



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: September 12, 2024

TIME: 1:14 PM

WSR 24-19-054

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 19, 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 require providers in the scope of chapter 388-829 WAC to complete the skills demonstration portion of CPR training in-person.

Citation of rules affected by this order:

New:
 Repealed: WAC 388-101D-0105
 Amended: WAC 388-829-0040 and 388-829-0050
 Suspended:

Statutory authority for adoption: RCW 34.05.350 and 74.39A.074(5)

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: Enacting these rules on an emergency basis is necessary in order to ensure providers delivering DDA services complete the skills portion of CPR training in-person. The in-person requirement existed before the COVID-19 pandemic but was temporarily lifted during the pandemic to allow providers to complete training virtually to maintain social distancing. These rule amendments are necessary to ensure all providers return to the pre-pandemic requirement, and to clarify that this requirement is for all provider types of community residential services, not just exempt providers (as implied by the requirement previously existing only in a section about exempt staff).

This is the third emergency filing on these sections and is necessary to keep the rules in effect until DDA completes the permanent rulemaking process. DDA held a public hearing on proposed amendments on August 27, 2024 and is reviewing public comments received.

**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 2 Repealed 1

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

New ____ Amended 2 Repealed 1

The number of sections adopted using:

Negotiated rule making: New ____ Amended ____ Repealed ____

Pilot rule making: New ____ Amended ____ Repealed ____

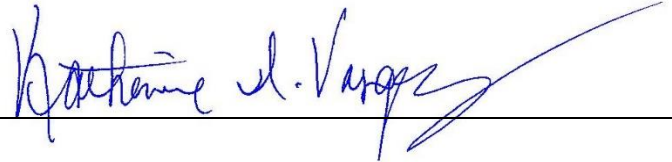
Other alternative rule making: New ____ Amended 2 Repealed 1

Date Adopted: September 10, 2024

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

WAC 388-829-0040 What are the training requirements for exempt individuals (~~hired on or after January 1, 2016~~)? (~~Exempt individuals hired on or after January 1, 2016,~~) An individual exempt under WAC 388-829-0035 must meet the following (~~the~~) training requirements:

- (1) Staff hired with a (~~seventy-five~~) 75-hour certificate or letter of exemption must take:
 - (a) Agency orientation; and
 - (b) Client-specific training.
- (2) The hiring or contracting entity must verify that staff hired with an HCA-C from areas outside of DDA have completed the training required in subsection (1) of this section and:
 - (a) DDA-developed specialty training; or
 - (b) Forty hours of DDA residential services curriculum.
- (3) (~~All~~) Exempt community residential staff must maintain current CPR and first aid training certificates as required under WAC 388-829-0050. (~~This training must be completed in person and within sixty days of hire.~~)
- (4) (~~All~~) Exempt community residential staff must complete (~~twelve~~) 12 hours of continuing education per year.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

WAC 388-829-0050 What is basic training? Basic training is (~~seventy~~) 70 hours of required training that must include:

- (1) Forty hours of DDA residential services curriculum, which includes:
 - (a) Blood-borne pathogen requirements under WAC 296-823-12005; and
 - (b) DDA specialty training requirements; and
- (2) Thirty hours of additional topics related to one or more of the following:
 - (a) Population-specific training(~~+~~) .
 - (b) (~~Capable caregiver~~) Specialty training under (~~chapter 388-112~~) WAC 388-112A-0450 related to mental health or WAC 388-112A-0440 dementia(~~+~~) .
 - (c) (~~CPR and~~) First aid training and certification (~~as described in WAC 388-829-0040; or~~) which must be completed no more than 60 days after date of hire and kept current.
 - (d) Cardiopulmonary resuscitation (CPR) training and certification which must be completed no more than 60 days after date of hire and kept current. The skills demonstration portion must be completed in-person.
 - (e) On-the-job training hours, including client-specific training, when the instructor is a trained peer coach as described in WAC 388-829-0060.
- (3) For an employee hired on or after February 1, 2024, a provider must ensure that the new employee complies with the in-person CPR requirement under subsection (2) of this section.

(4) For an employee hired before February 1, 2024, who is CPR-certified but did not complete training in-person, the employee must meet the in-person CPR requirement no later than December 1, 2024, regardless of when the certification expires.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-101D-0105 Staff training within six months of employment.