



# PROPOSED RULE MAKING

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

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DATE: February 08, 2022  
TIME: 12:27 PM

WSR 22-05-041

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

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 21-22-076 ; 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) The department is planning to:

- Amend WAC 388-112A-0010, What definitions apply to this chapter;
- Amend WAC 388-112A-0030, What is the seventy-hour long-term care worker basic training?
- Amend WAC 388-71-0836, What definitions apply to the long-term care worker training requirements?
- Amend WAC 388-71-8070, What is the seventy hour basic training?
- Add new section WAC 388-112A-0305, What are the minimum requirements for training programs to provide remote skills training?
- Add new section WAC 388-71-0873, What are the minimum requirements for training programs to provide remote skills training?

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
April 5, 2022	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504  <b>Or virtual</b>	Public parking at 11 <sup>th</sup> and Jefferson. A map is available at: <a href="https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2">https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2</a>  Due to the impacts of the COVID-19 pandemic, hearings are being held virtually. Please see the DSHS website for the most current information.

**Date of intended adoption:** Not earlier than April 6, 2022 (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](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)

Fax: 360-664-6185

Other:

By (date) 5:00 p.m. April 5, 2022

**Assistance for persons with disabilities:**

Contact DSHS Rules Consultant

Phone: 360-664-6198

Fax: 360-664-6185

TTY: 711 Relay Service

Email: [tenczsa@dshs.wa.gov](mailto:tenczsa@dshs.wa.gov)

Other:

By (date) 5:00 p.m. March 22, 2022 p

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The department is proposing to amend WAC 388-112A-0010, WAC 388-112A-0030, 388-71-0836, WAC 388-71-0836 and WAC 388-71-8070, and add new sections WAC 388-112A-0305 and WAC 388-71-0873.

RCW 18.20.270 (9) stipulates that “the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.”

Under gubernatorial suspension of training rules and coordinated efforts to expand opportunities for remote training during the COVID-19 pandemic, DSHS contracted with a DSHS approved training company to conduct a pilot basic training program in which skills would be taught, demonstrated, reinforced, and remediated remotely.

Data from student Prometric skills test pass rates for students involved in the pilot revealed success at a rate equal to that of students trained in person. The success of the pilot indicates that remote skills training is not only feasible but can also be effective. Remote skills training has the potential to greatly increase the ability for students in remote areas to access training, and in turn augment an already strained long-term care workforce.

There are currently no rules that govern remote skills training. The proposed rules will set standards for remote skills training and update current definitions and basic training rules to allow for virtual classroom and remote skills training. The effect will be to expand opportunities for long-term care worker training statewide, especially in remote areas.

**Reasons supporting proposal:** See purpose statement above

**Statutory authority for adoption:** RCW 74.08.090, RCW 74.39A.070, RCW 74.39A.074 , RCW 18.20.270, RCW 70.128.230

**Statute being implemented:** RCW 74.08.090, RCW 74.39A.070, RCW 74.39A.074 , RCW 18.20.270, RCW 70.128.230

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

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

**Name of proponent:** (person or organization)  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	David Chappell	P.O. Box 45600, Olympia, WA 98504-5600	360-725-2366
Implementation:	David Chappell	P.O. Box 45600, Olympia, WA 98504-5600	360-725-2366
Enforcement:	David Chappell	P.O. Box 45600, Olympia, WA 98504-5600	360-725-2366

**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: David Chappell  
Address: P.O. Box 45600, Olympia, WA 98504-5600  
Phone: 360-725-2366  
Fax:  
TTY:  
Email: [david.chappell@dshs.wa.gov](mailto:david.chappell@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)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)                                                                                             |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)                                                                                              |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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. Adding standards for remote skills training is consistent with other training sections in this chapter. Training programs choosing to offer remote skills training would incur up-front costs in the establishment of necessary systems, equipment, technologies, and student support structures.

Training programs may decide to impose a fee for students to access remote skills training to recuperate costs, a practice which is not unusual for small businesses.

The Department of Social and Health Services' Aging and Long-Term Support Administration has determined that there are no new annual costs to small businesses that are fifty dollars or more per instructor.

