



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 10, 2022

TIME: 7:18 AM

WSR 22-11-020

Agency: Department of Social and Health Services (department) / Aging and Long-Term Support Administration

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The department is amending WAC 388-76-10455 to allow Adult Family Home providers the authority to administer epinephrine to residents in their care who have an assessed condition requiring administration of epinephrine. When individuals with severe allergies causing anaphylaxis are prescribed epinephrine, the Adult Family Home must be able to administer the medication to residents who require assistance. Current rule requires medication administration be performed by a "practitioner", by nurse delegation or by a family member or legally appointed resident representative. Adult Family Home providers do not meet the definition of "practitioner" and the task cannot be nurse-delegated. Due to the emergency nature of the medication, family or others outside the Adult Family Home cannot administer the medication timely.

Citation of rules affected by this order:

New: none
 Repealed: none
 Amended: 388-76-10455
 Suspended: none

Statutory authority for adoption: RCW 70.128.040(1), RCW 34.05.350

Other authority: RCW 70.54.440

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Individuals with severe allergies are at risk of severe illness or death and are typically prescribed medication to be administered immediately when having an allergic reaction. Spring and summer months typically bring a higher risk to individuals with bee sting allergies, as there are more bees in the environment than in colder months. Individuals living in settings licensed by the department need emergency medication to prevent severe illness or death. Amending the rule will allow Adult Family Home providers to administer these medications to residents, minimizing risk of a severe reaction.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New 0 Amended 0 Repealed 0

The number of sections adopted on the agency's own initiative:

New 0 Amended 1 Repealed 0

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New 0 Amended 0 Repealed 0

The number of sections adopted using:

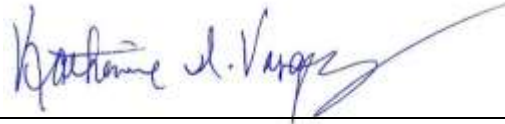
Negotiated rule making:	New	<u>0</u>	Amended	0	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	1	Repealed	<u>0</u>

Date Adopted: May 6, 2022

Name: Katherine I. Vasquez

Title: Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10455 Medication—Administration. (1) For residents assessed with requiring the administration of medications, the adult family home must ensure medication administration is:

~~((1))~~ (a) Performed by a practitioner as defined in chapter 69.41 RCW; or

~~((2))~~ (b) By nurse delegation per WAC 246-840-910 through 246-840-970; unless

~~((3))~~ (c) Done by a family member or legally appointed resident representative.

(2) Providers, caregivers, staff, resident managers, and entity representatives who have received training under RCW 70.54.440 may administer epinephrine to residents with an assessed need.