



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Social and Health Services, Developmental Disabilities Administration

- Preproposal Statement of Inquiry was filed as WSR: 17-06-078; or
- Expedited Rule Making--Proposed notice was filed as WSR:     ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

**Title of rule and other identifying information:**

The department is proposing to create new sections, amend existing sections, and repeal sections in chapter 388-829 WAC "Community Residential Service Business Training Requirements".

**Hearing location(s):**

Office Building 2  
DSHS Headquarters  
1115 Washington  
Olympia, WA 98504

Public parking at 11<sup>th</sup> and Jefferson. A map is available at:  
<https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>

Date: June 27, 2017 Time: 10:00 a.m.

**Date of intended adoption:** Not earlier than June 28, 2017  
(Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: DSHS Rules Coordinator  
Address: PO Box 45850  
Olympia, WA 98504  
e-mail: [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
fax: (360) 664-6185

**by: 5:00 p.m. June 27, 2017**

**Assistance for persons with disabilities:** Contact:

Jeff Kildahl, DSHS Rules Consultant by  
Phone: (360) 664-6092 or TTY: (360) 664-6178  
Email: [KildaJA@dshs.wa.gov](mailto:KildaJA@dshs.wa.gov)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The department is proposing to amend chapter 388-829 WAC in order to clarify language, update policy, and align the chapter with RCW 74.39A.074, RCW 74.39A.341, RCW 74.39A.351, and RCW 18.88B.041.

**Reasons supporting proposal:**

These amendments are necessary to ensure compliance with regulatory requirements of RCW 74.39A.074, RCW 74.39A.341, RCW 74.39A.351, and RCW 18.88B.041.

**Statutory authority for adoption:** RCW 71A.12.030

**Statute being implemented:** RCW 74.39A.074, RCW 74.39A.341, RCW 74.39A.351, and RCW 18.88B.041

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE**

April 25, 2017

**NAME** (type or print)

Katherine Vasquez

**SIGNATURE**

**TITLE**

DSHS Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: April 26, 2017**

**TIME: 3:55 PM**

**WSR 17-10-036**

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

N/A

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

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Chantelle Diaz	P.O. Box 45310, Olympia, WA 98504-5310	(360) 407-1581
Implementation:	Linda Gil	P.O. Box 45310, Olympia, WA 98504-5310	(360) 407-1543
Enforcement:	Linda Gil	P.O. Box 45310, Olympia, WA 98504-5310	(360) 407-1543

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ( )

Fax: ( )

e-mail

No. Explain why no statement was prepared.

The proposed rules do not impose more than minor costs on small businesses or non-profits, and align chapter 388-829 WAC with RCW 74.39A.074, RCW 74.39A.341, RCW 74.39A.351, and RCW 18.88B.041.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Chantelle Diaz

Address: P.O. Box 45310, Olympia, WA 98504-5310

Phone: (360) 407-1581

fax: (360) 407-0955

e-mail: Chantelle.Diaz@dshs.wa.gov

No: Please explain:

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0001 What is the purpose of this chapter?** The purpose of this chapter is to describe the ~~((following))~~:

(1) Training ~~((and certification))~~ requirements that apply to the developmental disabilities administration's (DDA's) community residential ((service businesses (CRSB) RCW 74.39A.009)) providers beginning on January 1, 2016;

(2) ~~((Curricula and instructor))~~ Approval process and other requirements for instructors; and

(3) ~~((Curricula and instructor))~~ Approval process and other requirements for curricula.

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0005 ~~((To whom))~~ Who do the training ~~((and certification))~~ requirements in this chapter apply to?** (1) ~~((Long term care workers (LTCW) and volunteers working for community residential service businesses (CRSB), including supported living services, DDA group homes, group training homes, and licensed staffed residential homes must follow the training requirements of this chapter))~~ The training requirements in this chapter apply to community residential service businesses as defined in RCW 74.39A.009, alternative living as defined in chapter 388-829A WAC, and companion homes as defined in chapter 388-829C WAC. In this chapter, the term service providers refers to all service providers within the scope of this chapter, which include:

(a) Supported living service providers;

(b) DDA group homes;

(c) Licensed staffed residential homes;

(d) Alternative living providers; and

(e) Companion home providers.

(2) DDA group homes ~~((, also))~~ licensed as adult family homes or assisted living facilities ~~((,))~~ must ~~((also))~~ meet ~~((home care aide certification))~~ the training requirements ((described in WAC 246-980-080. LTCW in all other CRSB settings must comply with the training and curricula requirements of)) in this chapter((,)) and the home care aide certification requirements described in chapter 388-112 WAC. All other service providers listed in subsection (1) of this section must meet the training requirements in this chapter but are exempt from home care aide certification through the department of health.

