



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: November 20, 2018

TIME: 2:54 PM

WSR 18-23-101

Agency: Department of Social and Health Services, Developmental Disabilities Administration

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2019 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes No If Yes, explain:

Purpose: The Developmental Disabilities Administration (DDA) is creating new rules to establish requirements for DDA-contracted group training homes. Group homes were previously certified and licensed by Residential Care Services within DSHS. These new rules simplify qualifications by allowing a certified and licensed group training home to move to a certified group training home model.

Citation of rules affected by this order:

New: WAC 388-101D-0560, WAC 388-101D-0565, WAC 388-101D-0570, WAC 388-101D-0575, WAC 388-101D-0580, WAC 388-101D-0585, WAC 388-101D-0590, WAC 388-101D-0595, WAC 388-101D-0600, WAC 388-101D-0605, WAC 388-101D-0610, WAC 388-101D-0615, WAC 388-101D-0620, WAC 388-101D-0625, WAC 388-101D-0630, WAC 388-101D-0635, WAC 388-101D-0640, WAC 388-101D-0645, WAC 388-101D-0650, WAC 388-101D-0655, WAC 388-101D-0660, WAC 388-101D-0665, WAC 388-101D-0670, WAC 388-101D-0675, WAC 388-101D-0680, WAC 388-101D-0685, WAC 388-101D-0690, WAC 388-101D-0695, WAC 388-101D-0700, WAC 388-101D-0705

Repealed: None
Amended: None
Suspended: None

Statutory authority for adoption: RCW 71A.12.030

Other authority: RCW 71A.12.120, RCW 71A.12.040, RCW 71A.22.010

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-19-028 on September 12, 2018 (date).

Describe any changes other than editing from proposed to adopted version:

DDA changed "WAC 388-101F-0650" to "WAC 388-101D-0650" to correct a typographical error.

In WAC 388-101D-0685, DDA replaced "the person" with "the client or employee" as follows:

If a group training home client or employee has tuberculosis symptoms or receives a positive chest x-ray result, the group training home must:

- (1) Report the ~~person~~ client or employee with tuberculosis symptoms or a positive chest x-ray to an appropriate medical provider or public health provider;
- (2) Follow the infection control and safety measures ordered by the ~~person's~~ client or employee's medical provider or a public health provider;
- (3) Implement appropriate infection control measures;
- (4) Apply living or work restrictions if the ~~person~~ client or employee poses an infection risk to others; and
- (5) Ensure an employee caring for a client who has active tuberculosis complies with the Washington Industrial Safety and Health Act (WISHA) standards for respiratory protection under chapter 296-842 WAC.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Other:

**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	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

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

New	<u>30</u>	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>30</u>	Amended	___	Repealed	___

Date Adopted: November 20, 2018

Name: Cheryl Strange

Title: DSHS Secretary

Signature:



NEW SECTION

WAC 388-101D-0560 What is a group training home? "Group training home" means a nonprofit facility certified under this chapter and chapter 388-101 WAC. A group training home provides twenty-four-hour community-based instruction and support services to two or more adults.

NEW SECTION

WAC 388-101D-0565 What are the physical requirements for a group training home bedroom? (1) The group training home must ensure each client's bedroom:

(a) Is a private room, unless the client requests to share a room;

(b) Has a window or door that provides natural light, is covered with a screen, and allows for emergency exit;

(c) Has a closet or wardrobe, which must not be considered part of the usable square footage;

(d) Has a locking door, unless the client's person-centered service plan indicates that it is unsafe for the client to have a locking door;

(e) Has direct, unrestricted access to common areas;

(f) Has adequate space for mobility aids, such as a wheelchair, walker, or lifting device; and

(g) Is at least eighty square feet of usable floor space for a single-occupancy room, one hundred and forty square feet for a double-occupancy room.

(2) For a group training home licensed as an adult family home January 1, 2019, a double bedroom must be at least one hundred and twenty square feet of usable floor space.

