



**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 03, 2024

TIME: 11:44 AM

WSR 24-12-061

Agency: Department of Social and Health Services' Developmental Disabilities Administration

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 6/7/2024

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 enacting these changes on an emergency basis to ensure that when a client requires a medication, for which there is a prescription but no pharmacist-prepared label, the medication is labeled in a way that promotes safety.

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 388-101D-0295 and 388-101D-0330
Suspended:

Statutory authority for adoption: RCW 34.05.350

Other authority:

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: These amendments would allow a provider to support a client who requires a medication for which there is no pharmacist-prepared label available. These changes are necessary to reduce the possibility of medication error and provider citation, which can impact client services, and to promote client choice. This is the second emergency filing on these sections and is necessary to keep them in effect until DDA can complete the permanent rulemaking process. DDA is proceeding through the permanent process and the proposed rules are scheduled for public hearing on June 4, 2024.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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 ____ Repealed ____

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


New ____ Amended ____ Repealed ____

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

New ____ Amended 2 Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	<u>2</u>	Repealed	____

Date Adopted: May 21, 2024	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

WAC 388-101D-0295 Medication services—General. (1) If the service provider ~~((is involved in assisting any))~~ supports a client with medications, as identified in the client's ((individual support)) person-centered service plan, the service provider must do all of the following:

(a) Have systems in place to ensure that medications are given as ordered and in a manner that safeguards the client's health and safety~~((?))~~ .

(b) Ensure that each client receives their medication as prescribed, except as provided for in the medication refusal section or in the medication assistance section regarding altering medication~~((? and))~~ .

(c) ~~((Have a legible prescription label completed by a licensed pharmacy))~~ Before providing medication assistance or medication administration to a client ((for prescribed medications.)) , have a legible:

(i) Pharmacist-prepared label; or

(ii) Manufacturer label with the name of the client for whom the medication is prescribed added to the container.

(2) Group homes licensed as an assisted living facility or adult family home must meet the medication management requirements of chapter 388-78A or 388-76 WAC. For any difference in requirements the assisted living facility or adult family home medication rules take precedence over the medication rules of this chapter.

AMENDATORY SECTION (Amending WSR 16-14-058, filed 6/30/16, effective 8/1/16)

WAC 388-101D-0330 Storage of medications. (1) The service provider must keep a client's medications so they are not readily available to other clients.

(2) The service provider must store medications:

(a) Under proper conditions for sanitation, temperature, moisture, and ventilation, and separate from food or toxic chemicals; and

(b) In the original medication ~~((containers))~~ container with a pharmacist-prepared label, a ((?)) manufacturer's label in accordance with WAC 388-101D-0295, or in a medication ((organizers which are)) organizer clearly labeled with the:

(i) Name of the client for whom the medication is prescribed;

(ii) Name of ((the medications)) each medication; ((and))

(iii) ((Dosage and)) Medication dose and frequency((?)) to be given; and

(iv) Route each medication is to be administered.

(3) Group homes must:

(a) Keep all medications in locked storage; and

(b) Use medication organizers only when filled by a pharmacist.