



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

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DATE: February 18, 2020

TIME: 1:10 PM

WSR 20-05-079

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

Original Notice

Supplemental Notice to WSR 19-11-062

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-05-022 ; 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); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Chapter 388-112A WAC "Residential Long-Term Care Services Training." This chapter provides training and certification requirements for long-term care workers in residential settings, along with instructor and curricula standards.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 7, 2020	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504	Public parking at 11 th and Jefferson. A map is available at: https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2

Date of intended adoption: Not earlier than April 8, 2020 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: DSHS Rules Coordinator

Address: PO Box 45850
Olympia, WA 98504

Email: DSHSRPAURulesCoordinator@dshs.wa.gov

Fax: 360-664-6185

Other:

By (date) 5:00 p.m. April 7, 2020

Assistance for persons with disabilities:

Contact Jeff Kildahl, DSHS Rules Consultant

Phone: 360-664-6092

Fax: 360-664-6185

TTY: 711 Relay Service

Email: Kildaja@dshs.wa.gov

Other:

By (date) March 24, 2020

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

The department is planning to amend chapter 388-112A WAC "Residential Long-Term Care Services Training". The proposed rules include the following changes:

- WAC 388-112A-0010 contains technical corrections, and adds definitions for special needs and renewal period;
- WAC 388-112A-0050, 388-112A-0060, 388-112A-0070, and 388-112A-0090 contain technical corrections on identifying qualifying credential for exemption;

- WAC 388-112A-0125 is a new section added to clarify employment and training records that caregivers should provide and employers review prior to hire;
- WAC 388-112A-0490 and 388-112A-0495 correct language to be consistent with statutory requirements in RCW 70.128.230 and RCW 18.20.270;
- WAC 388-112A-0590 clarifies when training may be applied to the seventy-hour long term care worker basic training;
- WAC 388-112A-0600 renumbers provisions for clarity;
- WAC 388-112A-0610 and new sections 388-112A-0611 and 388-112A-0612 clarify continuing education requirements, who needs to complete it each year, how many hours are required, and corresponding deadlines including for caregivers hires who return after a break in service. For the adult family subsection, the rule also clarifies continuing education requirement for safe food handling to match the requirement under RCW 70.128.250;
- WAC 388-112A-1020 clarifies training curriculum approval and online requirements; and
- WAC 388-112A-1240, 388-112A-1270, and 388-112A-1285 contain technical corrections to clarify instructor qualifications.

Due to significant feedback from stakeholders after the first supplemental CR-102 hearing, the Department re-engaged with stakeholders over several weeks to address concerns. The resulting mutually-agreed language further clarifies rules particularly around the subject of continuing education. Language to the proposed changes are sufficient to warrant a second supplemental CR-102 request.

Reasons supporting proposal: These changes are necessary to clarify caregiver training and certification requirements, and training program requirements.

Statutory authority for adoption: RCW 74.39A.009, RCW 74.39A.070, RCW 74.39A.074, RCW 74.39A.341, RCW 18.20.270, RCW 18.88B.021, RCW 18.88B.035, RCW 70.128.230, RCW 71A.12.030, RCW 70.97.080

Statute being implemented: RCW 74.39A.074, RCW 18.88B.021

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:

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

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:	David Chappell	4450 10 th Ave SE, Lacey WA 98503	360-725-2516
Implementation:	David Chappell	4450 10 th Ave SE, Lacey WA 98503	360-725-2516
Enforcement:	Adora Brouillard	4450 10 th Ave SE, Lacey WA 98503	360-725-2538

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: Angel Sullivan
Address: PO Box 45600, Olympia, WA 98504-5310
Phone: 360-725-2495
Fax: 360-725-2646
TTY: 1-800-833-6388
Email: suliva@dshs.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. These proposed rules impact adult family homes, assisted living facilities, enhanced services facilities, and community instructor training programs. These businesses fall under the following North American Industry Classification System designations:

- Residential mental health facilities – NACIS code 6232
- Residential developmental disabilities homes – NACIS codes 62321, 623210

- Other residential care facilities – NACIS codes 6239, 62399, 623990
- Continuing Care, assisted living facilities – NAICS code 6233, 62331, 623311, 623312
- Technical and Trade Schools - NAICS code 61151.

The Department of Social and Health Services' Aging and Long-Term Support Administration has analyzed the proposed rule amendments and has determined that the listed small businesses may be impacted by these changes. However, the Department estimates that the costs are "minor" as that term is defined in RCW 19.85.030.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: February 13, 2020	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

WAC 388-112A-0010 What definitions apply to this chapter? The following definitions apply to this chapter:

(1) **"Activities of daily living"** means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, medication assistance, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(2) **"Adult family home training network"** means a nonprofit organization established by the exclusive bargaining representative of adult family homes designated under RCW 41.56.026 with the capacity to provide training, workforce development, and other services to adult family homes.

(3) **"Applicant"** means:

(a) An individual who is applying for an adult family home license;

(b) An individual with an ownership interest in a partnership, corporation, or other entity that is applying for an adult family home license; or

(c) An individual who is applying for an enhanced services facility license.

~~((3))~~ (4) **"Capable caregiving training"** ~~((is the name of))~~ means the DSHS developed training curricula in dementia and mental health that will be available in three class levels. The level one series of the class in both dementia and mental health meets the requirements ~~((provided in))~~ under RCW 18.20.270 and 70.128.230 for specialty training. The level two and level three capable caregiving classes, when developed, in both topics may be completed for continuing education credits.

~~((4))~~ (5) **"Care team"** includes the resident and everyone involved in ~~((his or her))~~ their care. The care team may include family, friends, doctors, nurses, long-term care workers, social workers, and case managers. The role of the care team is to support the resident's well-being. However, the resident directs the service plan when able.

~~((5))~~ (6) **"Challenge test"** means a competency test taken for specialty training without first taking the class for which the test is designed.

~~((6))~~ (7) **"Competency"** ~~((defines))~~ means the integrated knowledge, skills, or behavior expected of a long-term care worker after completing the training in a required topic area. Learning objectives are associated with each competency.

~~((7))~~ (8) **"Competency testing"** including challenge testing, evaluates a student to determine if they can demonstrate the required level of skill, knowledge, and behavior with respect to the identified learning objectives of a particular course.

~~((8))~~ (9) **"Core basic training"** is the portion of the seventy-hour long-term care worker basic training that covers the core competencies and skills that long-term care workers need in order to provide personal care services efficiently and safely. The core basic training hours also includes hours devoted to student practice and demonstration of skills.

~~((9))~~ (10) **"Date of hire"** for determining timeframes related to training and certification, means the day an individual was first

hired as a long-term care worker as determined by the department according to WAC 388-112A-0115.

((+10+)) (11) "**DDA**" means the developmental disabilities administration.

((+11+)) (12) "**Designee**" means a person in an assisted living facility or enhanced services facility who supervises long-term care workers and is designated by an assisted living facility administrator or enhanced services facility administrator to take the trainings in this chapter required of the facility administrator. An assisted living facility or enhanced services facility administrator may have more than one designee.

((+12+)) (13) "**Direct care worker**" means a paid individual who provides direct, personal care services to persons with disabilities or the elderly requiring long-term care (see also the definition of long-term care worker, which includes direct care workers).

((+13+)) (14) "**Direct supervision**" means oversight by a person who has demonstrated competency in basic training and if required, specialty training, or has been exempted from the basic training requirements, and is on the premises and quickly available to the caregiver.