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: David Chappell

Address:

Phone:

Fax:

TTY:

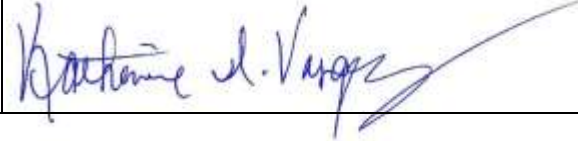
Email: [david.chappell@dshs.wa.gov](mailto:david.chappell@dshs.wa.gov)

Other:

**Date:** February 8, 2022

**Signature:**

**Name:** Katherine I. Vasquez



**Title:** DSHS Rules Coordinator

**WAC 388-71-0836 What definitions apply to the long-term care worker training requirements?** The following definitions apply to the long-term care worker training requirements:

(1) "**Activities of daily living**((~~7~~))" means self-care abilities related to personal care such as bathing, eating, using the toilet, medication assistance, dressing, 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) "**Care team**" means the client and everyone involved in his or her 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 client's well-being. However, the client directs the care plan.

(3) "**Challenge test**" means a competency test taken for specialty training without first taking the class for which the test is designed and may only be used when basic training is not required.

(4) "**Client**" means an individual receiving in-home services.

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

(6) "**Competency testing**" means evaluating a student to determine if he or she can demonstrate the required level of skill, knowledge, and behavior with respect to the identified learning objectives of a particular course. The department only requires competency testing for nurse delegation core and specialized diabetes training, and the specialty and expanded specialty trainings. Training programs may integrate competency testing within their approved curricula.

(7) "**Core basic training**" means the portion of the ((~~seventy-hour~~)) 70-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.

(8) "**Date of hire**" for determining timeframes related to training and certification, means the date of hire as described in ((~~WAC 246-980-010~~)) chapter 246-980 WAC.

(9) "**DDA**" refers to the developmental disabilities administration.

(10) "**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 client care workers).

(11) "**Department**" or "**DSHS**" means the department of social and health services.

(12) "**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 can include new student materials, videos or DVDs, online materials, and additional student activities.

(13) "**Expanded specialty training**" means optional curricula that provide caregivers with advanced knowledge and skills to provide per-

son-centered care to clients or residents living with conditions other than developmental disabilities, dementia, and mental health. The optional expanded specialty training may include such topics as traumatic brain injury, diabetes care, and bariatric care. The optional expanded specialty training curricula must be DSHS developed and based on competencies and learning objectives established by the department.

(14) "**Guardian**" means an individual as defined in chapter 11.88 RCW.

(15) "**Home care aide**" or "**certified home care aide**" means a long-term care worker who has obtained and maintains a home care aide certification through the department of health.

(16) "**Hybrid**" means a combination of online training and in-person, remote or virtual classroom instruction.

(17) "**Individual provider**" or "**IP**" means a person who has contracted with the department to provide personal care or respite care services to persons with functional disabilities under a medicaid state plan program, such as the medicaid personal care or community first choice programs or under a federal medicaid waiver program.

~~((17))~~ (18) "**Learning objectives**" 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. Curriculum developers have the flexibility to determine how learning objectives are met and may include additional content deemed necessary to best meet the competency in a particular setting.

~~((18))~~ (19) "**Long-term care worker**" 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 services 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; 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.

~~((19))~~ (20) "**Online training**" means a course taken through an automated, asynchronous learning management system or other technology that conforms to the online training standards posted on the DSHS website at <https://bit.ly/dshs-online-standards>.

(21) "**Personal care services**" means physical or verbal assistance with activities of daily living, or activities of daily living and instrumental activities of daily living that are provided to the client.

(22) "**Remote skills training**" means training conducted in a virtual classroom environment, or online when a student either demonstrates a skill live or provides a video recorded file of themselves performing a skill that is forwarded for feedback to an approved in-

structor or a proctor trained by an approved instructor, or both. A training program must be approved by DSHS to provide remote skills training.

~~((20))~~ **"Seventy-hour)** (23) "70-hour long-term care worker training" means the ~~((seventy-hours))~~ 70 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.

~~((21))~~ (24) "Specialty training" 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.

