



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: November 20, 2023

TIME: 11:35 AM

WSR 23-23-143

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

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 23-17-025 ; 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-0800 related to adult family home administrator training certification.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
December 26, 2023	10:00 AM	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings for the most up to date information

Date of intended adoption: Not earlier than December 27, 2023 (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 PM on December 26, 2023

Assistance for persons with disabilities:

Contact DSHS Rules Consultant
 Phone: 360-664-6036
 Fax: 360-664-6185
 TTY: 711 Relay Service
 Email: shelley.tencza@dshs.wa.gov
 Other:
 By (date) 5:00 PM on December 12, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Rules on this subject are needed due to the lack of alignment between WAC 388-112A-0800 and RCW 70.128.120. Currently, the WAC and the law have conflicting information related to the number of hours of training needed for required adult family home administrator training. This conflict is causing concerns during the adult family home application process because older certificates with fewer hours, while valid, do not meet the hours required in the current rule. The change will ensure that older certificates, provided they were received through an approved community college program, will be accepted.

Reasons supporting proposal: Unlike rules for home care aide certificates of training completion, current rules do not specify a time limit for validity of adult family home administrator training certificates for the purpose of new adult family home applicants. Assuring that training be reasonably current for new applicants is in the best interests of adult family home residents. Well-trained adult family home administrators are essential to the wellbeing of residents.

Statutory authority for adoption: RCW 70.128.120, 71A.12.040, 74.39A.009, 74.39A.070, and 74.39A.074

Statute being implemented:

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: None

Type of proponent: Private Public Governmental
Name of proponent: (person or organization) Department of Social and Health Services

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	David Chappell	PO Box 45600, Lacey WA 98504-5600	360-725-2516
Implementation:	David Chappell	PO Box 45600, Lacey WA 98504-5600	360-725-2516
Enforcement:	David Chappell	PO Box 45600, Lacey WA 98504-5600	360-725-2516

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: Dave Chappell
Address: PO Box 45600, Lacey WA 98504-5600
Phone: 360-725-2516
Fax:
TTY:
Email: david.chappell@dshs.wa.gov
Other:
 No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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 checked="" 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 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.
- Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: November 17, 2023

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:

WAC 388-112A-0800 What is residential care administrator training? (1) Residential care administrator training is specific training on the administration of the care and services required to obtain a license or manage a facility. The training covers the facility specific Washington state statutes and administrative rules related to the operation of a long-term care facility.

(2) **Adult family home (AFH) administrator training.**

(a) AFH administrator training ~~((is))~~ must be a minimum of ~~((fifty-four))~~ 48 hours of ~~((training))~~ instructional time taken from an approved community college on topics related to the management and licensing requirements of adult family homes described in chapter 388-76 WAC.

(b) DSHS must approve AFH administrator training curricula, instructors, and training programs in a community college setting.

(3) **Assisted living facility (ALF) administrator training.**

(a) ALF administrator training curricula must be based on the requirements described in chapter 388-78A WAC.

(b) DSHS will work with stakeholders to develop, update, and approve ALF administrator training curricula, instructors, and training programs.

(4) **Enhanced services facility (ESF) administrator training.**

(a) An ESF administrator must complete:

(i) All training as required under this chapter and chapter 388-107 WAC; and

(ii) When available, ESF administrator training developed by the department.

(b) DSHS must approve ESF administrator training, instructors, and training programs.