((+14+)) (15) "**DSHS**" or "**department**" (~~(refers to)~~) means the department of social and health services.

((+15+)) (16) "**Enhancement**" means additional time provided for skills practice and additional training materials or classroom activities that help a long-term care worker to thoroughly learn the course content and skills. Enhancements may include new student materials, videos or DVDs, online materials, and additional student activities.

((+16+)) (17) "**Entity representative**" means the individual designated by an adult family home provider who is or will be responsible for the daily operations of an adult family home.

((+17+)) (18) "**Guardian**" means an individual as defined in chapter 11.88 RCW.

((+18+)) (19) "**Home**" (~~(refers to)~~) means adult family homes, enhanced services facilities, and assisted living facilities.

((+19+)) (20) "**Home care aide certified**" or "**home care aide**" means a person who obtained and maintains a home care aide certification through the department of health.

((+20+)) (21) "**Indirect supervision**" means oversight by a person who has demonstrated competency in basic training and if required, specialty training, or was exempted from basic training requirements, and who is quickly and easily available to the long-term care worker, but not necessarily on-site.

((+21+)) (22) "**Learning objectives**" (~~(are)~~) means measurable, written statements that clearly describe what a long-term care worker 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.

((+22+)) (23) "**Long-term care worker**" (~~(includes)~~) means:

(a) All persons who provide paid, personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care workers employed by 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 who provide home or community-based serv-

ices to the elderly or persons with functional disabilities or developmental disabilities.

(b) Long-term care workers do not include:

(i) Persons employed by the following facilities or agencies: Nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, residential habilitation centers under chapter 71A.20 RCW, facilities certified under 42 C.F.R., Part 483, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers; or

(ii) Persons who are not paid by the state, by a private agency, or facility licensed by the state to provide personal care services.

~~((23))~~ (24) **"Personal care services"** means physical or verbal assistance with activities of daily living, or activities of daily living and instrumental activities of daily living, which is provided to meet the resident's care needs.

~~((24))~~ (25) **"Provider"** means any person or entity licensed by the department to operate an adult family home, enhanced services facility, or assisted living facility, or any person or entity certified by the department to provide instruction and support services to meet the needs of persons receiving services under Title 71A RCW.

~~((25))~~ (26) **"Renewal period"** means the certification renewal period as defined in WAC 246.12.010.

(27) **"Resident"** means a person residing and receiving long-term care services at an assisted living facility, enhanced services facility, or adult family home. As applicable, "resident" also means the resident's legal guardian or other surrogate decision maker.

~~((26))~~ (28) **"Resident manager"** means a person employed or designated by the provider to manage the adult family home who meets the requirements in WAC 388-76-10000 and this chapter.

~~((27))~~ (29) **"Routine interaction"** means regular contact with residents.

~~((28))~~ (30) **"Seventy-hour long-term care worker basic training"** means the seventy-hours of required training that a new long-term care worker must complete within one hundred and twenty days of hire. It has three components: Core competencies, practice of skills, and population specific topics, which may include specialty and nurse delegation training.

~~((29))~~ (31) **"Special needs"** means a resident has dementia consistent with WAC 388-78A-2510 for assisted living or WAC 388-76-10000 for adult family homes; mental illness consistent with WAC 388-78A-2500 for assisted living or WAC 388-76-10000 for adult family homes; or developmental disabilities consistent with WAC 388-78A-2490 for assisted living or WAC 388-76-10000 for adult family homes.

(32) **"Specialty training"** ~~((refers to))~~ means curricula that meets the requirements of RCW 18.20.270 and 70.128.230 to provide basic core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents living with mental illness, dementia, or developmental disabilities. The specialty training curricula may be DSHS developed or DSHS approved and must be based on the competencies and learning objectives in WAC 388-112A-0430, 388-112A-0440, or 388-112A-0450.

~~((30))~~ (33) **"Training entity"** means an organization, including an independent contractor, who provides or may provide training under this chapter using approved curriculum.

WAC 388-112A-0050 What are the training and certification requirements for volunteers and long-term care workers in adult family homes, adult family home providers, and adult family home applicants?

(1) The following chart provides a summary of the training and certification requirements for ~~((volunteers and))~~ a volunteer, a long-term care ~~((workers in adult family homes))~~ worker and an adult family home ~~((provider))~~ provider in an adult family home:

Who	Status	Facility Orientation	Safety/ orientation training	Seventy-hour long-term care worker basic training	Specialty training	Continuing education (CE)	((Certification as a home care aide (HCA))) <u>Required credential</u>
(a) Adult family home resident manager, or long-term care worker in adult family home.	(i) An ARNP, RN, LPN, NA-C, <u>HCA</u> , NA-C student or other professionals listed in WAC 388-112A-0090.	Required per WAC 388-112A-0200(1).	Not required.	Not required.	Required per WAC 388-112A-0400.	Not required of ARNPs, RNs, or LPNs in chapter 388-112A WAC. Required twelve hours per WAC 388-112A-0610 for NA-Cs, HCAs and other professionals listed in WAC 388-112A-0090, such as an individual with special education training with an endorsement granted by the superintendent of public instruction under RCW 28A.300.010.	((Not required)) <u>Must maintain in good standing the certification or credential or other professional role listed in WAC 388-112A-0090.</u>

Who	Status	Facility Orientation	Safety/ orientation training	Seventy-hour long-term care worker basic training	Specialty training	Continuing education (CE)	((Certification as a home care aide (HCA))) Required credential
	(ii) A long-term care worker employed on January 6, 2012, or was previously employed sometime between January 1, 2011, and January 6, 2012, and has completed the basic training requirements in effect on the date of ((his or her)) hire. WAC 388-112A-0090.	Required per WAC 388-112A-0200(1).	Not required.	Not required.	Required per WAC 388-112A-0400.	Required twelve hours per WAC 388-112A-0610.	Not required.
	(iii) Employed in an adult family home and does not meet the criteria in subsection (1)(a) or (b) of this section. Meets definition of long-term care worker in WAC 388-112A-0010.	Not required.	Required. Five hours per WAC 388-112A-0200(2) and 388-112A-0220.	Required. Seventy-hours per WAC 388-112A-0300 and 388-112A-0340.	Required per WAC 388-112-0400.	Required. Twelve hours per WAC 388-112A-0610.	<u>Home care aide certification</u> required per WAC 388-112A-0105 within two hundred days of the date of hire as provided in WAC 246-980-050 (unless the department of health issues a provisional certification under WAC 246-980-065).
(b) <u>Adult family home provider or entity representative</u> .	A person who has an adult family home license and does not meet the criteria in subsection (1)(a)(i), (ii), or (iii) of this section. This requirement applies to an entity representative of a licensed entity. WAC ((388-76-1000)) 388-76-10000.	Not required.	Completed prior to licensing.	Completed prior to licensing.	Completed prior to licensing.	Required. Twelve hours per WAC 388-112A-0610.	<u>Home care aide certification</u> completed prior to licensing.

Who	Status	Facility Orientation	Safety/ orientation training	Seventy-hour long-term care worker basic training	Specialty training	Continuing education (CE)	((Certification as a home care aide (HCA))) Required credential
(c) Volunteer staff in adult family home.	An unpaid person.	Required per WAC 388-112A-0200(1).	Not required.	Not required.	Not required.	Not required.	Not required.