~~((22))~~ (25) "Training entity" means an organization, including an independent contractor, who provides or may provide training under this chapter using approved curriculum. Training entities may only deliver approved curriculum.

~~((23))~~ (26) "Training partnership" means a joint partnership or trust that includes the office of the governor, and the exclusive bargaining representative of individual providers under RCW 74.39A.270 with the capacity to provide training, peer mentoring, and workforce development, or other services to individual providers.

(27) "Virtual classroom" means a synchronous, instructor-led, remote learning environment conducted in real time that conforms to the virtual classroom standards posted on the DSHS website at <https://bit.ly/dshs-online-standards>. A training program must be approved by DSHS to provide virtual classroom instruction.

AMENDATORY SECTION (Amending WSR 21-18-081, filed 8/30/21, effective 10/1/21)

**WAC 388-71-0870 What is the ~~((seventy-hour))~~ 70-hour long-term care worker basic training?** (1) The ~~((seventy-hour))~~ 70-hour long-term care worker basic training is in addition to orientation and safety training. It is 70 hours and includes:

(a) The core competencies and skills that long-term care workers need in order to provide personal care services effectively and safely;

(b) Practice and demonstration of skills; and

(c) Population specific competencies.

(2) DSHS ~~((approved seventy-hour))~~ must approve the 70-hour long-term care worker basic training curricula.

(3) On-the-job training, as described in WAC 388-71-0932, may be applied to ~~((seventy-hour))~~ 70-hour long-term care worker basic training for an amount that must be approved by the department.

(4) The DSHS developed fundamentals of caregiving (FOC) or another department approved training may be used to teach core basic training but ~~((it))~~ the FOC must include enhancements. Additional student materials are required to ensure the enhancements are well planned and documented for students. Materials must be submitted for approval and

approved per WAC 388-71-1026. Examples of enhancements include, but are not limited to:

- (a) More time for workers to practice skills including:
  - (i) The mechanics of completing the skill correctly;
  - (ii) Client centered communication and problem solving associated with performing the skill;
  - (iii) The different levels of care required for each skill including independent, supervision, limited, extensive, and total;
  - (iv) Working with assistive devices associated with a skill.
  - (v) Helpful tips or best practices in working through common client challenges associated with a skill; and
  - (vi) Disease specific concerns or challenges associated with a skill.

(b) Augmenting or adding additional materials, student activities, videos or guest speakers that:

- (i) More deeply reinforce and fortify the learning outcomes required for basic training;
- (ii) Ensure each student integrates and retains the knowledge and skills needed to provide quality basic personal care; and
- (iii) Prepares workers for the certification testing environment and process.

(c) Enhancements are NOT materials or activities that are one or more of the following:

- (i) Are out of the scope of practice for a long-term care worker such as content clearly written for registered nurses;
- (ii) Are identical to, or a direct replacement of, those already included in FOC;
- (iii) ~~((Do not))~~ Fail to reinforce Washington state laws associated with client rights and client directed care;
- (iv) Long-term care workers are not paid to provide; and
- (v) Are written above a high school reading level.

(5) The delivery mode of the ~~((seventy-hour))~~ 70-hour long-term care worker basic training may be either in-person or virtual classroom instruction, or a hybrid of online and in-person ~~((modules)),~~ remote or virtual classroom instruction. One hour of completed classroom instruction or other form of training (such as ~~((a video))~~ virtual classroom, remote or online course) equals one hour of training.

(a) Online and virtual classroom modules must be ~~((an instructor led class, such as a webinar, or an online))~~ interactive ~~((self-paced class that provides clear instructions on how students get questions answered during the course)),~~ provide the student with access to the instructor, and ~~((adheres))~~ adhere to the DSHS online ~~((class))~~ and virtual classroom standards posted on DSHS's website <https://bit.ly/dshs-online-standards>.

(b) The in-person skills training or remote skills training portion of hybrid modules must be no less than ~~((twelve))~~ 16 hours of the total basic training hours and include in-person or remote instruction on the personal care ~~((assistance))~~ tasks supporting activities of daily living ~~((, commonly referred to as skills training))~~ as described in WAC 388-71-0911.