~~((3) DDA group homes must follow certification requirements described in chapter 388-112 WAC.))~~

**WAC 388-829-0010** What definitions apply to this chapter? The following definitions apply to this chapter:

~~((**"Activities of daily living (ADL)"** means the same as defined in WAC 388-106-0010.))~~

**"Agency orientation"** is training provided to introduce a new employee to the agency.

**"AL TSA"** refers to the aging and long-term support administration.

**"Approved training"** is training ~~((that has been))~~ submitted to and approved by DSHS as evidenced by a curriculum number.

~~((**"Attestation"** means to bear witness to the authenticity of a document or documents by signing one's name to it to affirm it is genuine.))~~

**"Basic training"** ~~((includes))~~ is seventy hours of required training ~~((+))~~ that includes forty hours of DDA residential ~~((training))~~ services curriculum and thirty hours of additional topics outlined in ~~((WAC 388-829-0100 (1)(b)))~~ this chapter.

~~((**"Certified home care aide"** means a person who has a current home care aide certification through the department of health.))~~

~~((**"Challenge test"** means a competency test taken for training without first taking the class for which the test is designed.))~~

**"Client-specific training"** prepares the LTCW to provide individual support services to the client served by the community residential service business (CRSB).

~~((**"**))~~ **"Community residential service business"** ~~((+CRSB))~~ or **"CRSB"** has the same meaning as defined in RCW 74.39A.009.

**"Competency" or "core competency"** means the integrated knowledge, skills, or behavior expected of a LTCW after completing the training in a required topic area. Learning objectives are associated with each competency.

~~((**"Competency testing"** including challenge testing, is evaluating a student to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning objectives of a particular course.))~~

~~((**"DD"** refers to developmental disability.))~~

**"DDA"** refers to the developmental disabilities administration.

~~((**"Direct care"** services rendered by direct support professionals which includes not only those services defined by "personal care services", but also those which promote habilitation and further life-long independence, growth, and development opportunities for individuals.))~~

**"DDA community residential setting"** within the scope of this chapter refers to any setting where supported living, DDA group home, group training home, licensed staffed residential, companion home, or alternative living services occur.

**"DSHS-approved trainer"** means an individual approved by DSHS to sign the seventy-five hour certificate.

**"Direct support professional" or "DSP"** ~~((a paid individual who provides direct, personal, care services and support to one or more persons with developmental disabilities requiring long-term care. This term is more commonly accepted in CRSBs than LTCW))~~ any person who supports an individual with a developmental disability to implement the individual's individual support plan/person-centered service plan (ISP/PCSP). This includes staff who provide instruction and support services (ISS).

~~((**"Direct supervision"** means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or has been exempted from the basic training requirements, is on the premises, and is quickly available to the direct support professional.))~~

**"DOH"** refers to the department of health.

**"DSHS" or "department"** refers to the department of social and health services.

~~((**"Enhancement"** means additional time provided for skills practice and additional training materials or classroom activities that help a worker to thoroughly learn the course content and skills. Enhancements can include new student materials such as, videos or DVDs, online materials, and/or additional student activities.~~

**"Entity representative"** means the individual designated by a CRSB provider who is or will be responsible for the daily operations of a CRSB.

**"Guardian"** means a legal representative as defined in chapter 11.88 RCW.))

**"Habilitation"** means services defined to assist participants in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

~~((**"Home"** means the place where a person lives.))~~

**"Home care ((aid-certified (HCA-C)) aide-certified" or "HCA-C"** means a person who has ~~((holds a current certificate issued by the DOH))~~ been certified by the department of health as a home care aide.

~~((**"Indirect supervision"** means oversight by a person who has demonstrated competency in the basic training, or who has been exempted from the basic training requirements, and who is quickly and easily available to the LTCW, but not necessarily on site.~~

**"Individual"** means a person who has a developmental disability as defined in RCW 71A.10.020(5) who also has been determined eligible to receive services by the division under chapter 71A.16 RCW. Other terms commonly used include "client" and "resident."

**"Individual specific"** means topics that are unique to an individual.

**"Learning objectives"** means measurable, written statements that clearly describe what a LTCW must minimally learn to meet each competency. Learning objectives are identified for each competency. Learning objectives provide consistent, common language and a framework for curriculum designers, the curriculum approval process, and testing.))

**"Letter of exemption"** means a letter ~~((provided during the calendar year 2015 which exempts CRSB staff))~~ that exempts DDA community residential staff from the seventy-five hours of training as required ~~((by Initiative 1163))~~ under chapter 74.39A RCW for staff hired prior to January 1, 2016.