(2) The following chart provides a summary of the training and certification requirements for an adult family home ((applicants)) applicant prior to licensure and an adult family home entity representative and resident ((managers)) manager prior to assuming the duties of the position:

Who	Status	Orientation and safety training	Seventy-hour long-term care worker basic training	Specialty training	Continuing education (CE)	((Certification as a home care aide (HCA))) Required credential
(a) Adult family home applicant.	(i) An RN, LPN, ARNP, NA-C, <u>HCA</u> , NA-C student and other professionals as listed in WAC 388-112A-0090.	Not required.	Not required.	Required per WAC 388-112A-0400.	Not required of ARNPs, RNs, or LPNs in chapter 388-112A WAC. Required twelve hours per WAC 388-112A-0610 for NA-Cs, <u>HCAs</u> and other professionals listed in WAC 388-112A-0090, such as an individual with special education training with an endorsement granted by the superintendent of public instruction under RCW 28A.300.010. ((The CE is not required during application process:))	((Not required)) Must maintain in good standing the certification or credential or other professional role listed in WAC 388-112A-0090.

Who	Status	Orientation and safety training	Seventy-hour long-term care worker basic training	Specialty training	Continuing education (CE)	((Certification as a home care aide (HCA))) <u>Required credential</u>
	(ii) A long-term care worker employed on January 6, 2012, or was previously employed sometime between January 1, 2011, and January 6, 2012, and has completed the basic training requirements in effect on the date of ((his or her)) hire, WAC 388-112A-0090.	Not required.	Not required.	Required per WAC 388-112A-0400.	Required twelve hours per WAC 388-112A-0610. ((The CE is not required during application process.))	Not required.
	(iii) Seeking a license to operate an adult family home and is not exempt under subsection (2)(a)(i) or (ii) of this section. WAC 388-112A-0030.	Required. Five hours per WAC 388-112A-0220.	Required. Seventy-hours per WAC 388-112A-0300 and 388-112A-0340.	Required per WAC 388-112A-0400.	Required twelve hours per WAC 388-112A-0610. ((The CE is not required during application process.))	<u>Home care aide certification</u> required per WAC 388-112A-0105.
(b) Adult family home <u>entity representative and resident manager.</u>	Employed or designated by the provider to manage an adult family home and is not exempt under subsection (2)(a)(i) or (ii) of this section. WAC 388-112A-0030.	Required. Five hours per WAC 388-112A-0220.	Required. Seventy-hours per WAC 388-112A-0300 and 388-112A-0340.	Required per WAC 388-112A-0400.	Required. Twelve hours per WAC 388-112A-0610.	<u>Home care aid certification</u> required per WAC 388-112A-0105.

(3) The remainder of this chapter describes the training and certification requirements in more detail.

(4) The following training requirements are not listed in the charts in subsections (1) and (2) of this section but are required under this chapter:

(a) First aid and CPR under WAC 388-112A-0720;

(b) Nurse delegation under WAC 388-112A-0500 and 388-112A-0560; and

(c) Adult family home (AFH) administrator training under WAC 388-112A-0810.

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

WAC 388-112A-0060 What are the training and certification requirements for volunteers and long-term care workers in assisted living facilities and assisted living facility administrators? (1) The

following chart provides a summary of the training and certification requirements for ~~((volunteers))~~ a volunteer, an administrator or designee, and a long-term care ~~((workers))~~ worker in an assisted living ~~((facilities and assisted living administrators or administrator designees))~~ facility:

Who	Status	Facility orientation	Safety/ orientation training	Seventy-hour long-term care worker basic training	Specialty training	Continuing education (CE)	((Certification as a home care aide (HCA))) <u>Required credential</u>
(a) Long-term care worker in assisted living facility.	(i) An ARNP, RN, LPN, NA-C, <u>HCA</u> , NA-C student or other professionals listed in WAC 388-112A-0090.	Required per WAC 388-112A-0200(1).	Not required.	Not required.	Required per WAC 388-112A-0400.	Not required of ARNPs, RNs, or LPNs in chapter 388-112A WAC. Required. Twelve hours per WAC ((388-112A-0610)) <u>388-112A-0611</u> for NA-Cs, HCAs, and other professionals listed in WAC 388-112A-0090, such as an individual with special education training with an endorsement granted by the superintendent of public instruction under RCW 28A.300.010.	((Not required)) <u>Must maintain in good standing the certification or credential or other professional role listed in WAC 388-112A-0090.</u>
	(ii) A long-term care worker employed on January 6, 2012, or was previously employed sometime between January 1, 2011, and January 6, 2012, and has completed the basic training requirements in effect on the date of ((his or her)) hire. WAC 388-112A-0090.	Required per WAC 388-112A-0200(1).	Not required.	Not required.	Required per WAC 388-112A-0400.	Required. Twelve hours per WAC ((388-112A-0610)) <u>388-112A-0611</u> .	Not required.

Who	Status	Facility orientation	Safety/ orientation training	Seventy-hour long-term care worker basic training	Specialty training	Continuing education (CE)	((Certification as a home care aide (HCA))) Required credential
	(iii) Employed in an assisted living facility and does not meet the criteria in subsection (1)(a) or (b) of this section. Meets the definition of long-term care worker in WAC 388-112A-0010.	Not required.	Required. Five hours per WAC 388-112A-0200(2) and 388-112A-0220.	Required. Seventy-hours per WAC 388-112A-0300 and 388-112A-0340.	Required per WAC 388-112A-0400.	Required. Twelve hours per WAC ((388-112A-0610)) 388-112A-0611.	<u>Home care aide certification</u> required per WAC 388-112A-0105 within two hundred days of the date of hire as provided in WAC 246-980-0500 (unless the department of health issues a provisional certification under WAC 246-980-065).
(b) Assisted living facility administrator or administrator designee.	A qualified assisted living facility administrator or administrator designee who does not meet the criteria in subsection (1)(a)(i), (ii), or (iii) of this section.	Not required.	Required. Five hours per WAC 388-112A-0200(2) and 388-112A-0220.	Required. Seventy-hours per WAC 388-112A-0300 and 388-112A-0340.	Required per WAC 388-112A-0400.	Required. Twelve hours per WAC ((388-112A-0610)) 388-112A-0611.	<u>Home care aide certification</u> required per WAC 388-112A-0105.
(c) Volunteer staff in assisted living facility.	An unpaid person.	Required per WAC 388-112A-0200(1).	Not required.	Not required.	Not required.	Not required.	Not required.

(2) The remainder of this chapter describes the training and certification requirements in more detail.

(3) The following training requirements are not listed in the charts in subsection (1) of this section but are required under this chapter:

- (a) First aid and CPR under WAC 388-112A-0720;
- (b) Nurse delegation under WAC 388-112A-0500 and 388-112A-0560;
- (c) Assisted living facility (ALF) administrator training under WAC 388-78A-2521.

WAC 388-112A-0070 What are the training and certification requirements for applicants, administrators or their designees, volunteers, and long-term care workers in enhanced services facilities?