(6) The long-term care worker must be able to ask the instructor questions during the training ~~((entity must establish a way for the long-term care worker to ask the instructor questions. An instructor or representative must be available within twenty-four hours during the business week))~~.

(7) There is no challenge test for the 70-hour long-term care basic training.



NEW SECTION

**WAC 388-71-0873 What are the minimum requirements for training programs to provide remote skills training?** (1) A training program offering remote skills training must meet the following minimum requirements:

- (a) Provide students with:
    - (i) The opportunity to practice, review, and receive coaching for every skill;
    - (ii) Virtual classroom demonstrations or videos of each skill;
    - (iii) Access to all supplies and materials required for practice;
    - (iv) Reasonable alternatives for skills when a live partner would not be safe or practical;
    - (v) Clearly outlined student performance guidelines for each skill that provide definitions for the levels of performance, such as:
      - (A) Excellent - Exceeds expectations;
      - (B) Satisfactory - Meets expectations;
      - (C) Developing - Approaching expectations;
      - (D) Potential for harm - Fails to meet expectations.
    - (vi) The opportunity to receive individualized feedback on every skill within seven business days unless other mutual arrangements are made;
    - (vii) The ability to receive instructional support through multiple formats such as by phone, chat, text, or email, or using the technology provided through a learning management system;
    - (viii) Equal access to knowledge acquisition through such methods as providing materials in multiple formats, allowing access through different devices, and providing learner-centered approaches for individual situations;
    - (ix) Accessible instructions for all technology skills required;
    - (x) Technical support for any technology that students need to access the training;
    - (xi) The ability to communicate with an instructor, peer mentor, or basic support team in real time to answer questions scheduled with varying hours to accommodate students who may work different shifts;
    - (xii) Downloadable and printable step-by-step guides for each skill taught.
  - (b) Include scheduled, flexible opportunities for students to access support during which a student may ask questions and have skills demonstrated.
  - (c) Support knowledge acquisition of skills equitably using methods designed to accommodate the needs of diverse learning styles and the use of various devices; and
  - (d) Provide reasonable accommodations to students upon request.
- (2) If a student fails to attain a satisfactory skill level for any skill through remote training, the training program will provide opportunities for remediation or additional practice for the skill.
- (3) A training program must be approved by DSHS to provide remote skills training. Initial approval shall be provisional for one year during which a training program will be required to:
- (a) Confer with DSHS training quality assurance staff no less than quarterly;
  - (b) Allow DSHS training quality assurance staff access to any materials, processes, training sessions, and documentation when requested; and

(c) Track student certificates of completion and monitor pass/fail data to the extent feasible for all students trained remotely and provide that data to DSHS when requested.

(4) Renewal of approval to provide remote skills training after the one-year provisional period shall be conditional upon a training program's:

(a) Adherence to the standards outlined in this section; and

(b) Satisfactory demonstration, to the extent feasible, that the training program's pass/fail rate for students trained remotely meets or exceeds the statewide average pass/rate for students trained in person.

(5) If data for renewal is insufficient to determine an accurate pass/fail rate, the department may renew provisional certification for an additional year.

AMENDATORY SECTION (Amending WSR 21-04-057, filed 1/28/21, effective 2/28/21)

**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.

(4) **"Capable caregiving training"** 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 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.

(5) **"Care team"** includes the resident and everyone involved in 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.

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

(7) "**Competency**" 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.

(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.

(9) "**Core basic training**" is the portion of the (~~seventy~~) 70-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.

(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~~) date of hire according to chapter 246-980 WAC.

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

(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.

(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).

(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.

(15) "**DSHS**" or "**department**" means the department of social and health services.

(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.

(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.

(18) "**Expanded specialty training**" means optional curricula that provide caregivers with advanced knowledge and skills to provide person-centered care to clients or residents living with conditions other than developmental disabilities, dementia, and mental health. The optional expanded specialty training may include such topics as traumatic brain injury, diabetes care, and bariatric care. The optional expanded specialty training curricula must be DSHS developed and based on competencies and learning objectives established by the department.

(19) "**Guardian**" means an individual as defined in chapter 11.88 RCW.