**"Long-term care worker ((LTCW))" or "LTCW"** ~~((includes all persons providing paid, personal care services for the elderly or persons with disabilities, including individual providers of home care services, direct care employees of home care agencies, providers of home care services to persons with developmental disabilities under Title 71A RCW, all direct care workers in state licensed assisted living facilities, adult family homes, respite care providers, community residential service providers, and any other direct care staff providing home or community based services to the elderly or persons with functional disabilities or developmental disabilities.~~

The following persons are not long term care workers:

~~(1) Persons who are:~~  
~~(a) Providing personal care services to individuals who are not receiving state funded services; and~~  
~~(b) The person is not employed by an agency or facility that is licensed by the state.~~  
~~(2) Persons employed by:~~  
~~(a) Nursing homes licensed under chapter 18.51 RCW;~~  
~~(b) Facilities certified under 42 C.F.R. Part 483;~~  
~~(c) Residential habilitation centers under chapter 71A.20 RCW;~~  
~~(d) Hospitals or other acute care settings;~~  
~~(e) Hospice agencies licensed under chapter 70.127 RCW;~~  
~~(f) Adult day care centers or adult day health centers.~~  
~~(3) Persons whose services are exclusively limited to assistance with "instrumental activities of daily living," as that term is defined in WAC 388-106-0010)) has the same meaning as defined in RCW 74.39A.009.~~

~~(("Mental health specialist" has the same meaning as defined in WAC 388-865-0200.))~~

~~"Peer coach" means a person who has been trained in twelve hours of coaching skills and who works with new employees to coach them on working with individuals and their support needs. ((This coaching is a method of transferring knowledge about the individual to the new employee while building a positive relationship with the new employee and encouraging a positive relationship between the new employee and the individual they support.))~~

~~(("Personal care services" means physical or verbal assistance with activities of daily living, and instrumental activities of daily living which is provided to meet an individual's support needs.))~~

~~"Population-specific" refers to topics ((such as developmental disabilities, autism, and gerontology that are)) applicable to ((a group of people)) the unique needs of the population served.~~

~~(("Provider" means any person or entity who is contracted by the department to operate a community residential service business, or certified by the department to provide instruction and support services to meet the needs of persons receiving services under Title 71A RCW.))~~

~~(("Revised fundamentals of care" (RFOC) refers to the basic training curriculum provided by trainers under AL TSA.~~

~~"Routine interaction" means contact with an individual that happens regularly.~~

~~"Support team" means the individual and persons involved in his or her care. The support team may include family, friends, doctors, nurses, LTCWs, social workers and vocational vendors. The role of the support team is to support the well being of the individual; however, the individual directs the service plan when able.))~~

~~"Training entity" means ((an)) a DSHS-contracted organization ((, including an independent contractor, who is providing or may provide training under this section using approved curriculum.)) or independent entity that provides training ((entities must only deliver)) using DSHS-approved curriculum ((to CRSB staff)).~~

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0015** (~~What are the training certification requirements for LTCWs in a CRSB and volunteers~~) **What training is required for individuals hired or contracted to work in DDA community residential settings as a direct support professional (DSP) or ISS staff on or after January 1, 2016?** ((The following chart provides a summary of the training and certification requirements. The remainder of the rules under this chapter contains a more detailed description of the requirements)) Required training for individuals hired or contracted to work in DDA community residential settings as a direct support professional or ISS staff on or after January 1, 2016 consists of seventy-five hours of training as follows:

(1) Five hours of orientation and safety training as described in WAC 388-829-0045 prior to providing client care or support; and

(2) Seventy hours of basic training as described in WAC 388-829-0050 must be completed within one hundred twenty days of date of hire.

(Who	Agency orientation	LTCW orientation and safety	DDA residential services curriculum	Peer coaching and/or population specific and/or specialty training	Seventy-five-hour certificate	Specialty training	Continuing education	HCA-C
A LTCW who was employed between January 1, 2015 and January 1, 2016 with continuous employment from date of hire to 1/1/2016 and has completed the basic training requirements in effect on the hire date, with <b>exemption letter</b> .				R-peer coaching			R	
A LTCW who was employed between Jan 1, 2015 and January 1, 2016 with continuous employment from date of hire to 1/1/2016 and has started the basic training requirements in effect on the hire date <b>transferring to a different agency</b> , with <b>exemption letter</b> .	R			R-peer coaching		*	R	
Employed in CRSB hired on or after January 1, 2016 and meets definition of LTCW in WAC 388-829-0005.		R	R	R	R		R	
Employed in CRSB and <b>begins to work for a new agency</b> or moves from an assisted living agency or adult family home, meets the definition of a LTCW and has a <b>HCA certificate</b> .	R					*	R	R
LTCW with a <b>letter of exemption</b> dated for 2015 with: An <b>intermittent break in service after 1/1/16 of less than</b> three continuous years' time; Uncompleted CEs ( <i>has option to complete all delinquent CE's prior to most recent date of hire within three years of termination of last employment</i> )		R	R *	R	R		R	