(1) The following chart provides a summary of the training and certification requirements for ~~((applicants))~~ an applicant, ~~((administrators))~~ an administrator or ~~((their designees))~~ designee, ~~((volunteers))~~ a volunteer, and a long-term care ~~((workers))~~ worker in an enhanced services ~~((facilities))~~ facility:

Who	Status	Facility orientation	Safety/ orientation training	Seventy-hour long-term care worker basic training	Specialty training	Continuing education (CE)	Quarterly in-service education	<u>((Certification as a home care aide (HCA))) Required credential</u>
(a) Enhanced services facility (ESF) applicant, administrator or their designee, or long-term care worker in ESF.	(i) An ARNP, RN, LPN, NA-C, <u>HCA</u> , NA-C student or other professionals listed in WAC 388-112A-0090.	Required by WAC 388-112A-0200 (1).	Not required.	Not required.	Per WAC 388-107-0650 for applicants required prior to facility licensing and for administrators and long-term care workers prior to providing client services.	Not required of ARNPs, RNs, or LPNs in chapter 388-112A WAC. Required twelve hours per WAC ((388-112A-0610)) 388-112A-0612 for NA-Cs, <u>HCA</u> s, and other professionals listed in WAC 388-112A-0090, such as individuals with special education training with an endorsement granted by the superintendent of public instruction under RCW 28A.300.010. Per WAC 388-107-0670, ten hours must be in subject appropriate for residents served in the facility.	Required of employees per WAC 388-107-0680.	<u>((Not required)) Must maintain in good standing the certification or credential or other professional role listed in WAC 388-112A-0090.</u>

Who	Status	Facility orientation	Safety/ orientation training	Seventy-hour long-term care worker basic training	Specialty training	Continuing education (CE)	Quarterly in-service education	((Certification as a home care aide (HCA))) Required credential
	(ii) Enhanced services facility (ESF) applicant that does not meet the criteria in subsection (1)(a)(i) of this section.	Not required.	Required. Five hours per WAC 388-112A-0200(2) and 388-112A-0340.	Required. Seventy-hours per WAC 388-112A-0300 and 388-112A-0340.	Per WAC 388-107-0650 for applicants required prior to facility licensing.	Required. Twelve hours per WAC ((388-112A-0610)) 388-112A-0612. Per WAC 388-107-0660 and 388-107-0670, ten hours must be in subjects appropriate for residents served in the facility.	Required of employees per WAC 388-107-0680.	<u>Home care aide certification</u> required per WAC 388-112A-0105 within two hundred days of the date of hire as provided in WAC 388-107-0630 (6)(b).
	(iii) A long-term care worker who was employed on January 6, 2012, or was previously employed sometime between January 1, 2011, and January 6, 2012, and has completed the basic training requirements in effect on ((his or her hire)) the date of hire. WAC 388-112A-0090.	Required per WAC 388-112A-0200 (1).	Not required.	Not required.	Required per WAC 388-112A-0400 and prior to providing client services per WAC 388-107-0650.	Required. Twelve hours per WAC ((388-112A-0610)) 388-112A-0612. Per WAC 388-107-0660 and 388-107-0670, ten hours must be in subjects appropriate for residents served in the facility.	Required of employees per WAC 388-107-0680.	Not required.

Who	Status	Facility orientation	Safety/ orientation training	Seventy-hour long-term care worker basic training	Specialty training	Continuing education (CE)	Quarterly in-service education	((Certification as a home care aide (HCA))) Required credential
	(iv) Employed in an enhanced services facility and does not meet the criteria in subsection (1)(a)(i), (ii) or (iii) of this section. Meets definition of long-term care worker in WAC 388-112A-0010.	Not required.	Required. Five hours per WAC 388-112A-0200(2) and 388-112A-0220.	Required. Seventy-hours per WAC 388-112A-0300 and 388-112A-0340.	Required per WAC 388-112A-0400 and prior to providing client services per WAC 388-107-0650.	Required. Twelve hours per WAC ((388-112A-0610)) 388-112A-0612. Per WAC 388-107-0660 and 388-107-0670, ten hours must be in subjects appropriate for residents served in the facility.	Required of employees per WAC 388-107-0680.	<u>Home care aide certification</u> required per WAC 388-112A-0105 within two hundred days of the date of hire as provided in WAC 246-980-050 (unless the department of health issues a provisional certification under WAC 246-980-065).
(b) Volunteer staff in adult family home or assisted living facility.	An unpaid person.	Required per WAC 388-112A-0200 (1).	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.

(2) The remainder of this chapter and chapter 388-107 WAC describes the training and certification requirements in more detail.

(3) The following training requirements are not listed in the chart in subsection (1) of this section but are required under this chapter:

(a) First aid and CPR under WAC 388-112A-0720; and

(b) Enhanced services facility (ESF) administrator training under WAC 388-112A-0800.

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

WAC 388-112A-0090 Which long-term care workers are exempt from the seventy-hour long-term care worker basic training requirement?

The following long-term care workers are exempt from the seventy-hour long-term care worker basic training requirement:

~~(1) An ((applicant for an adult family home license on or before January 6, 2012 who met the basic training requirements in effect at the time of application;~~

~~(2) A person)) individual employed as a long-term care worker on January 6, 2012, who ((completed)) complied with the basic training requirements in effect on the date of ((his or her)) hire;~~

~~((3) A person employed as a long-term care worker on January 6, 2012 who completed within one hundred twenty days of hire the basic training requirements in effect on the date of his or her hire;~~

~~(4) A person)) (2) An individual previously employed as a long-term care worker who ((completed)) complied with the basic training requirements in effect on the date of ((his or her)) hire and was employed as a long-term care worker at some ((point)) time between January 1, 2011 and January 6, 2012;~~

~~((5) Washington state department of health)) (3) A registered ((nurses)) nurse, licensed practical ((nurses)) nurse, and advanced registered nurse ((practitioners)) practitioner licensed under chapter 18.79 RCW;~~

~~((6) Washington state department of health)) (4) A nursing ((assistants)) assistant certified under chapter 18.88A RCW and ((persons)) a person in an approved training program for certified nursing assistants under chapter 18.88A RCW provided ((that)) they complete the training program within one hundred twenty days of the date of hire and the department of health has issued ((them their)) the nursing assistant certified credential within two hundred days of the date of hire;~~

~~((7)) (5) A home health aide who was employed by a medicare certified home health agency within the year before the ((home health aide)) individual was hired as a long-term care worker and who has met the requirements of 42 C.F.R. Sec. 484.36; ((and))~~

~~((8)) (6) An individual with special education training with an endorsement granted by the Washington state superintendent of public instruction as described in RCW 28A.300.010; and~~

(7) A home care aide (HCA) certified under chapter 18.88B RCW.

NEW SECTION

WAC 388-112A-0125 Prior to hiring a long-term care worker, what training and certification requirements must be reviewed? Before hiring a long-term care worker, the home must review and verify the following training and certification information. The home must verify the highest level of training or certification achieved by the individual.

(1) When the individual is a home care aide certified under chapter 18.88B RCW, the home must:

(a) Verify that the individual's home care aide certification is current and in good standing;

(b) Confirm the individual has completed continuing education as required under WAC 388-112A-0610, 388-112A-0611, or 388-112A-0612; and

(c) Confirm that the specialty training is completed as required under WAC 388-112A-0495.

(2) When the individual is exempt from the seventy-hour long-term care worker training and certification requirements under WAC 388-112A-0090, the home must obtain, review, and verify the following:

(a) Documents demonstrating that the individual is exempt from training and certification which may include:

(i) Washington state provider credential number, showing that the individual's license or certification is current and in good standing;

(ii) A letter from a former or current employer documenting work history during the exemption period described in WAC 388-112A-0090;

(iii) Employment history records from the Washington state employment security department documenting work history information during the exemption period;

(iv) Federal tax statements documenting work history information during the exemption period; or

(v) Documents showing completion of the basic training as required under WAC 388-112A-0090;

(b) Compliance with continuing education requirements as required under WAC 388-112A-0610, 388-112A-0611, or 388-112A-0612; and

(c) Compliance with specialty training if required under WAC 388-112A-0495.