(20) "**Home**" means adult family homes, enhanced services facilities, and assisted living facilities.

(21) "**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.

(22) "**Hybrid**" means a combination of online training and in-person, remote or virtual classroom instruction.

(23) "**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.

~~((23))~~ (24) "**Learning objectives**" 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.

~~((24))~~ (25) "**Long-term care worker**" 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 services 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.

~~((25))~~ (26) "**Online training**" means a course taken through an automated, asynchronous learning management system or other technology that conforms to the online training standards posted on DSHS website at <https://bit.ly/dshs-online-standards>.

(27) "**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.

~~((26))~~ (28) "**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.

~~((27))~~ (29) "**Remote skills training**" means training conducted in a virtual classroom environment, or online when a student either demonstrates a skill live or provides a video recorded file of themselves performing a skill that is forwarded for feedback to an approved instructor or a proctor trained by an approved instructor, or both. A training program must be approved by DSHS to provide remote skills training.

(30) "Renewal period" means the certification renewal period as defined in WAC 246-12-010.

~~((28))~~ (31) "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.

~~((29))~~ (32) "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.

~~((30))~~ (33) "Routine interaction" means regular contact with residents.

~~((31) "Seventy-hour))~~ (34) "70-hour long-term care worker basic training" means the ~~((seventy-hours))~~ 70-hours of required training that a new long-term care worker must complete within ~~((one-hundred and twenty))~~ 120 days of hire. It has three components: Core competencies, practice of skills, and population specific topics, which may include specialty and nurse delegation training.

~~((32))~~ (35) "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.

~~((33))~~ (36) "Specialty training" 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.

~~((34))~~ (37) "Training entity" means an organization, including an independent contractor, who provides or may provide training under this chapter using approved curriculum.

(38) "Virtual classroom" means a synchronous, instructor-led, remote learning environment conducted in real time that conforms to the virtual classroom standards posted on the DSHS website at <https://bit.ly/dshs-online-standards>. A training program must be approved by DSHS to provide virtual classroom instruction.

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

**WAC 388-112A-0300 What is the ~~((seventy-hour))~~ 70-hour long-term care worker basic training?** (1) The ~~((seventy-hour))~~ 70-hour long-term care worker basic training is in addition to orientation and safety training. It is ~~((seventy))~~ 70 hours and includes:

(a) The core competencies and skills that long-term care workers need in order to provide personal care services effectively and safely;

(b) Practice and demonstration of skills; and

(c) Population specific competencies.

(2) DSHS must approve the ~~((seventy-hour))~~ 70-hour long-term care worker basic training curricula.

(3) On-the-job training may be applied to the ~~((seventy-hour))~~ core competencies of 70-hour long-term care worker basic training for an amount that must be approved by the department;

(4) The DSHS developed ~~((revised))~~ fundamentals of caregiving ~~((RFOC))~~ (FOC) or another department approved training may be used to teach the ~~((seventy-hour))~~ core competencies of the 70-hour long-term care worker basic training but ~~((it))~~ the FOC must include enhancements. Additional student materials are required to ensure the enhancements are well planned and documented for students. Materials must be submitted for approval and approved per WAC 388-112A-1020. Examples of enhancements include, but are not limited to:

(a) More time for workers to practice skills including:

(i) The mechanics of completing the skill correctly;

(ii) Resident centered communication and problem solving associated with performing the skill;

(iii) The different levels of care required for each skill including independent, supervision, limited, extensive, and total;

(iv) Working with assistive devices associated with a skill;

(v) Helpful tips or best practices in working through common resident challenges associated with a skill; and

(vi) Disease specific concerns or challenges associated with a skill.

(b) Augmenting or adding additional materials, student activities, videos, or guest speakers that:

(i) More deeply reinforce and fortify the learning outcomes required for basic training;

(ii) Ensure each student integrates and retains the knowledge and skills needed to provide quality basic personal care; and

(iii) Prepares workers for the certification testing environment and process.

