



# PROPOSED RULE MAKING

## CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: May 29, 2025

TIME: 3:01 PM

WSR 25-12-059

**Agency:** Department of Social and Health Services - Home and Community Living Administration - HCS

☒ **Original Notice**

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

☐ **Continuance of WSR** \_\_\_\_\_

☒ **Preproposal Statement of Inquiry was filed as WSR 24-23-007 ; 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) These sections are titled continuing education and what topics may be covered in continuing education. WAC 388-71-0836 What definitions apply to the long-term care worker training requirements?, 388-71-0985 What is continuing education and what topics may be covered in continuing education?, 388-112A-0010 What definitions apply to this chapter?, and 388-112A-0600 What is continuing education and what topics may be covered in continuing education?

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
July 8, 2025	10:00 a.m.	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website at <a href="https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings">https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings</a> for the most current information.

**Date of intended adoption:** Not earlier than July 9, 2025 (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

Beginning (date and time) noon on June 4, 2025

By (date and time) 5:00 p.m. on July 8, 2025

**Assistance for persons with disabilities:**

Contact Shelley Tencza, Rules Consultant

Phone 360-664-6036

Fax 360-664-6185

TTY 711 Relay Service

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

Other

By (date) 5:00 p.m. on June 24, 2025

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of the proposal is to amend sections WAC 388-71-0836 388-71-0985, 388-112A-0010 and 388-112A-0600 related to the requirements for completing continuing education and changes to the definitions of "compliance year", "expanded specialty training", and "professional development" is to clarify how often and under what certain circumstances it is acceptable to repeat continuing education courses, to create clarity and consistency in continuing education sections.

**Reasons supporting proposal:** The reasons for supporting this proposal are many Long-Term Care (LTC) providers have annual continuing education (CE) requirements. Both for the purposes of maintaining the Home Care Aide (HCA) credential through the Department of Health, and as otherwise required for providers exempt from the HCA credential. Currently, many LTC providers with CE requirements may not repeat all DSHS approved CE courses. Repeating CE is restricted to certain courses and circumstances.

Allowing LTC providers to repeat any CE removes barriers to the required completion of CE. LTC providers who wish to repeat CE courses that they deem appropriate to provide better care to their clients, will assist in maintaining HCA credentials, allow providers to choose CE that is specific to their client's needs, and reduce the loss of LTC providers to non-compliance. Defining the term "compliance year" clarifies that in certain LTC settings the compliance year may be the calendar year or birthdate to birthdate, as required by their provider type.

Adding the language "related to specialty training" to the definition of "expanded specialty training" differentiates between basic, required specialty training and new, expanded CE training opportunities in specialty topics (mental health, dementia, and developmental disabilities).

Defining the term “professional development” clarifies that CE training must be related to enhancing and improving skill and knowledge required to provide care pertinent to caring for long-term care clients and allows (as part of a conference-based training) information related to provider advancement into administrative duties beyond direct client care.

**Statutory authority for adoption:** RCW 18.88B.010, 18.88B.021, 18.88B.041, 74.08.090, 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.076, and 74.39A.341.

**Statute being implemented:** RCW 18.88B.010, 18.88B.021, 18.88B.041, 74.08.090, 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.076, and 74.39A.341,

**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

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

**Type of proponent:** ☐ Private. ☐ Public. ☒ Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Brad McFadden	PO Box 45600, Lacey WA 98504-5600	360-725-2563
Implementation	Brad McFadden	PO Box 45600, Lacey WA 98504-5600	360-725-2563
Enforcement	Brad McFadden	PO Box 45600, Lacey WA 98504-5600	360-725-2563

**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 711 Relay Service

Email [david.chappell@dshs.wa.gov](mailto: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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (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 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. The proposal will result in cost savings for long-term care facilities, home care agencies, and the consumer directed employer (CDWA) because LTC providers will be better able to remain compliant, and employers will not have to rehire these providers or hire replacements.
- ☐ 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 David Chappell  
Address See above  
Phone  
Fax  
TTY  
Email  
Other

**Date:** May 28, 2025

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**

**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"** 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 the individual's 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 the student 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 each programs' approved curricula.

(7) **"Compliance year"** means the 12-month period allowed to complete the required 12 annual hours of continuing education, whether a caregiver's compliance year be the calendar year or birthdate to birthdate, as required by their provider type.

((+7+)) (8) **"Core basic training"** means the portion of the 70-hour home care aide 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+)) (9) **"Date of hire"** for determining time frames related to training and certification, means the first day the long-term care worker is employed by any employer.

((+9+)) (10) **"DDA"** refers to the developmental disabilities administration.

((+10+)) (11) **"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+)) (12) **"Department"** or **"DSHS"** means the department of social and health services.

((+12+)) (13) **"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+)) (14) **"Expanded specialty training"** means optional curricula that provide caregivers with advanced knowledge and skills ~~((to provide))~~ related to specialty training or providing 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.

((+14+)) (15) **"Guardian"** means an individual as defined in chapter 11.130 RCW.

((+15+)) (16) **"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+)) (17) **"Hybrid"** means a combination of online training and in-person, remote, or virtual classroom instruction.

((+17+)) (18) **"Individual provider"** or **"IP"** means a person employed by the consumer directed employer 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, under a federal medicaid waiver program, or through the veteran directed home care (VDHC) program.