(3) An individual who has worked as a long-term care worker in the past, but who did not complete the training or certification that was required at the time, may be eligible to have the date of hire reset in accordance with this section and WAC 388-112A-0110.

(a) An individual who is eligible to reset the date of hire under WAC 388-112A-0110 must submit a new application and fee to the department of health in accordance with WAC 388-112A-0110, and adhere to the training or certification requirements under this chapter.

(b) An individual who is not eligible to reset the date of hire as provided in WAC 388-112A-0110 must not be paid to provide personal care assistance until they complete required training and become certified as a long-term care worker.

(4) The home must comply with continuing education documentation requirements under WAC 388-112A-0620.

(a) An individual who worked as a long-term care worker during the previous calendar year is held accountable for CE completion by a new employer on the date of hire and shall provide at new hire documentation of continuing education compliance during the calendar year in which the individual is hired; or

(b) An individual who works for multiple employers or moves between employers shall on the date of hire, provide documentation of continuing education compliance, for the year in which the individual is hired.

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

WAC 388-112A-0490 ((When must facility)) What are the specialty training requirements for applicants, resident managers, administrators, and other types of entity representatives ((complete specialty training)) in adult family homes, assisted living facilities, and enhanced services facilities? Adult family homes.

(1) An adult family home ((applicants)) applicant, ((providers)) provider, entity ((representatives)) representative, and resident

~~((managers))~~ manager must complete specialty training ~~((or developmental disability caregiver training))~~ and demonstrate competency before ~~((the home is licensed or before a new entity representative or resident manager assumes the duties of the position in order to admit))~~ admitting or ~~((serve))~~ serving residents who have special needs related to mental illness, dementia, or a developmental disability.

(2) If a resident develops special needs while living in a home without a specialty designation, the provider, entity representative, and resident manager have one hundred twenty days to complete specialty training or developmental disability caregiver training and demonstrate competency.

Assisted living facilities.

(3) If an assisted living facility serves one or more residents with special needs, the assisted living facility administrator or ~~((his or her))~~ designee must complete specialty training ~~((or developmental disability caregiver training))~~ and demonstrate competency within one hundred twenty days of date of hire.

(4) If a resident develops special needs while living in an assisted living facility, the assisted living facility administrator or ~~((his or her))~~ designee has one hundred twenty days to complete specialty training and demonstrate competency.

Enhanced services facilities.

(5) An enhanced services ~~((facilities applicants))~~ facility applicant, ~~((providers))~~ provider, entity ~~((representatives))~~ representative, and resident ~~((managers))~~ manager must complete dementia and mental health specialty training and demonstrate competency before the home is licensed or before a new entity representative or resident manager assumes the duties of the position in order to admit or serve residents who have special needs related to mental illness, dementia, or a developmental disability.

(6) If a resident develops special needs while living in ~~((a home))~~ an enhanced services facility without a specialty designation, the provider, entity representative, and resident manager have one hundred twenty days to complete developmental disability specialty training and demonstrate competency.

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

WAC 388-112A-0495 ~~((What are the facility long-term care workers¹))~~ What are the specialty training ((deadlines and what is the requirement for supervision until the training is completed)) and supervision requirements for long-term care workers in adult family homes, assisted living facilities, and enhanced services facilities? Adult family homes.

(1) If an adult family home serves one or more residents with special needs, the adult family home must ensure that a long-term care ~~((workers must complete))~~ worker employed by the home completes and ~~((demonstrate))~~ demonstrates competency in specialty training as described in WAC 388-112A-0400 within one hundred twenty days of hire.

(2) ~~((During the period to complete the specialty training the))~~ Until a long-term care worker completes the requirements of subsection (1) of this section, the home must not allow the long-term care worker to provide personal care to a resident with special needs without di-

rect supervision ((until that long-term care worker demonstrates competency in specialty training)), unless indirect supervision is allowed under subsection (3) of this section.

(3) The long-term care worker may ((have)) provide personal care with indirect supervision if ((the long-term care worker is)) one or more of the following requirements are met:

(a) The long-term care worker is a nursing assistant certified (NA-C) under chapter 18.88A RCW;

(b) The long-term care worker is a certified home care aide (HCA) under chapter 18.88B RCW;

(c) The long-term care worker is a licensed practical nurse (LPN) under chapter 18.79 RCW;

(d) The long-term care worker is a registered nurse (RN) under chapter 18.79 RCW; or

(e) The long-term care worker ((meets the exemption criteria described in)) is exempt from the seventy-hour basic training under WAC 388-112A-0090.

Assisted living facilities.

(4) If an assisted living facility serves one or more residents with special needs, the assisted living facility must ensure that a long-term care ((workers must complete)) worker employed by the facility completes and ((demonstrate)) demonstrates competency in specialty training within one hundred twenty days of hire. However, if specialty training is not integrated with basic training, the specialty training must be completed within ninety days of completion of basic training.

(5) ((During the period to complete the specialty training, the)) Until a long-term care worker completes the specialty training and demonstrates competency as required under subsection (4) of this section, the home must not allow the long-term care worker to provide personal care to a resident with special needs without indirect supervision ((until that long-term care worker demonstrates competency in specialty training)).

Enhanced services facilities.

(6) All long-term care workers in enhanced services facilities ((are facilities that serves one or more residents with special needs, and long-term care workers)) must complete and demonstrate competency in mental health and dementia specialty training prior to providing client services.

((7) Long-term care workers are not required to complete specialty training if the adult family home or assisted living facility has no residents with a special need where the specialty training is required.))

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

WAC 388-112A-0590 May nurse delegation core and specialized diabetes training occur in the same year as the seventy-hour long-term care worker basic training?

(1) Nurse delegation core and specialized diabetes training may ((~~occur~~)) be required in the same year as basic training if ((required to be able to perform)) delegated tasks need to be performed. ((The training hours)) If completed within one hundred twenty days of hire, the nurse delegation core and specialized diabe-

tes training hours may ~~((apply to))~~ be counted toward the population specific component of the seventy-hour long-term care worker basic training.

(2) A long-term care ~~((workers))~~ worker in an enhanced services ~~((facilities are))~~ facility is not permitted to perform nurse delegated tasks.

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

WAC 388-112A-0600 What is continuing education and what topics may be covered in continuing education? (1) Continuing education is annual training designed to promote professional development and increase a caregiver's knowledge, expertise, and skills. DSHS must approve continuing education curricula and instructors.

(2) The same continuing education course must not be repeated for credit unless it is a new or more advanced training on the same topic. However, a long-term care ~~((workers))~~ worker may repeat up to five credit hours per year on the following topics:

- (a) Bloodborne pathogens and infection control;
- (b) CPR training;
- (c) First-aid training;
- (d) Food handling training;
- (e) Health insurance portability and accountability act (HIPAA);
- (f) Medication assistance;
- (g) Disaster preparedness;
- (h) Aging sensitivity;
- (i) Resident rights as it relates to caregiving issues in chapter 70.129 RCW;
- (j) Resident safety;
- (k) Abuse and neglect identification and mandatory reporting; and
- (l) Topics where the assisted living facility, enhanced services facility, or adult family home can demonstrate a need for retraining.

~~((2))~~ (3) Continuing education must be on a topic relevant to the care setting, care needs of residents, or long-term care worker career development. In addition to the topics listed in subsection (1) of this section, topics or course may include:

- (a) Personal care services;
- (b) Mental illness;
- (c) Dementia;
- (d) Developmental disabilities;
- (e) Depression;
- (f) Communication skills;
- (g) Positive resident behavior support;
- (h) Developing or improving resident centered activities;
- (i) Dealing with wandering or aggressive resident behaviors;
- (j) Deescalating challenging behaviors; and
- (k) Medical conditions.