(Who	Agency orientation	LTCW orientation and safety	DDA residential services curriculum	Peer-coaching and/or population specific and/or specialty training	Seventy-five hour certificate	Specialty training	Continuing education	HCA-C
LTCW with a letter of exemption dated between 1/1/2012 and 12/31/2015.							R	
An unpaid person providing direct care (volunteer).		R		R	N/A			
Registered nurses, licensed practical nurses, nurse technicians, or advanced registered nurse practitioner under chapter 18.79 RCW; Nursing assistants certified under chapter 18.88A RCW; A home health aide who is employed by a Medicare-certified home health agency and has met the requirements of 42 C.F.R., Part 483.35; and An individual with special education training and an endorsement granted by the superintendent of public instruction as described in RCW 28A.300.010.	R *					R *	R	

Key: R means required; blank means not required; \* Means see WAC text for information.

Note: Other trainings that may be required and not considered to be part of the seventy five hour certificate are not listed in tables above. Includes but is not limited to nurse delegation WAC 388-101-3375.)

NEW SECTION

**WAC 388-829-0020 What is the seventy-five hour certificate?** The seventy-five hour certificate is a combination of orientation, safety, and basic training that when completed adds up to seventy-five hours. The certificate covers:

(1) Five hours of orientation and safety training as described in WAC 388-829-0045; and

(2) Seventy hours of basic training as described in WAC 388-829-0050, which includes:

(a) Forty hours of DDA-developed residential services curriculum; and

(b) Thirty hours of additional training as described in WAC 388-829-0050.

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0025 ((When do the training requirements go into effect)) What documentation is required to show completion of the seventy-five hour training?** ((1) The LTCW training requirements described in this chapter go into effect January 1, 2016.

~~(2) The LTCW training requirements that were in effect on or before December 31, 2015, apply to those individuals who:~~  
~~(a) Were hired on or before December 31, 2015; and~~  
~~(b) Complete(d) training requirements in existing rules at time of hire by February 29, 2016))~~ The documentation required to show completion of the seventy-five hour training is a DSHS seventy-five hour training certificate signed by a DSHS-approved trainer.

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0030** ~~((Who is exempt from the CRSB seventy-five hours of training requirements))~~ Does an individual's seventy-five hour training certificate transfer to another employer and how long is it valid? ~~((Exempt individuals as of January 1, 2016, include:~~

~~(1) Staff hired January 1, 2015, through December 31, 2015, with no break in service to January 1, 2016, and hold a letter of exemption. Letters of exemption are portable from agency to agency:~~

~~(a) For staff with continuous employment; and~~

~~(b) For staff with intermittent work over a three year period who have completed their annual continuing education credits; or~~

~~(c) For staff who made up the twelve hours of continuing education prior to their date of hire and are current with all required CE credits.~~

~~(2) The HCA C replaces the requirements for the training under the seventy five hour certificate.~~

~~(a) Staff holding a HCA C must complete agency orientation and individual specific training.~~

~~(b) Staff who obtained an HCA C and took training other than the residential services curriculum prior to January 1, 2016, must also take the eighteen hour DDA specialty training unless they hold a certificate for this training.~~

~~(3) A home health aide who is employed by a medicare certified home health agency and has met the requirements of 42 C.F.R., Part 483.35.~~

~~(4) An individual with special education training and an endorsement granted by the superintendent of public instruction as described in RCW 28A.300.010.~~

~~(5) Registered nurses, licensed practical nurses, nurse technicians, or advanced registered nurse practitioner under chapter 18.79 RCW; Nursing assistants certified under chapter 18.88A RCW))~~ (1) A seventy-five hour training certificate remains valid if the certificate holder changes employers and meets continuing education requirements.

(2) For the purpose of becoming a home care aide-certified (HCA-C) through the department of health, the DDA seventy-five hour training certificate is invalid after two years.

NEW SECTION

**WAC 388-829-0035 Who is exempt from the DDA community residential seventy-five hour training requirement?** Beginning January 1, 2016, the following individuals are exempt from the DDA community residential seventy-five hour training requirement:

- (1) DDA community residential staff who have:
  - (a) Been continuously employed since December 31, 2015;
  - (b) Completed training requirements that were in place when he or she was hired;
  - (c) Completed the training requirements by February 29, 2016; and
  - (d) Proof that twelve hours of continuing education were completed during the previous year;
- (2) Under RCW 18.88B.041, an individual with special education training and an endorsement granted by the superintendent of public instruction; and
- (3) Registered nurses, licensed practical nurses, nurse technicians, advanced registered nurse practitioners as defined in chapter 18.79 RCW, and nursing assistants-certified (CAN) as defined in chapter 18.88A RCW.

