Client rights as it relates to caregiving issues in chapter 70.129 RCW;~~
- ~~(j) Client safety;~~
- ~~(k) Abuse and neglect identification and mandatory reporting; and~~
- ~~(l) Topics where the home care agency, CDE, or department can demonstrate a need for retraining.~~
- ~~(3) Continuing education must be on a topic relevant to the care setting, care needs of clients, or long-term care worker career development. In addition to the topics listed in subsection (2) of this section, topics or courses may include:~~
- ~~(a) Personal care services;~~
- ~~(b) Mental illness;~~
- ~~(c) Dementia;~~
- ~~(d) Developmental disabilities;~~
- ~~(e) Depression;~~
- ~~(f) Communication skills;~~
- ~~(g) Positive client behavior support;~~
- ~~(h) Developing or improving client centered activities;~~
- ~~(i) Dealing with wandering or aggressive client behaviors;~~
- ~~(j) Deescalating challenging behaviors; and~~
- ~~(k) Medical conditions.))~~
- (2) Continuing education courses may be repeated for credit, however:
- (a) The same course may not be repeated within an individual's current continuing education compliance year as defined in WAC 388-71-0836 and 388-112-0010; and
- (b) If a course becomes available in an individual's preferred language, the translated course will be considered a new course.
- (3) Continuing education must be on a topic relevant to any of the following options:
- (a) The care setting;
- (b) Care needs of clients;
- (c) Caregiver self-care;
- (d) Long-term care worker professional development as defined in WAC 388-71-0836 and 388-112-0010.
- ~~(4) Nurse delegation core and nurse delegation specialized diabetes training hours when not applied to basic training hours may count (~~towards~~) toward continuing education.~~
- ~~(5) Specialty training, except if completed through a challenge test or counted toward basic training requirements, may be used to meet continuing education requirements.~~
- ~~(6) ((When hours from a class approved as specialty training are counted toward basic training requirements, the hours must not be counted toward continuing education.~~
- ~~(7)) Successful completion of a department of health approved home care aide certified alternative bridge program may be applied for up to 12 hours of continuing education in the year it was completed.~~

AMENDATORY SECTION (Amending WSR 24-05-003, filed 2/8/24, effective 3/10/24)

**WAC 388-112A-0010 What definitions apply to this chapter?** The following definitions apply to this chapter:

(1) **"Activities of daily living"** means self-care abilities related to personal care such as bathing, eating, using the toilet, dress-

ing, medication assistance, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(2) "**Adult family home training network**" means a nonprofit organization established by the exclusive bargaining representative of adult family homes designated under RCW 41.56.026 with the capacity to provide training, workforce development, and other services to adult family homes.

(3) "**Applicant**" means:

(a) An individual who is applying for an adult family home license;

(b) An individual with an ownership interest in a partnership, corporation, or other entity that is applying for an adult family home license; or

(c) An individual who is applying for an enhanced services facility license.

(4) "**Capable caregiving training**" means the DSHS developed training curricula in dementia and mental health that will be available in three class levels. The level one series of the class in both dementia and mental health meets the requirements under RCW 18.20.270 and ((RCW)) 70.128.230 for specialty training. The level two and level three capable caregiving classes, when developed in both topics, may be completed for continuing education credits.

(5) "**Care team**" includes the resident and everyone involved in the individual's care. The care team may include family, friends, doctors, nurses, long-term care workers, social workers, and case managers. The role of the care team is to support the resident's well-being. However, the resident directs the service plan when able.

(6) "**Challenge test**" means a competency test taken for specialty training without first taking the class for which the test is designed.

(7) "**Competency**" means the integrated knowledge, skills, or behavior expected of a long-term care worker after completing the training in a required topic area. Learning objectives are associated with each competency.

(8) "**Competency testing**" including challenge testing, evaluates a student to determine if they can demonstrate the required level of skill, knowledge, and behavior with respect to the identified learning objectives of a particular course.

(9) "**Compliance year**" means the 12-month period allowed to complete the required 12 annual hours of continuing education, whether a caregiver's compliance year be the calendar year or birthdate to birthdate, as required by their provider type.

((+9)) (10) "**Core basic training**" is the portion of the 70-hour home care aide basic training that covers the core competencies and skills that long-term care workers need in order to provide personal care services efficiently and safely. The core basic training hours also includes hours devoted to student practice and demonstration of skills.

((+10)) (11) "**Date of hire**" for determining time frames related to training and certification means the first day the long-term care worker is employed by any employer.

((+11)) (12) "**DDA**" means the developmental disabilities administration.

((+12)) (13) "**Designee**" means a person in an assisted living facility or enhanced services facility who supervises long-term care

workers and is designated by an assisted living facility administrator or enhanced services facility administrator to take the trainings in this chapter required of the facility administrator. An assisted living facility or enhanced services facility administrator may have more than one designee.