~~((3))~~ (4) Nurse delegation core and nurse delegation specialized diabetes training hours when not applied to basic training hours may count towards continuing education.

~~((4))~~ (5) Specialty training, except if completed through a challenge test, may be used to meet continuing education requirements.

~~((5))~~ (6) When hours from a class approved as specialty training are counted toward basic training requirements, the hours must not be counted toward continuing education.

~~((6))~~ (7) Residential care administrator training under WAC 388-112A-0800 may be used to meet the continuing education requirements described in WAC 388-112A-0610 during the year it was completed.

~~((7))~~ (8) Successful completion of a department of health approved home care aide certified alternative bridge program may be applied up to twelve hours of continuing education in the year it was completed.

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

WAC 388-112A-0610 Who in an adult family home is required to complete continuing education training each year, how many hours of continuing education are required, and when must they be completed?

(1) ~~((Adult family homes))~~ The continuing education training requirements that apply to certain individuals working in adult family homes are described below.

(a) The following long-term care workers must complete twelve hours of continuing education by their birthday each year:

~~(i) A certified home care ((aides must complete twelve hours of continuing education by their birthday each year after obtaining certification as required by the Washington department of health as described in RCW 74.39A.341.~~

~~(b) If exempt from certification as described in)) aide;~~

~~(ii) A long-term care worker who is exempt from the seventy-hour long-term care worker basic training under ((RCW 18.88B.041, long-term care workers must complete twelve hours of continuing education by their birthday each year.~~

~~(i) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, the continuing education does not apply to registered nurses and licensed practical nurses licensed under chapter 18.79 RCW.~~

~~(ii) Continuing education requirements under subsection (1)(b) of this section do not apply to)) WAC 388-112A-0090(1) and (2);~~

~~(iii) A certified nursing ((assistants)) assistant, and ((persons)) a person with special education training and an endorsement granted by the Washington state office of superintendent of public instruction, as described in RCW 28A.300.010; and~~

~~(iv) An adult family home provider, entity representative, and resident manager as provided under WAC 388-112A-0050.~~

~~((e) For)) (b) A long-term care ((workers that are)) worker who is a certified ((as a)) home care ((aide or nursing assistant, if the first renewal period is less than a full year from the initial date of certification, no continuing education will be due for the first renewal period)) aide, must comply with continuing education requirements under chapter 246-980 WAC.~~

(c) The continuing education requirements of this section do not apply to a registered nurse, a licensed practical nurse, and an advanced registered nurse practitioner licensed under chapter 18.79 RCW, even if voluntarily certified as a home care aide under chapter 18.88B RCW.

(d) If exempt from certification under RCW 18.88B.041, a long-term care worker must complete twelve hours of continuing education within forty-five calendar days of being hired by the adult family home or by the long-term care worker's birthday in the calendar year hired, whichever is later; and

(i) Must complete twelve hours of continuing education by the long-term care worker's birthday each calendar year worked thereafter; or

(ii) If the forty-five calendar day time period allows the long-term care worker to complete continuing education in January or February of the following year, the hours of credit earned will be applied to the calendar year in which the long-term care worker was hired.

(e) If the birthday following initial certification as a home care aide or nursing assistant (NA-C) is less than a full year from the date of certification, no continuing education will be due for the first renewal period.

(f) Continuing education must include one half hour per year on safe food handling in adult family homes as described in RCW 70.128.250 ((when the)) for a long-term worker who does not maintain a food handler's permit, and completed basic or modified basic caregiver training before June 30, 2005. A long-term care worker who completed basic or modified basic training after June 30, 2005 is not required to have a food handler's permit.

(2) ((Assisted living facilities.

~~(a) Certified home care aides must complete twelve hours of continuing education by their birthday each year after obtaining certification as required by the Washington department of health as described in RCW 74.39A.341.~~

~~(b) Long-term care workers exempt from certification under RCW 18.88B.041 must complete twelve hours of continuing education by their birthday each year.~~

~~(c) For long-term care workers that are certified as a home care aide or nursing assistant, if the first renewal period is less than a full year from the initial date of certification, no continuing education will be due for the first renewal period.~~

~~(i) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, the continuing education does not apply to registered nurses and licensed practical nurses licensed under chapter 18.79 RCW.~~

~~(ii) Continuing education requirements under subsection (2) (b) of this section apply to certified nursing assistants and persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010.~~

~~(iii) Assisted living facility administrators or the administrator designees must complete twelve hours of continuing education by their birthday each year.~~

(3) Enhanced services facilities.

~~(a) Certified home care aides must complete twelve hours of continuing education by their birthday each year after obtaining certification as required by the Washington department of health as described in RCW 74.39A.341.~~

~~(b) Long-term care workers exempt from certification under RCW 18.88B.041 must complete twelve hours of continuing education by their birthday each year for each year they worked.~~

~~(c) For long-term care workers that are certified as a home care aide or nursing assistant, if the first renewal period is less than a full year from the initial date of certification, no continuing education will be due for the first renewal period.~~

~~(i) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, the continuing education does not apply to registered nurses and licensed practical nurses licensed under chapter 18.79 RCW.~~

~~(ii) Continuing education requirements under subsection (3) (b) of this section do apply to certified nursing assistants and persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010.~~

~~(iii) Enhanced services facility administrators or the administrator designees must complete twelve hours of continuing education by their birthday each year.~~

~~(d) Enhanced services facility certified home care aide staff and nursing assistant certified staff must have ten of their twelve hours of annual continuing education cover relevant education regarding the population served in the enhanced services facility as provided in WAC 388-107-0660.~~

~~(e) In addition to the annual continuing education requirements for individual staff, the enhanced services facility must provide three hours of staff education per quarter relevant to the needs of the population served.~~

~~(4) A long-term care worker who does not complete continuing education as required in subsections (1) through (3) of this section or RCW 74.39A.341 must not be paid to provide care until they complete the required continuing education.~~

~~(5) One hour of completed classroom instruction or other form of training (such as an online course) equals one hour of continuing education. For online courses, the training entity must establish a way for the long-term care worker to ask the instructor questions.) A long-term care worker who does not complete continuing education as required under this chapter must not provide care until the required continuing education is completed.~~

NEW SECTION

WAC 388-112A-0611 Who in an assisted living facility is required to complete continuing education training each year, how many hours of continuing education are required, and when must they be completed?

(1) The continuing education training requirements that apply to certain individuals working in assisted living facilities are described below.

(a) The following long-term care workers must complete twelve hours of continuing education by their birthday each year:

(i) A certified home care aide;

(ii) A long-term care worker who is exempt from the seventy-hour long-term care worker basic training under WAC 388-112A-0090(1) and (2);

(iii) A certified nursing assistant, and a person with special education training and an endorsement granted by the Washington state office of superintendent of public instruction, as described in RCW 28A.300.010; and

(iv) An assisted living facility or the administrator designee as provided under WAC 388-112A-0060.

(b) A long-term care worker, who is a certified home care aide must comply with continuing education requirements under chapter 246-980 WAC.

(c) The continuing education requirements of this section do not apply to a registered nurse, a licensed practical nurse, and an advanced registered nurse practitioner licensed under chapter 18.79 RCW, even if voluntarily certified as a home care aide under chapter 18.88B RCW.