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0040 ((What is the seventy-five hour certificate))**  
**What are the training requirements for exempt individuals hired on or after January 1, 2016?** ((The seventy five hour certificate is a combination of trainings and certifications that when complete add up to seventy five hours. The certificate covers:

- (1) Five hour LTCW orientation and safety (Section III);
- (2) Forty hour residential services curriculum (Section IV); and
- (3) Thirty hours peer coaching, specialty training, population specific training, CPR and bloodborne pathogens/HIV training)) Exempt individuals hired on or after January 1, 2016, must meet the following the training requirements:

(1) Staff hired with a seventy-five 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 community residential staff must maintain current CPR and first aid training certificates. This training must be completed in person and within sixty days of hire.

(4) All community residential staff must complete twelve hours of continuing education per year.

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

~~WAC 388-829-0045 ((Who must complete the seventy-five hour basic training)) May training entities use their own orientation and safety content? ((The following people must complete the seventy-five hours of training as described:~~

~~(1) Nonexempt employees hired as a new employee to work for CRSB agencies as a LTCW.~~

~~(2) Anyone who wants to complete the home care aid certification process)) (1) Training entities must not develop their own curriculum for the five hour orientation and safety course.~~

~~(2) DDA community residential five-hour orientation and safety training is developed by DSHS.~~

~~(3) For children's staffed residential settings refer to chapters 388-826 and 388-145 WAC.~~

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

~~WAC 388-829-0050 What is ((orientation)) basic training? ((There are two types of orientation training: LTCW orientation training and agency orientation training.~~

~~(1) LTCW orientation.~~

~~Orientation is two hours of DDA developed and approved training regarding the LTCW's role and the applicable terms of employment as described in WAC 388-829-0055. DDA's curriculum is the only approved LTCW training for CRSB. There is no test for this training.~~

~~(2) Agency orientation.~~

~~Agency orientation is of varied length and provides basic introductory information appropriate to the residential care setting and population served and covers agency specific information. The department does not approve this specific orientation program, materials, or trainers, and there is no test for this orientation.~~

~~This orientation must include:~~

~~(a) Current individual instruction and support plans of each client with whom the employee works;~~

~~(b) Emergency procedures for clients;~~

~~(c) The reporting requirements for abuse and neglect under chapter 74.34 RCW; and~~

~~(d) Client confidentiality)) Basic training is seventy 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:~~

~~(a) Population-specific training;~~

~~(b) Capable caregiver training under chapter 388-112 WAC related to mental health or dementia;~~

~~(c) CPR and first aid training and certification as described in WAC 388-829-0040; or~~

(d) On-the-job training hours, including client-specific training, when the instructor is a trained peer coach as described in WAC 388-829-0060.

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

~~WAC 388-829-0055 ((What content must be included in LTCW orientation)) How are training entities and instructors for DDA community residential settings approved? ((For those individuals working in a CRSB:~~

~~(1) LTCW orientation must be taught by an approved trainer and follow the DDA approved two hour orientation curriculum which includes the following topics:~~

~~(a) The care setting and the agency mission;~~

~~(b) The characteristics and special needs of the population served;~~

~~(c) Fire and life safety, including:~~

~~(i) Emergency communication (including phone system if one exists);~~

~~(ii) Evacuation planning (including fire alarms and fire extinguishers);~~

~~(iii) Ways to handle individual injuries, falls or other accidents; and~~

~~(iv) Potential risks to individuals or staff (for instance, aggressive individual behaviors and how to handle them).~~

~~(d) The location of home policies and procedures.~~

~~(e) Communication skills and information, including:~~

~~(i) Methods for supporting effective communication among the individual/guardian/family, staff, and DDA staff;~~

~~(ii) Use of verbal and nonverbal communication; and~~

~~(iii) Review of written communication and/or documentation required for the job, including the individual's ISP.~~

~~(f) Expectations about communication with other direct support staff;~~

~~(g) Whom to contact about problems and concerns.~~

~~(h) Proper body mechanics;~~

~~(i) What staff should do if they are ill;~~

~~(j) Individual rights, including:~~

~~(i) The individual's right to confidentiality of information about the individual;~~

~~(ii) The individual's right to participate in making decisions about the individual's care, and to refuse care;~~

~~(iii) Staff's duty to protect and promote the rights of each individual, and assist the individual to exercise his or her rights;~~

~~(iv) How and to whom staff should report any concerns they may have about an individual's decision concerning the individual's care;~~

~~(v) Staff's duty to report any suspected abuse, abandonment, neglect, or exploitation of an individual;~~

~~(vi) Advocates that are available to help individuals (LTC ombudsmen, organizations);~~

~~(vii) Complaint lines, hot lines, and individual grievance procedures; and~~

~~(viii) Working in an individual's home compared to working in agency facility or adult family home.~~

