



# EXPEDITED RULE MAKING

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

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OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 02, 2024

TIME: 8:12 AM

WSR 24-08-069

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

**Title of rule and other identifying information:** (describe subject) The Department intends to repeal WACs 388-71-0876, 388-71-0992, 388-112A-0081, and 388-112A-0613

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose is to remove the COVID-19 training and continuing education extension rules that are no longer necessary.

**Reasons supporting proposal:** WACs 388-71-0876, 388-71-0992, 388-112A-0081, and 388-112A-0613 were put in place for the sole purpose of extending training deadlines during the COVID-19 emergency. The extended deadlines for both training and continuing education have passed, and certification deadlines are now set through rule by the Department of Health. RCW [74.39A.074\(6\)\(a\)](#) and [74.39A.341\(6\)\(a\)](#) require that the rules allowing extension of training deadlines be repealed when no longer necessary.

**Statutory authority for adoption:** RCW 74.08.090, 74.09.520, 74.39A.074, and 74.39A.341

**Statute being implemented:** RCW 74.39A.074(6)(a), and 74.39A.341(6)(a)

**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) David Chappell, DSHS/ATSA/HCS

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	David Chappell	AL TSA HQ Blake East	(360) 725-2516
Implementation:	David Chappell	AL TSA HQ Blake East	(360) 725-2516
Enforcement:	NA	NA	NA

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**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 extended deadlines for both training and continuing education have passed, and since certification deadlines are now set through rule by the Department of Health, the rules listed above are no longer necessary. Removal of the COVID training extension rules when no longer necessary is required by law under RCW [74.39A.074\(6\)\(a\)](#) and [74.39A.341\(6\)\(a\)](#).

**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

Address: PO Box 45850, Olympia WA 98504-5850

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Other:

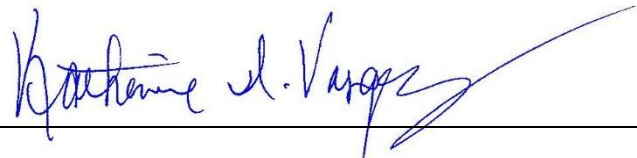
**AND RECEIVED BY** (date) 5:00 p.m. on June 4, 2024

**Date:** April 2, 2024

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                   |  |
|-------------------|--|
| WAC 388-71-0876   | When must long-term care workers who were working or hired during the COVID-19 public health emergency complete training, including required specialty training?                                     |
| WAC 388-71-0992   | When must continuing education be completed when public health emergency waivers are lifted, and what continuing education credit is granted to long-term care workers employed during the pandemic? |
| WAC 388-112A-0081 | When must long-term care workers who were working or hired during the COVID-19 public health emergency complete training, including required specialty training?                                     |
| WAC 388-112A-0613 | When must continuing education be completed when public health emergency waivers are lifted, and what continuing education credit is granted to long-term care workers employed during the pandemic? |