(d) If exempt from certification under RCW 18.88B.041, a long-term care worker must complete twelve hours of continuing education within forty-five calendar days of being hired by the assisted living facility or by the long-term care worker's birthday in the calendar year hired, whichever is later; and

(i) Must complete twelve hours of continuing education by the long-term care worker's birthday each calendar year worked thereafter; or

(ii) If the forty-five calendar day time period allows the long-term care worker to complete continuing education in January or February of the following year, the credit hours earned will be applied to the calendar year in which the long-term care worker was hired.

(e) If the birthday following initial certification as a home care aide or nursing assistant (NA-C) is less than a full year from the date of certification, no continuing education will be due for the first renewal period.

(2) A long-term care worker who does not complete continuing education as required under this chapter must not provide care until the required continuing education is completed.

NEW SECTION

WAC 388-112A-0612 Who in an enhanced services facility is required to complete continuing education training each year, how many hours of continuing education are required, and when must they be completed? (1) The continuing education training requirements that apply to certain individuals working in enhanced services facilities are described below.

(a) The following long-term care workers must complete twelve hours of continuing education by their birthday each year:

(i) A certified home care aide;

(ii) A long-term care worker who is exempt from the seventy-hour long-term care worker basic training under WAC 388-112A-0090(1) and (2);

(iii) A certified nursing assistant, and a person with special education training and an endorsement granted by the Washington state office of superintendent of public instruction, as described in RCW 28A.300.010; and

(iv) An enhanced services facility applicant, facility representative, administrator, or the administrator designee as provided under WAC 388-112A-0070.

(b) A long-term care worker, who is a certified home care aide must comply with continuing education requirements under chapter 246-980 WAC.

(c) The continuing education requirements of this section do not apply to a registered nurse, a licensed practical nurse, and an advanced registered nurse practitioner licensed under chapter 18.79 RCW, even if voluntarily certified as a home care aide under chapter 18.88B RCW.

(d) If exempt from certification under WAC 18.88B.041, a long-term care workers must complete twelve hours of continuing education within forty-five calendar days of being hired by the enhanced services facility or by the long-term care worker's birthday in the calendar year hired, whichever is later; and

(i) Must complete twelve hours of continuing education by the long-term care worker's birthday each calendar year worked thereafter; or

(ii) If the forty-five calendar day time period allows the long-term care worker to complete continuing education in January or February of the following year, the credit hours earned will be applied to the calendar year in which the long-term care worker was hired.

(e) If the birthday following initial certification as a home care aide or nursing assistant (NA-C) is less than a full year from the date of certification, no continuing education will be due for the first renewal period.

(f) Enhanced services facility certified home care aide staff and nursing assistant certified staff must have ten of the twelve hours of annual continuing education cover relevant education regarding the population served in the enhanced services facility as provided in WAC 388-107-0660.

(g) In addition to the annual continuing education requirements for individual staff, the enhanced services facility must provide three hours of staff education per quarter on topics relevant to the needs of the population served.

(2) A long-term care worker who does not complete continuing education as required in this chapter must not provide care until the required continuing education is completed.

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

WAC 388-112A-1020 What must be submitted to DSHS for curriculum approval?

(1) If a training entity modifies a department developed curriculum in any manner, the training entity must submit the curriculum to the department for approval.

(2) Training must not be offered before receiving department curriculum and instructor approval.

(3) Online classes when applicable must adhere to the DSHS online class standards in effect at the time of approval. These online standards are posted on the DSHS website.

(4) For orientation and safety training:

(a) Submit an outline of what will be covered in each training offered, ~~((like))~~ including a table of contents or a class syllabus, that shows where the required introductory topics listed in WAC 388-112A-0210 for orientation and WAC 388-112A-0230 for safety training are covered in the training.

(b) Department required orientation and safety training application forms must be submitted to the department at least forty-five days before the training is expected to be offered.

(c) Training cannot be offered before the department approves the curriculum and instructor.

~~((3))~~ **(5) For continuing education:**

(a) Continuing education curriculum delivery models must only include instructor led, online instructor led (such as a webinar), or online interactive self-paced learning with access to an instructor.

~~(b) ((Online classes must adhere to the DSHS online class standards in effect at the time of approval. These online standards are posted on the department's web site.~~

~~(e))~~ For continuing education classes, submit on a department developed form a summary of the class that includes the topic, a brief description of what the training will cover, a course outline, the number of training hours, and a description of how the training is relevant to the care setting, care needs of residents, or long-term care worker career development.

~~((d))~~ (c) For online training courses, submit the information requested in ~~((e))~~ (b) of this subsection and a description of how the instructor or training will assess that the students have integrated the information being taught. The training entity must establish a way for the long-term care worker to ask the instructor questions.

(d) One hour of completed classroom instruction or other form of training (such as online course) equals one hour of continuing education.

~~((e))~~ (e) Department required continuing education training application forms must be submitted at least forty-five days in advance of the training. The department must approve the curriculum and instructor before the training may be offered.

~~((4))~~ (6) For core basic training:

(a) If the instructor or training entity uses the DSHS developed home care aide course (formally known as the revised fundamentals of caregiving) learner's guide with enhancements, they must submit the DSHS form with all required information.

(b) If the instructor or training entity does not use a DSHS developed home care aide course (formally known as the revised fundamentals of caregiving) learner's guide with enhancements to teach the seventy-hour long-term care worker basic training, they must submit to DSHS the following for approval:

(i) A completed DSHS curriculum checklist indicating where all of the competencies and learning objectives described in this chapter are located in the long-term care worker materials from the proposed curriculum for that course;

(ii) Any materials long-term care workers will receive, such as a textbook, long-term care worker manual, learning activities, audio-visual materials, handouts, and books;

(iii) The table of contents or curriculum outline, including the allotted time for each section;

(iv) Demonstration skills checklists for the personal care tasks described in WAC 388-112A-0320 (12)(a) and (b) and infection control skills such as hand washing and putting on and taking off gloves; and

(v) The teacher's guide or manual that includes for each section of the curriculum:

(A) The goals and objectives;

(B) Method of teaching, including learning activities that incorporate adult learning principles;

(C) Methods used to determine whether each long-term care worker understands the materials covered and can demonstrate all skills;

(D) A list of the sources or references that were used to develop the curriculum and if the primary source or reference is not a published citation, the instructor must provide detail on how the content is evidence based;

(E) Description of how the curriculum was designed to accommodate long-term care workers with either limited English proficiency, learning disabilities, or both; and

(F) Description and proof of how input was obtained from consumer and long-term care worker representatives in the development of the curriculum.

(c) Curriculum submitted for the core competency section of basic training, called core basic training, as described in WAC 388-112A-0320, must include how much time students will have to practice skills and how instructors will evaluate and ensure each long-term care worker can proficiently complete each skill.

(d) Entities that submit curriculum for the population specific component of the seventy-hour long-term care worker basic training must submit their own list of competencies and learning objectives used to develop the population specific basic training curriculum.

~~((5))~~ (7) **For specialty training:**

(a) For specialty training that is not ~~((the))~~ DSHS developed curriculum or another department approved specialty training curriculum, submit the required specialty training application form and any additional learning objectives added to the competency and learning objectives checklist, the enhancements that have been added, and additional student materials or handouts.