((+18+)) (19) **"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.

((+19+)) (20) **"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.

((+20+)) (21) **"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))~~ (22) **"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.

(23) **"Professional development"** for long-term care workers means training related to enhancing and improving the skills and knowledge required in their current caregiving role. Information related to home care aide advancement into administrative duties may be included as part of an overall conference experience related to the current caregiving role.

~~((22))~~ (24) **"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.

~~((23))~~ (25) **"70-hour home care aide training"** means the 70 hours of required training that a new long-term care worker must complete within 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.

~~((24))~~ (26) **"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.

~~((25))~~ (27) **"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.

~~((26))~~ (28) **"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))~~ (29) **"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 23-01-022, filed 12/9/22, effective 1/9/23)

**WAC 388-71-0985 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 person'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 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) Client rights as it relates to caregiving issues in chapter 70.129 RCW;~~
- ~~(j) Client safety;~~
- ~~(k) Abuse and neglect identification and mandatory reporting; and~~
- ~~(l) Topics where the home care agency, CDE, or department can demonstrate a need for retraining.~~

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

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

(2) Continuing education courses may be repeated for credit, however:

(a) The same course may not be repeated within an individual's current continuing education compliance year as defined in WAC 388-71-0836 and 388-112-0010; and

(b) If a course becomes available in an individual's preferred language, the translated course will be considered a new course.

(3) Continuing education must be on a topic relevant to any of the following options:

- (a) The care setting;
- (b) Care needs of clients;
- (c) Caregiver self-care;
- (d) Long-term care worker professional development as defined in WAC 388-71-0836 and 388-112-0010.

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

(5) Specialty training, except if completed through a challenge test or counted toward basic training requirements, may be used to meet continuing education requirements.

(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.

(7)) Successful completion of a department of health approved home care aide certified alternative bridge program may be applied for up to 12 hours of continuing education in the year it was completed.

AMENDATORY SECTION (Amending WSR 24-05-003, filed 2/8/24, effective 3/10/24)

**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 ((RCW)) 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 the individual's 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) **"Compliance year"** means the 12-month period allowed to complete the required 12 annual hours of continuing education, whether a



caregiver's compliance year be the calendar year or birthdate to birthdate, as required by their provider type.

((+9+)) (10) "Core basic training" is the portion of the 70-hour home care aide 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+)) (11) "Date of hire" for determining time frames related to training and certification means the first day the long-term care worker is employed by any employer.

((+11+)) (12) "DDA" means the developmental disabilities administration.

((+12+)) (13) "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+)) (14) "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+)) (15) "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+)) (16) "DSHS" or "department" means the department of social and health services.

((+16+)) (17) "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+)) (18) "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+)) (19) "Expanded specialty training" means optional curricula that provide caregivers with advanced knowledge and skills ~~((to provide))~~ related to specialty training or providing 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+)) (20) "Guardian" means an individual as defined in chapter 11.130 RCW.

((+20+)) (21) "Home" means adult family homes, enhanced services facilities, and assisted living facilities.

((+21+)) (22) "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+)) (23) "Hybrid" means a combination of online training and in-person, remote, or virtual classroom instruction.

~~((+23+))~~ (24) **"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.

~~((+24+))~~ (25) **"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.

~~((+25+))~~ (26) **"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.

~~((+26+))~~ (27) **"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>.

~~((+27+))~~ (28) **"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.

(29) "Professional development" for long-term care workers means training related to enhancing and improving the skills and knowledge required in their current caregiving role. Information related to home care aide advancement into administrative duties may be included as part of an overall conference experience related to the current caregiving role.

~~((+28+))~~ (30) **"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.

~~((+29+))~~ (31) **"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+))~~ (32) **"Renewal period"** means the certification renewal period as defined in WAC 246-12-010.

~~((+31+))~~ (33) **"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.

~~((+32+))~~ (34) **"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.

~~((+33+))~~ (35) **"Routine interaction"** means regular contact with residents.

~~((+34+))~~ (36) **"70-hour home care aide basic training"** means the 70-hours of required training that a new long-term care worker must complete within 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.

~~((+35+))~~ (37) **"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.

~~((+36+))~~ (38) **"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.

~~((+37+))~~ (39) **"Training entity"** means an organization, including an independent contractor, who provides or may provide training under this chapter using approved curriculum.

~~((+38+))~~ (40) **"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 20-14-088, filed 6/30/20, effective 7/31/20)

**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 long-term care worker'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 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.~~

~~(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.))~~
- ~~(2) Continuing education courses may be repeated for credit, however:~~

~~(a) The same course may not be repeated within an individual's current continuing education compliance year as defined in WAC 388-71-0836 and 388-112A-0010; and~~

~~(b) If a course becomes available in an individual's preferred language, the translated course will be considered a new course.~~

~~(3) Continuing education must be on a topic relevant to any of the following options:~~

- ~~(a) The care setting;~~
- ~~(b) Care needs of clients;~~
- ~~(c) Caregiver self-care;~~

~~(d) Long-term care worker professional development as defined in WAC 388-71-0836 and 388-112-0010.~~

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

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

~~((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.~~

~~(7)) (6) 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.~~

~~((8)) (7) Successful completion of a department of health approved home care aide certified alternative bridge program may be applied up to ((twelve)) 12 hours of continuing education in the year it was completed.~~