(c) Enhancements are not materials or activities that are one or more of the following:

(i) Are out of the scope of practice for a long-term care worker such as content clearly written for registered nurses;

(ii) Are identical to, or a direct replacement of, those already included in the ~~((RFOC))~~ FOC;

(iii) Fail to reinforce Washington state laws associated with resident rights and resident directed care;

(iv) Long-term care workers are not paid to provide;

(v) Are written above a high school reading level.

(5) The delivery mode of the ~~((seventy-hour))~~ 70-hour long-term care worker basic training may be either in-person or virtual classroom instruction, or a hybrid of online and in-person ~~((modules))~~, remote or virtual classroom instruction. One hour of completed classroom instruction or other form of training (such as a ~~((video))~~ virtual classroom, remote or online course) equals one hour of training.

(a) Online and virtual classroom modules must be ~~((an instructor led class, such as a webinar or an))~~ interactive ~~((online class that provides))~~, provide the student with access to the instructor, and ~~((adheres))~~ adhere to the DSHS online ~~((class))~~ and virtual classroom standards posted on DSHS's website at <https://bit.ly/dshs-online-standards>.

(b) The in-person skills training or remote skills training portion of hybrid modules must be no less than ~~((twelve))~~ 16 hours of the total basic training hours and include in-person or remote instruction on the personal care ~~((assistance))~~ tasks supporting activities of

daily living, (~~commonly referred to as skills training~~) as described in WAC 388-112A-0320.

(6) The long-term care worker must be able to ask the instructor questions during the training.

(7) There is no challenge test for the (~~seventy-hour~~) 70-hour long-term care worker basic training.

## NEW SECTION

**WAC 388-112A-0305 What are the minimum requirements for training programs to provide remote skills training?** (1) A training program offering remote skills training must meet the following minimum requirements:

(a) Provide students with:

(i) The opportunity to practice, review, and receive coaching for every skill;

(ii) Virtual classroom demonstrations or videos of each skill;

(iii) Access to all supplies and materials required for practice;

(iv) Reasonable alternatives for skills when a live partner would not be safe or practical;

(v) Clearly outlined student performance guidelines for each skill that provide definitions for the levels of performance, such as:

(A) Excellent - Exceeds expectations;

(B) Satisfactory - Meets expectations;

(C) Developing - Approaching expectations;

(D) Potential for harm - Fails to meet expectations.

(vi) The opportunity to receive individualized feedback on every skill within seven business days unless other mutual arrangements are made;

(vii) The ability to receive instructional support through multiple formats such as by phone, chat, text, or email, or using the technology provided through a learning management system;

(viii) Equal access to knowledge acquisition through such methods as providing materials in multiple formats, allowing access through different devices, and providing learner-centered approaches for individual situations;

(ix) Accessible instructions for all technology skills required;

(x) Technical support for any technology that students need to access the training;

(xi) The ability to communicate with an instructor, peer mentor, or basic support team in real time to answer questions scheduled with varying hours to accommodate students who may work different shifts;

(xii) Downloadable and printable step-by-step guides for each skill taught.

(b) Include scheduled, flexible opportunities for students to access support during which a student may ask questions and have skills demonstrated.

(c) Support knowledge acquisition of skills equitably using methods designed to accommodate the needs of diverse learning styles and the use of various devices; and

(d) Provide reasonable accommodations to students upon request.

(2) If a student fails to attain a satisfactory skill level for any skill through remote training, the training program will provide opportunities for remediation or additional practice for the skill.

(3) A training program must be approved by DSHS to provide remote skills training. Initial approval shall be provisional for one year during which a training program will be required to:

(a) Confer with DSHS training quality assurance staff no less than quarterly;

(b) Allow DSHS training quality assurance staff access to any materials, processes, training sessions, and documentation when requested; and

(c) Track student certificates of completion and monitor pass/fail data to the extent feasible for all students trained remotely and provide that data to DSHS when requested.

(4) Renewal of approval to provide remote skills training after the one-year provisional period shall be conditional upon a training program's:

(a) Adherence to the standards outlined in this section; and

(b) Satisfactory demonstration, to the extent feasible, that the training program's pass/fail rate for students trained remotely meets or exceeds the statewide average pass/rate for students trained in person.

(5) If data for renewal is insufficient to determine an accurate pass/fail rate, the department may renew provisional certification for an additional year.