



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 12, 2023

TIME: 2:07 PM

WSR 23-13-037

Agency: Department of Social and Health Services, Developmental Disabilities Administration (DDA)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
- No
- If Yes, explain:

Purpose: DDA is amending WAC 388-829-0087 to extend due dates for continuing education credits required under Chapter 388-829 WAC. The department is proceeding with permanent adoption. This emergency will be superseded by the CR 103P filed on this date under WSR 23-13 when it becomes effective, 31 days after filing.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 388-829-0087
- Suspended:

Statutory authority for adoption: RCW 71A.12.030

Other authority: RCW 74.39A.341

EMERGENCY RULE

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Direct service providers hired during the COVID-19 public health emergency (PHE) were required to complete 12 hours of continuing education annually. As a result of the PHE, the number of training programs available to provide department-approved continuing education significantly diminished. Changing rules, standards, and a sudden shift to electronic training resulted in both a delay in available training and an increased demand. Providers have reported that there are still a significant number of workers who need to complete continuing education hours that were due while PHE-related training waivers were in place. This is affecting their ability to meet requirements for current renewal cycles because hours must be applied to the older renewal cycles first. Without an extension, direct service providers could end up out of compliance, which could limit client access to qualified providers.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New Amended 1 Repealed

The number of sections adopted on the agency's own initiative:

New Amended 1 Repealed

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New Amended Repealed

The number of sections adopted using:

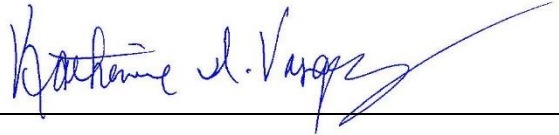
Negotiated rule making:	New <input type="checkbox"/>	Amended <input type="checkbox"/>	Repealed <input type="checkbox"/>
Pilot rule making:	New <input type="checkbox"/>	Amended <input type="checkbox"/>	Repealed <input type="checkbox"/>
Other alternative rule making:	New <input type="checkbox"/>	Amended <u>1</u>	Repealed <input type="checkbox"/>

Date Adopted: June 12, 2023

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-829-0087 What continuing education credit is granted to direct support professionals employed during the pandemic and when must continuing education be completed?

(1) The department finds that direct support professionals employed during the COVID-19 pandemic between March 1, 2020, and February 28, 2021, required emergent and intensive on-the-job training. Direct support professionals received critical, ongoing training in such topics as:

- (a) Donning and doffing personal protective equipment (PPE);
- (b) Hand hygiene;
- (c) Disinfection of high-touch surfaces;
- (d) Managing visitations and physical distancing;
- (e) Responding to newly infected residents;
- (f) Promotion of vaccination;
- (g) Protocols for quarantine;
- (h) Use of cloth face coverings;
- (i) Personal protection outside of the work environment; and
- (j) How to reduce exposure and spread.

(2) This on-the-job training was required of all service providers under WAC 388-829-0005. Instruction included infection control and the availability and distribution of personal protective equipment. Recognition of this training as a valid learning experience, in its various forms, was agreed upon with input from consumer and worker representatives, as the content was based on guidelines established by the Centers for Disease Control (CDC) and other federal, state, and local health care authorities.

(3) During this time, direct support professionals required ongoing critical training because guidance from the CDC, department of labor and industries, and other health authorities changed as more was learned about the SARS-CoV-2 virus. The department finds that this unprecedented on-the-job training comprised of at least 12 hours of continuing education between March 1, 2020, and February 28, 2021, and that this training:

- (a) Is not considered to be repeated training as described in WAC 388-829-0100; and
- (b) Satisfies the 12 hours of annual continuing education training.

(4) The direct support professional may apply the 12 hours of on-the-job training towards continuing education for either 2020 or 2021. The hours must be applied no later than December 31, 2021.

(5) All direct support professionals employed during the dates in subsection (3) of this section are granted 12 hours of DSHS-approved continuing education credit for the training entitled "COVID-19 On-The-Job Training Protocols," bearing the DSHS approval code CE2135218. No physical certificate for this training will be issued or required.

(6) The department recognizes that direct support professionals may not have completed training hours in excess of the 12 hours of CE granted in subsection (4) of this section due to the COVID-19 public health emergency.

(a) All direct support professionals have until ((~~December 31, 2022, or 120 days from the end of the COVID-19 training waivers established by gubernatorial proclamation, whichever is later,~~) ~~August 31, 2023,~~ to complete any additional CE that may have become due (~~while training waivers were in place~~) between January 1, 2020, and February

28, 2023, in excess of the 12 hours of CE granted in subsection (4) of this section.

(b) For an employee required to complete training by their birthday under WAC ((388-101D-0085)) 388-829-0085 (1)(b), the employee ((will have 120 days from the end of the training waivers)) has until August 31, 2023, to complete ((the required CE if the employee's birthday is fewer than 120 days after the training waivers are lifted)) any additional CE that may have become due between January 1, 2020, and February 28, 2023, in excess of the 12 hours of CE granted in subsection (4) of this section.