~~((13))~~ (14) "**Direct care worker**" means a paid individual who provides direct, personal care services to persons with disabilities or the elderly requiring long-term care (see also the definition of long-term care worker, which includes direct care workers).

~~((14))~~ (15) "**Direct supervision**" means oversight by a person who has demonstrated competency in basic training and if required, specialty training, or has been exempted from the basic training requirements, and is on the premises and quickly available to the caregiver.

~~((15))~~ (16) "**DSHS**" or "**department**" means the department of social and health services.

~~((16))~~ (17) "**Enhancement**" means additional time provided for skills practice and additional training materials or classroom activities that help a long-term care worker to thoroughly learn the course content and skills. Enhancements may include new student materials, videos or DVDs, online materials, and additional student activities.

~~((17))~~ (18) "**Entity representative**" means the individual designated by an adult family home provider who is or will be responsible for the daily operations of an adult family home.

~~((18))~~ (19) "**Expanded specialty training**" means optional curricula that provide caregivers with advanced knowledge and skills ~~((to provide))~~ related to specialty training or providing person-centered care to clients or residents living with conditions other than developmental disabilities, dementia, and mental health. The optional expanded specialty training may include such topics as traumatic brain injury, diabetes care, and bariatric care. The optional expanded specialty training curricula must be DSHS developed and based on competencies and learning objectives established by the department.

~~((19))~~ (20) "**Guardian**" means an individual as defined in chapter 11.130 RCW.

~~((20))~~ (21) "**Home**" means adult family homes, enhanced services facilities, and assisted living facilities.

~~((21))~~ (22) "**Home care aide certified**" or "**home care aide**" means a person who obtained and maintains a home care aide certification through the department of health.

~~((22))~~ (23) "**Hybrid**" means a combination of online training and in-person, remote, or virtual classroom instruction.

~~((23))~~ (24) "**Indirect supervision**" means oversight by a person who has demonstrated competency in basic training and if required, specialty training, or was exempted from basic training requirements, and who is quickly and easily available to the long-term care worker, but not necessarily on-site.

~~((24))~~ (25) "**Learning objectives**" means measurable, written statements that clearly describe what a long-term care worker must minimally learn to meet each competency. Learning objectives are identified for each competency. Learning objectives provide consistent, common language and a framework for curriculum designers, the curriculum approval process, and testing.

~~((25))~~ (26) "**Long-term care worker**" means:

(a) All persons who provide paid, personal care services for the elderly or persons with disabilities, including but not limited to, individual providers of home care services, direct care workers em-

ployed by home care agencies, providers of home care services to persons with developmental disabilities under Title 71A RCW, all direct care workers in state-licensed assisted living facilities, adult family homes, respite care providers, community residential service providers, and any other direct care staff who provide home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(b) Long-term care workers do not include:

(i) Persons employed by the following facilities or agencies: Nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, residential habilitation centers under chapter 71A.20 RCW, facilities certified under 42 C.F.R., Part 483, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers; or

(ii) Persons who are not paid by the state, by a private agency, or facility licensed by the state to provide personal care services.

~~((26))~~ (27) **"Online training"** means a course taken through an automated, asynchronous learning management system or other technology that conforms to the online training standards posted on the DSHS website at <https://bit.ly/dshs-online-standards>.

~~((27))~~ (28) **"Personal care services"** means physical or verbal assistance with activities of daily living, or activities of daily living and instrumental activities of daily living, which is provided to meet the resident's care needs.

(29) **"Professional development"** for long-term care workers means training related to enhancing and improving the skills and knowledge required in their current caregiving role. Information related to home care aide advancement into administrative duties may be included as part of an overall conference experience related to the current caregiving role.

~~((28))~~ (30) **"Provider"** means any person or entity licensed by the department to operate an adult family home, enhanced services facility, or assisted living facility, or any person or entity certified by the department to provide instruction and support services to meet the needs of persons receiving services under Title 71A RCW.

~~((29))~~ (31) **"Remote skills training"** means training conducted in a virtual classroom environment, or online when a student either demonstrates a skill live or provides a video recorded file of themselves performing a skill that is forwarded for feedback to an approved instructor or a proctor trained by an approved instructor, or both. A training program must be approved by DSHS to provide remote skills training.

~~((30))~~ (32) **"Renewal period"** means the certification renewal period as defined in WAC 246-12-010.

~~((31))~~ (33) **"Resident"** means a person residing and receiving long-term care services at an assisted living facility, enhanced services facility, or adult family home. As applicable, "resident" also means the resident's legal guardian or other surrogate decision maker.

~~((32))~~ (34) **"Resident manager"** means a person employed or designated by the provider to manage the adult family home who meets the requirements in WAC 388-76-10000 and this chapter.

