



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: February 12, 2021

TIME: 8:49 AM

WSR 21-05-047

**Agency:** Department of Social and Health Services, Aging and Long-Term Support Administration

**Title of rule and other identifying information:** (describe subject) WAC 388-112A-0105, Who is required to obtain home care aide certification and by when?, and 388-112A-0550, Who is required to complete nurse delegation core training and nurse delegation specialized diabetes training and by when?.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The department is proposing to amend WAC 388-112A-0105 and WAC 388-112A-0550 to change an outdated WAC reference from WAC 246-980-070 to WAC 246-980-025.

**Reasons supporting proposal:** The proposed changes are for housekeeping purposes only to update an outdated WAC reference.

**Statutory authority for adoption:** RCW 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.351, 74.39A.341, 18.20.270, 18.88B.021, 18.88B.035, 70.128.230, 71A.12.030

**Statute being implemented:** RCW 74.39A.009, 74.39A.070;

**Is rule necessary because of a:**

- |                         |                              |                                        |
|-------------------------|------------------------------|----------------------------------------|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Name of proponent:** (person or organization) Department of Social and Health Services

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	David Chappell	PO Box 45600, Olympia, WA 98504-5600	360-725-2466
Implementation:	David Chappell	PO Box 45600, Olympia, WA 98504-5600	360-725-2466
Enforcement:	David Chappell	PO Box 45600, Olympia, WA 98504-5600	360-725-2466

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates 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 incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** The proposed rule only corrects an outdated WAC reference.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: DSHS Rules Coordinator

Agency: Department of Social and Health Services

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**AND RECEIVED BY** (date) 5:00 p.m. April 19, 2021

**Date:** February 11, 2021

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



AMENDATORY SECTION (Amending WSR 17-22-036, filed 10/24/17, effective 11/24/17)

**WAC 388-112A-0105 Who is required to obtain home care aide certification and by when?** Unless exempt under WAC ((246-980-070)) 246-980-025, the following individuals must be certified by the department of health as a home care aide within the required time frames:

(1) All long-term care workers, within two hundred days of the date of hire;

(2) If a long-term care worker is limited-English proficient and the department of health has issued a provisional certification, within two hundred sixty days of the date of hire;

(3) Adult family home applicants, before licensure;

(4) Adult family home entity representatives and resident managers, before assuming the duties of the position;

(5) Assisted living facility administrators or their designees within two hundred calendar days of the date of hire.

(6) Enhanced services facility applicants, before licensure; and

(7) Enhanced services facility administrators or their designees within two hundred days of the date of hire.

AMENDATORY SECTION (Amending WSR 17-22-036, filed 10/24/17, effective 11/24/17)

**WAC 388-112A-0550 Who is required to complete nurse delegation core training and nurse delegation specialized diabetes training and by when?** (1) Before performing any delegated nursing task, long-term care workers in adult family homes and assisted living facilities must:

(a) Successfully complete the DSHS designated nurse delegation core training, "nurse delegation for nursing assistants & home care aides";

(b) Be one or more of the following:

(i) Certified home care aide under chapter 18.88B RCW;

(ii) Nursing assistant certified under chapter 18.88A RCW;

(iii) If the long-term care worker is exempt from the home care aide certification under WAC ((246-980-070)) 246-980-025, the long-term care worker must be a nursing assistant registered and complete the core competencies of basic training, unless they already completed the twenty-eight hours of revised fundamentals of care or a department approved alternative;

(iv) If nurse delegation is needed to implement a care plan or negotiated service agreement earlier than home care aide certification can be obtained, the long-term care worker must become a nursing assistant registered and complete core competencies (the core basic training) of the seventy-hour long-term care worker basic training.

(2) Before long-term care workers in adult family homes and assisted living facilities may perform the task of insulin injections, the long-term care workers must:

(a) Meet the requirements in subsection (1)(a) and (b) of this section; and

(b) Successfully complete the DSHS designated specialized diabetes nurse delegation training.