(b) To be approved, an alternative curriculum must at a minimum include:

(i) All the DSHS published learning outcomes and competencies for the course;

(ii) ~~((Printed))~~ Student materials that support the curriculum, a teacher's guide or manual, and learning resource materials such as learning activities, audio-visual materials, handouts, and books;

(iii) The recommended sequence and delivery of the material; and

(iv) The teaching methods or approaches that will be used for different sections of the course, including for each lesson:

(A) Learning activities that incorporate adult learning principles and address the learning readiness of the student population;

(B) Practice of skills to increase competency;

(C) Feedback to the student on knowledge and skills;

(D) An emphasis on facilitation by the teacher; and

(E) An integration of knowledge and skills from previous lessons to build skills;

(v) A list of the sources or references, if any, used to develop the curriculum;

(vi) Methods of teaching and student evaluation for students with either limited-English proficiency, learning disabilities, or both; and

(vii) A plan for updating material ~~((; and))~~.

~~((6))~~ (8) Substantial changes to a previous approved curriculum must be approved before they are used.

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

WAC 388-112A-1240 What are the minimum qualifications for an instructor for core basic, population specific, on-the-job, residential care administrator, nurse delegation core, and specialized diabetes

trainings? An instructor for core basic, population specific, on-the-job, residential care administrator, nurse delegation core, and nurse delegation specialized diabetes trainings must meet the following minimum qualifications:

(1) Twenty-one years of age;

(2) Has not had a professional health care, adult family home, assisted living facility, or social services license or certification revoked in Washington state; ~~((and))~~

(3) Meets one or more of the following education or work experience requirements upon initial approval or hire:

(a) Is a registered nurse with work experience within the last five years with the elderly or persons with disabilities requiring long-term care in a community setting;

(b) Has an associate degree or higher degree in the field of health or human services and six months professional or caregiving experience within the last five years in a community based setting or an adult family home, enhanced services facility, assisted living facility, supported living through the developmental disabilities administration (DDA), or home care setting; or

(c) Has a high school diploma or equivalent and one year of professional or caregiving experience within the last five years in an adult family home, enhanced services facility, assisted living, supported living through DDA, or home care setting;

(4) Meets one or more of the following teaching experience requirements:

(a) One hundred hours of experience teaching adults in an appropriate setting on topics directly related to basic training or basic training topics that may be offered as continuing education;

(b) Forty hours of teaching basic training while being mentored by an instructor who is approved to teach basic training; or

(c) Instructors with adult family homes, enhanced services facilities, and assisted living facilities ~~((that))~~ who do not ~~((meet the criteria))~~ have the experience described in (a) or (b) of this subsection, must have and attest to the following experience and plans in their application:

(i) Forty hours of informal teaching experiences unrelated to basic training topics such as guest lecturing, team teaching, and volunteer teaching with parks, local high schools, 4-H groups, English as a second language (ESL) groups, senior organizations, and religious organizations;

(ii) Three adult learning techniques that the instructor will implement in ~~((his or her))~~ the long-term care worker training; and

(iii) Three ways the instructor plans on improving ~~((his or her))~~ instructional ~~((facilitation))~~ skills and the method the instructor will use to measure improvement such as submitting the continuous improvement plan feedback from the DSHS adult education class;

(5) Except for instructors for nurse delegation core and diabetes training, completion of a class on adult education that meets the requirements of WAC 388-112A-1297;

(6) The instructor must be experienced in caregiving practices and ~~((capable of demonstrating))~~ demonstrate competency ~~((with respect to))~~ for teaching the course content or units being taught;

(7) Instructors who will administer tests must have experience or training in assessment and competency testing;

(8) Community instructors for nurse delegation core and diabetes training must have a current Washington registered nurse (RN) license in good standing without practice restrictions; and

(9) Facility instructors must be approved and contracted by the department as a community instructor in order to be approved to teach the following classes:

- (a) Nurse delegation core;
- (b) Nurse delegation diabetes training; or
- (c) DSHS adult education training curriculum.

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

WAC 388-112A-1270 What are the minimum qualifications for community instructors for mental health specialty training? (1) The minimum qualifications for community instructors for mental health specialty training, in addition to the general qualifications in WAC 388-112A-1240 (1) and (2), include:

(a) The instructor must be experienced in mental health caregiving practices and capable of demonstrating competency in the entire course content;

(b) Education:

(i) Bachelor's degree, registered nurse, or mental health specialist, with at least one year of education in seminars, conferences, continuing education, or accredited college classes, in subjects directly related to mental health, including, but not limited to, psychology (one year of education equals twenty-four credits in a semester system, thirty-six credits in a quarter system, or at least eighty hours of seminars, conferences, and continuing education); and

(ii) Successful completion of the mental health specialty training class before the instructor trains others;

(c) Work experience: Two years full-time equivalent direct work experience with people who have a mental illness; and

(d) Teaching experience:

(i) Two hundred hours experience teaching long-term care related subjects;

(ii) Successful completion of an adult education class that meets the requirements of WAC 388-112A-1297;

(iii) Successful completion of the DSHS instructor qualification/demonstration process; and

(iv) The instructor has been approved and contracted by the department as a community instructor;

(e) Instructors who will administer tests must have experience or training in assessment and competency testing; and

(2) Five years of full-time equivalent direct work experience with people who have a mental illness may substitute for either:

(a) The credential described in subsection (1)(b)(i) of this section; or

(b) The one year of education in college classes or eighty hours in seminars, conferences, continuing education described in subsection ~~((1)(b)(ii))~~ (1)(b)(i) of this section.

(3) If your status is an approved instructor for mental health specialty training, you may instruct a new mental health specialty training curriculum after submitting to the department a copy of a certificate of completion for that curriculum and a copy of a certificate of completion of an adult education class that meets the requirements of WAC 388-112A-1297.

WAC 388-112A-1285 What are the minimum qualifications for community instructors for dementia specialty training? (1) The minimum qualifications for instructors for dementia specialty, in addition to the general qualifications defined in WAC 388-112A-1240 (1) and (2) include:

(a) The instructor must be experienced in dementia caregiving practices and capable of demonstrating competency in the entire course content;

(b) Education:

(i) Bachelor's degree, registered nurse, or mental health specialist, with at least one year of education in seminars, conferences, continuing education or college classes, in dementia or subjects directly related to dementia, such as, but not limited to, psychology (one year of education equals twenty-four credits in a semester system, thirty-six credits in a quarter system, or at least eighty hours of seminars, conferences, or continuing education); and

(ii) Successful completion of the dementia specialty training, prior to beginning to train others;

(c) Work experience: Two years full-time equivalent direct work experience with people who have dementia;

(d) Teaching experience:

(i) Two hundred hours experience teaching long-term care related subjects;

(ii) Successful completion of an adult education class that meets the requirements of WAC 388-112A-1297;

(iii) Successful completion of the DSHS instructor qualification/demonstration process; and

(iv) The instructor has been approved and contracted by the department as a community instructor; and

(e) Instructors who will administer tests must have experience or training in assessment and competency testing.

(2) Five years of full-time equivalent direct work experience with people who have dementia may substitute for either:

(a) The credential (bachelor's degree, registered nurse, or mental health specialist) described in subsection (1)(b)(i) of this section; or

(b) The one year of education in college classes or eighty hours in seminars, conferences, continuing education described in subsection ~~((1)(b)(ii))~~ (1)(b)(i) of this section.

(3) If your status is an approved instructor for dementia specialty training, you may instruct a new dementia specialty training curriculum after submitting to the department a copy of a certificate of completion for that curriculum and a copy of a certificate of completion of an adult education class that meets the requirements of WAC 388-112A-1297.