~~((33))~~ (35) **"Routine interaction"** means regular contact with residents.

~~((34))~~ (36) **"70-hour home care aide basic training"** means the 70-hours of required training that a new long-term care worker must complete within 120 days of hire. It has three components: Core compe-

tencies, practice of skills, and population specific topics, which may include specialty and nurse delegation training.

~~((35))~~ (37) **"Special needs"** means a resident has dementia consistent with WAC 388-78A-2510 for assisted living or WAC 388-76-10000 for adult family homes; mental illness consistent with WAC 388-78A-2500 for assisted living or WAC 388-76-10000 for adult family homes; or developmental disabilities consistent with WAC 388-78A-2490 for assisted living or WAC 388-76-10000 for adult family homes.

~~((36))~~ (38) **"Specialty training"** means curricula that meets the requirements of RCW 18.20.270 and 70.128.230 to provide basic core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents living with mental illness, dementia, or developmental disabilities. The specialty training curricula may be DSHS developed or DSHS approved and must be based on the competencies and learning objectives in WAC 388-112A-0430, 388-112A-0440, or 388-112A-0450.

~~((37))~~ (39) **"Training entity"** means an organization, including an independent contractor, who provides or may provide training under this chapter using approved curriculum.

~~((38))~~ (40) **"Virtual classroom"** means a synchronous, instructor-led, remote learning environment conducted in real time that conforms to the virtual classroom standards posted on the DSHS website at <https://bit.ly/dshs-online-standards>. A training program must be approved by DSHS to provide virtual classroom instruction.

AMENDATORY SECTION (Amending WSR 20-14-088, filed 6/30/20, effective 7/31/20)

**WAC 388-112A-0600 What is continuing education and what topics may be covered in continuing education?** (1) Continuing education is annual training designed to promote professional development and increase a long-term care worker's knowledge, expertise, and skills. DSHS must approve continuing education curricula and instructors.

~~((2) The same continuing education course must not be repeated for credit unless it is a new or more advanced training on the same topic. However, a long-term care worker may repeat up to five credit hours per year on the following topics:~~

- ~~(a) Bloodborne pathogens and infection control;~~
- ~~(b) CPR training;~~
- ~~(c) First-aid training;~~
- ~~(d) Food handling training;~~
- ~~(e) Health insurance portability and accountability act (HIPAA);~~
- ~~(f) Medication assistance;~~
- ~~(g) Disaster preparedness;~~
- ~~(h) Aging sensitivity;~~
- ~~(i) Resident rights as it relates to caregiving issues in chapter 70.129 RCW;~~
- ~~(j) Resident safety;~~
- ~~(k) Abuse and neglect identification and mandatory reporting; and~~
- ~~(l) Topics where the assisted living facility, enhanced services facility, or adult family home can demonstrate a need for retraining.~~

~~(3) Continuing education must be on a topic relevant to the care setting, care needs of residents, or long-term care worker career development. In addition to the topics listed in subsection (1) of this section, topics or course may include:~~

- ~~(a) Personal care services;~~
- ~~(b) Mental illness;~~
- ~~(c) Dementia;~~
- ~~(d) Developmental disabilities;~~
- ~~(e) Depression;~~
- ~~(f) Communication skills;~~
- ~~(g) Positive resident behavior support;~~
- ~~(h) Developing or improving resident centered activities;~~
- ~~(i) Dealing with wandering or aggressive resident behaviors;~~
- ~~(j) Deescalating challenging behaviors; and~~
- ~~(k) Medical conditions.)~~

(2) Continuing education courses may be repeated for credit, however:

(a) The same course may not be repeated within an individual's current continuing education compliance year as defined in WAC 388-71-0836 and 388-112A-0010; and

(b) If a course becomes available in an individual's preferred language, the translated course will be considered a new course.

(3) Continuing education must be on a topic relevant to any of the following options:

(a) The care setting;

(b) Care needs of clients;

(c) Caregiver self-care;

(d) Long-term care worker professional development as defined in WAC 388-71-0836 and 388-112-0010.

(4) Nurse delegation core and nurse delegation specialized diabetes training hours when not applied to basic training hours may count ~~((towards))~~ toward continuing education.

(5) Specialty training, except if completed through a challenge test or counted toward basic training requirements, may be used to meet continuing education requirements.

~~((6) When hours from a class approved as specialty training are counted toward basic training requirements, the hours must not be counted toward continuing education.~~

~~(7))~~ (6) Residential care administrator training under WAC 388-112A-0800 may be used to meet the continuing education requirements described in WAC 388-112A-0610 during the year it was completed.

~~((8))~~ (7) Successful completion of a department of health approved home care aide certified alternative bridge program may be applied up to ~~((twelve))~~ 12 hours of continuing education in the year it was completed.