



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health

- Preproposal Statement of Inquiry was filed as WSR 16-03-063 ; 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).

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

**Title of rule and other identifying information:** (Describe Subject)

WAC 246-980-140, Home care aide scope of practice. Amending the rule to allow for provision of skills acquisition training.

**Hearing location(s):** Town Center 2  
111 Israel Road SE, Room 145  
Tumwater, WA 98501

Date: 06/13/2016

Time: 1:00 PM

**Submit written comments to:**

Name: Stacey Saunders  
Address: PO Box 47852  
Olympia WA 98504-7852  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax (360)236-4901 by (date) 06/13/2016

**Assistance for persons with disabilities:** Contact

Stacey Saunders by 05/23/2016

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 06/30/2016

(Note: This is NOT the effective date)

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

Amending WAC 246-980-140 will allow Home Care Aides to provide skills acquisition training to elderly and vulnerable clients to align with recent Department of Social and Health Services (DSHS) rule revisions implemented to meet the federal objectives outlined in Washington's formal state plan submitted to the Centers for Medicare and Medicaid Services (CMS). This plan was submitted by DSHS to obtain approval to participate in a Medicaid Title XIX entitlement program, the Community First Choice Options (CFCO) program, and receive an enhanced Medicaid match rate.

**Reasons supporting proposal:**

ESHB 2746 required DSHS to establish a 1915(k) Community First Choice (CFC) program. DSHS developed a State Plan Amendment that was federally approved to provide the new CFC state plan. These WAC changes are for consistency with and in support of DSHS' CFC program.

**Statutory authority for adoption:**

RCW 18.88B.021

**Statute being implemented:**

RCW 18.188B.021

**Is rule necessary because of a:**

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

If yes, CITATION:

**DATE** 05/03/16

**NAME** (type or print)

John Wiesman, DrPH, MPH

**SIGNATURE**

John Wiesman, DrPH, MPH

**TITLE**

Secretary of Health

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** May 04, 2016

**TIME:** 10:49 AM

**WSR** 16-10-110

(COMPLETE REVERSE SIDE)

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

None.

**Name of proponent:** (person or organization) Washington State Department of Health

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Stacey Saunders	111 Israel Road SE, Tumwater WA 98501	(360)236-2813
Implementation....Stacey Saunders	111 Israel Road SE, Tumwater WA 98501	(360)236-2813
Enforcement.....Shannon Beigert	111 Israel Road SE, Tumwater WA 98501	(360)236-4660

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:  
Address:  
  
phone  
fax  
e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(c), a SBEIS is not required for proposed rules that adopt or incorporate by reference - without material change - federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

**Is a cost-benefit analysis required under RCW 34.05.328?**

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

Name:  
Address:  
  
phone  
fax  
e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(iii) exempts rules that adopt or incorporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

**WAC 246-980-140 Scope of practice for long-term care workers.**

(1) A long-term care worker performs activities of daily living or activities of daily living and instrumental activities of daily living. A person performing only instrumental activities of daily living is not acting under the long-term care worker scope of practice.

(a) "Activities of daily living" means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. This may include fall prevention, skin and body care.

(b) "Instrumental activities of daily living" means activities in the home and community including cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(2) A long-term care worker documents observations and tasks completed, as well as communicates observations on the day they were performed to clients, family, supervisors, and, if appropriate, health care providers.

(3) A long-term care worker may perform medication assistance as described in chapter 246-888 WAC.

(4) A long-term care worker may perform nurse delegated tasks, to include medication administration, if he or she meets and follows the requirements in WAC 246-980-130.

(5) A long-term care work may provide skills acquisition training on instrumental activities of daily living and the following activities of daily living tasks: Dressing, application of deodorant, washing hands and face, hair washing, hair combing and styling, application of makeup, menses care, shaving with an electric razor, tooth brushing or denture care, and bathing tasks excluding any transfers in or out of the bathing area.