~~(2) LTCW orientation is the first part of the five hour certificate)) The training entities and instructors for DDA community residential settings are approved as follows:~~

~~(1) Supported living and group home providers are approved as training entities through a contract exhibit.~~

~~(2) Supported living and group home providers must ensure their employed or contracted instructors meet the instructor criteria described in this chapter and in:~~

~~(a) Chapter 388-112 WAC for DDA community residential instructors to teach the DDA forty-hour residential training; and~~

~~(b) RCW 74.39A.112 for five-hour orientation and safety training and thirty hours of client-specific training.~~

~~(3) Other training entities must be approved by DDA or AL TSA and entities must ensure their instructors meet the criteria described in chapter 388-112 WAC.~~

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0060 ((Who must take LTCW orientation)) What are the qualifications for on-the-job training, including client-specific training?** ((All staff must take LTCW orientation prior to working with clients when:

~~(1) People hired to work in a CRSB who do not have a valid seventy five hour certificate; or~~

~~(2) LTCWs who were exempt in 2012 or 2015 with a break in service of three or more years will be treated as a new hire and will require the full seventy five hours of training; and~~

~~(3) Volunteers who will have indirect supervision during direct support duties)) Instructors who provide on-the-job training, including client-specific training, must:~~

~~(1) Meet the instructor qualifications for basic training described in chapter 388-112 WAC; and~~

~~(2) Complete at least twelve hours of department approved peer coaching.~~

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0065 What ((content must be included in the agency orientation for LTCWs who begin working for a new agency)) are the requirements for DDA community residential instructors to teach the DDA forty-hour residential training?** ((The purpose of this training is to orient the staff to the agency. Some topics of agency orientation may be covered in LTCW orientation but due to individual support needs, must be trained outside of LTCW orientation.

Agency orientation must include but is not limited to:

~~(1) The setting and the agency mission;~~

- ~~(2) The characteristics and special needs of the population served;~~
- ~~(3) Fire and life safety, including:~~
  - ~~(a) Emergency communication (including phone system if one exists);~~
  - ~~(b) Evacuation planning (including fire alarms and fire extinguishers);~~
  - ~~(c) Ways to handle individuals' injuries, falls and other accidents; and~~
  - ~~(d) Potential risks to individuals or staff (for instance, aggressive individual behaviors and how to handle them);~~
- ~~(4) The location of policies and procedures;~~
- ~~(5) Communication skills and information, including:~~
  - ~~(a) Methods for supporting effective communication among the individual/guardian/family, staff, and DDA staff;~~
  - ~~(b) Use of verbal and nonverbal communication; and~~
  - ~~(c) Review of written communications and/or documentation required for the job, including the individual's IISP;~~
- ~~(6) Expectations about communication with other home staff;~~
- ~~(7) Whom to contact about problems and concerns;~~
- ~~(8) Rules for working in someone's home as opposed to agency facility; and~~
- ~~(9) Respect for individual's property including their food, home, water, electricity or anything paid for out of the individual's account))~~ DDA community residential instructors who want to instruct staff on the DDA forty-hour residential training curriculum must:
  - (1) Meet the instructor qualifications described in chapter 388-112 WAC;
  - (2) Complete the train the trainer course using DDA-developed curriculum;
  - (3) Be approved as an instructor and receive an instructor code through DDA; and
  - (4) Use the forty-hour DDA residential services curriculum to teach the course.

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0075** ~~What is ((safety training, who must complete it and when must it be completed))~~ nurse delegation core training? ((Safety training is part of the LTCW requirements and must be provided by approved instructors. It is three hours of training developed by DDA and includes basic safety precautions, emergency procedures, and infection control. There is no test for safety training)) Nurse delegation core training is described in chapter 388-112 WAC.

NEW SECTION

**WAC 388-829-0076** May nurse delegation core training and specialized diabetes training occur in the same year as basic training? (1)

Nurse delegation core training may occur in the same year as basic training and counts as nine hours of continuing education.

(2) Specialized diabetes training may occur in the same year as basic training and counts as three hours of continuing education.

(3) If nurse delegation core training or specialized diabetes training occurs in the same year as basic training, the provider maximum hours for each training may be applied towards the continuing education requirement for the following year.

(4) Nurse delegation core and specialized diabetes trainings do not apply towards basic training.

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0080** ~~What ((content must be included in safety training))~~ is continuing education? ((Safety training must include:

~~(1) Safety planning and accident prevention, including but not limited to:~~

~~(a) Proper body mechanics;~~

~~(b) Fall prevention;~~

~~(c) Fire safety;~~

~~(d) In home hazards;~~

~~(e) LTCW safety; and~~

~~(f) Emergency and disaster preparedness.~~

~~(2) Standard precautions and infection control, including but not limited to:~~

~~(a) Proper hand washing;~~

~~(b) When to wear gloves and how to correctly put them on and take them off;~~

~~(c) Basic methods to stop the spread of infection;~~

~~(d) Protection from exposure to blood and other body fluids;~~

~~(e) Appropriate disposal of contaminated/hazardous articles;~~

~~(f) Reporting exposure to contaminated articles; and~~

~~(g) What to do when the worker or the individual is sick or injured, including to whom to report illness or injury.~~

~~(h) Safe food handling information must be provided to all staff, prior to handling food for individuals.~~

~~LTCWs who complete a DSHS approved safety training meet the four hours of AIDS education as required by the department of health in WAC 246-980-040.~~

~~(3) Basic emergency policies and procedures, including but not limited to:~~

~~(a) Medical emergencies;~~

~~(b) Response to fire;~~

~~(c) Natural disasters or other community emergencies;~~

~~(d) Location of any advance directives if available;~~

~~(e) Missing individuals;~~

~~(f) Unmanageable individual behavior; and~~

~~(g) Individuals involved with law enforcement))~~ Continuing education (CE) is annual training designed to increase a service provider's knowledge and skills on topics relevant to the care, support, and instruction needs of the individuals he or she support.

NEW SECTION

**WAC 388-829-0085 How many hours of continuing education must DDA community residential staff complete each year?** (1) Effective January 1, 2016, service providers must complete twelve hours of continuing education (CE) each year, except in the calendar year they complete the one-time basic training requirement.

(2) Service providers who are not credentialed through the department of health (DOH) must complete their CE by the end of the calendar year.

(3) Service providers must complete DOH-required CE (such as home care aide certification) by their birth date each year.

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0100 (~~What is basic training~~) May staff repeat courses for continuing education (CE)?** (~~(1) Basic training totals seventy hours of training: Basic training is made up of two components; the forty hour residential training and thirty hours of additional topics as defined by subsection (1)(b) of this section.~~

~~(a) **DDA residential training – Forty hours.**~~

~~(i) The core competencies and skills that LTCWs need in order to provide services effectively and safely;~~

~~(ii) Practice and demonstration of skills;~~

~~(iii) DD history;~~

~~(iv) Positive behavior support plan;~~

~~(v) Residential guidelines;~~

~~(vi) Individual instruction and support plan (IISP);~~

~~(vii) Effective communication:~~

~~(A) Between staff;~~

~~(B) With family; and~~

~~(C) With individuals;~~

~~(viii) Nutrition and dietary guidelines;~~

~~(ix) Health care/health management;~~

~~(x) Medication management;~~

~~(xi) Abuse and neglect;~~

~~(xii) Confidentiality;~~

~~(xiii) Emergency procedures;~~

~~(xiv) Staff roles, self care, boundaries; and~~

~~(xv) Grief and loss.~~

~~(b) **Additional topics – Thirty hours.**~~

~~(i) Peer coaching as defined in RCW 74.39A.331 for on the job training.~~

~~(ii) Population specific if appropriate.~~

~~(iii) Individual specific.~~

~~(2) The core competencies requirement for DDA must be met by completing:~~

~~(a) The DDA developed forty hour residential training; **or**~~

~~(b) The DSHS approved RFOC (or the approved curriculum by DSHS) **and** the eighteen hour DD specialty training.~~

~~(3) Additional training will be required:~~

~~(a) Individual specific training; and~~

- ~~(b) If changing agencies, the agency orientation;~~
- ~~(4) The LTCW must be able to ask the instructor questions during the training.~~
- ~~(5) There is no challenge test for subsection (2)(a) or (b))~~ A service provider must not repeat continuing education (CE) courses except under the following conditions:
  - (1) The course content changed significantly; or
  - (2) The service provider has documented evidence justifying the need for retraining.

AMENDATORY SECTION (Amending WSR 15-20-045WA, filed 9/29/15)

**WAC 388-829-0105** ~~What ((topics)) information must ((be taught in the core competencies of basic training for LTCWs)) a training entity include on continuing education (CE) certificates? ((Basic training for LTCWs in a CRSB must include the DDA forty hour residential training. Competencies within this DSHS/DDA approved curriculum includes but is not limited to:~~

- ~~(1) Fall prevention;~~
- ~~(2) Food preparation and handling;~~
- ~~(3) Communication skills;~~
- ~~(4) Individual rights and maintaining dignity;~~
- ~~(5) Abuse, abandonment, neglect, financial exploitation and mandatory reporting;~~
- ~~(6) Individual directed care;~~
- ~~(7) Cultural sensitivity;~~
- ~~(8) Body mechanics;~~
- ~~(9) Infection control, bloodborne pathogens, HIV/AIDS;~~
- ~~(10) Skin and body care;~~
- ~~(11) LTCW roles and boundaries;~~
- ~~(12) Supporting activities of daily living;~~
- ~~(13) Medication assistance;~~
- ~~(14) LTCW self care;~~
- ~~(15) Problem solving;~~
- ~~(16) Grief and loss; and~~
- ~~(17) Building positive relationships))~~ Continuing education certificates must contain the following information:
  - (1) Name of the student;
  - (2) Title of the training;
  - (3) Number of hours of the training;
  - (4) Assigned curriculum approval code;
  - (5) Instructor's printed name and signature;
  - (6) Typed or printed name of the training entity giving the training;
  - (7) Entity program code; and
  - (8) Date(s) of training.

NEW SECTION

**WAC 388-829-0125** **May DSHS deny or terminate a training contract or rescind its approval of an instructor or training entity?** (1) DSHS may deny or terminate a training contract.

(2) DSHS may rescind approval of an instructor or training entity.

AMENDATORY SECTION (Amending WSR 15-20-045, filed 9/29/15, effective 1/1/16)

**WAC 388-829-0130** ~~((Who is required to complete basic training, and when))~~ **May qualified instructors use CE curriculum with a DDA or ALTSA approval code?** ~~((The following individuals must complete basic training requirements:~~

~~(1) LTCWs in CRSB within one hundred twenty days of date of hire. Until basic training has been completed, LTCWs can only provide direct care with indirect supervision.~~

~~(2) Exempted employees hired after December 31, 2015, returning to work after a three year break in service must complete the seventy-five hours of training as if a new employee to the field.~~

~~(3) Exempted employees hired after December 31, 2015, with intermittent work must:~~

~~(a) Maintain or complete the CEs to meet the annual requirements prior to hiring date; or~~

~~(b) Must complete the seventy-five hours of training as if a new employee to the field.~~

~~(4) Volunteers who will provide direct support services with indirect supervision. Family members are not considered to be volunteers))~~ **Qualified instructors may use continuing education (CE) curriculum with a DDA or ALTSA approval code with permission from the curriculum owner.**

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                  |   |
|------------------|---|
| WAC 388-829-0070 | Who must take a particular agency's orientation?  |
| WAC 388-829-0077 | Who must take agency orientation?   |
| WAC 388-829-0115 | What documentation is required to show completion of the seventy-five hour training?                            |
| WAC 388-829-0120 | How long are the training certificates valid?   |
| WAC 388-829-0140 | Who may instruct basic training for a CRSB and what documentation is required by the agency and the instructor? |

WAC 388-829-0145 Who may be certified as a home care aide?

WAC 388-829-0150 What documentation is required for a LTCW to apply for the home care aide certification or recertification?

WAC 388-829-0160 What is the population specific training component of basic training?

WAC 388-829-0200 What is specialty training?

WAC 388-829-0205 Who is required to take specialty training?

WAC 388-829-0210 What is nurse delegation core training?

WAC 388-829-0220 What is CE?

WAC 388-829-0225 Who is required to complete CE training, and how many hours of CE are required each year?

WAC 388-829-0226 Can a CRSB employee receive CE credit for training approved by another state agency?

WAC 388-829-0230 When must a LTCW complete CE?

WAC 388-829-0235 What topics may be covered in CE?

WAC 388-829-0240 Can specialty training be used to meet CE requirements?

WAC 388-829-0245 What are the documentation requirements for CE?

WAC 388-829-0246 What information must be on certificates for CE?

WAC 388-829-0250 What is cardiopulmonary resuscitation (CPR) training? When is CPR training required?

WAC 388-829-0300 Which trainings require department approval of the curriculum and instructor?

WAC 388-829-0305 What must be submitted to DDA for CE curriculum approval?

WAC 388-829-0310 What is the curriculum approval process for CE?

WAC 388-829-0350 What are the training entity's responsibilities?

WAC 388-829-0360 Must training entities and their instructors be approved by DSHS?

WAC 388-829-0365 Can DSHS deny or terminate a contract or rescind approval of an instructor or training entity?

WAC 388-829-0370 What is a guest speaker, and what are the minimum qualifications to be a guest speaker?

WAC 388-829-0380 What are the minimum qualifications for an instructor for basic, and population specific training?

- WAC 388-829-0385 What are the minimum qualifications for an instructor for agency orientation, LTCW orientation, safety, and CE?
- WAC 388-829-0390 What are the minimum qualifications for instructors for LTCW mental health specialty training?
- WAC 388-829-0395 What are the minimum qualifications for instructors for LTCW dementia specialty?
- WAC 388-829-0400 What are the minimum qualifications for instructors for LTCW developmental disabilities specialty?
- WAC 388-829-0420 What physical resources are required for classroom training and testing?
- WAC 388-829-0425 What standard training practices must be maintained for classroom training and testing?