(3) Unless the client chooses to provide their own bed, the home must provide each client:

(a) A clean, comfortable bed that meets the client's needs; and

(b) A waterproof mattress cover if needed or requested by the client.

NEW SECTION

WAC 388-101D-0570 What are the physical requirements for a group training home bathroom? (1) The group training home must provide handwashing sinks with hot and cold running water in the ratio of one for every five clients.

(2) The group training home must provide toilets in the ratio of one for every five clients.

(3) The group training home must provide bathing options, with hot and cold running water, for clients that meet the needs identified in their person-centered service plans.

(4) A client must have access to a toilet and shower or tub without going through another client's room.

NEW SECTION

WAC 388-101D-0575 How must a group training home manage food and maintain its kitchen? A group training home must manage food and maintain its kitchen under chapter 246-215 WAC if the group training home:

- (1) Supports more than six clients; and
- (2) Was certified after January 1, 2019.

NEW SECTION

WAC 388-101D-0580 Must the group training home adapt the home to suit a client's needs? If a client's needs change, the group training home must make a reasonable attempt to adapt the home to meet the needs identified in the client's person-centered service plan.

NEW SECTION

WAC 388-101D-0585 What building codes apply to group training homes? (1) A group training home must meet state and local building codes in effect at the time of their:

- (a) Initial licensure as an adult family home or assisted living facility; or
 - (b) Initial certification as a group training home.
- (2) A group training home may be required to modify the home to meet current building code requirements if the building poses a health or safety risk to a client.

(3) If a group training home makes any construction changes to the home, the construction must meet current state and local building codes.

NEW SECTION

WAC 388-101D-0590 When must a group training home be inspected by a local building official? The group training home must be inspected by a local building official:

- (1) Before initial certification; and
- (2) After any construction that:
 - (a) Affects a client's ability to enter or exit the home; or
 - (b) Makes a significant structural change to the home.

NEW SECTION

WAC 388-101D-0595 What steps must be taken before moving a client out of the home during construction? (1) Before moving a client out of the group training home during planned construction, the home must provide thirty days' written notice to the client, the client's guardian if they have one, DDA, and residential care services.

(2) The notice must include:

(a) The client's temporary address;

(b) A plan for delivering services to the client while temporarily out of the home;

(c) A transition plan to support the client while moving out of and returning home; and

(d) The projected completion date for the construction project.

NEW SECTION

WAC 388-101D-0600 Who is responsible for cleaning and maintaining a group training home? (1) The group training home's fixtures, furnishings, exterior, and interior, including the client's bedroom, must be safe, sanitary, and well maintained.

(2) The group training home staff must provide housekeeping instruction and support to a client in accordance with the client's person-centered service plan.

NEW SECTION

WAC 388-101D-0605 How must a group training home protect clients from risks associated with bodies of water? (1) Any body of water at the group training home over twenty-four inches deep must be enclosed by a fence at least forty-eight inches high.

(2) Any door or gate that directly leads to the body of water must have an audible alarm.

NEW SECTION

WAC 388-101D-0610 What requirements must a group training home's fireplaces, heaters, and stoves meet? (1) The group training home must not use a space heater unless it has an underwriters laboratories (UL) rating.

(2) Any hot surface, such as a fireplace or wood-burning or pellet stove, must have a stable barrier that prevents accidental client contact.

NEW SECTION

WAC 388-101D-0615 What requirements must the group training home's smoke detectors and fire extinguishers meet? (1) The group training home must install approved automatic smoke detectors:

- (a) In every client's bedroom;
 - (b) On every floor of the home; and
 - (c) In an interconnected manner so when one alarm is triggered, the whole system reacts.
- (2) The approved smoke detectors must:
- (a) Be in working condition at all times; and
 - (b) Meet the specific needs of all clients living in the home.
- (3) The group training home must have a five-pound 2A:10B-C fire extinguisher on each floor of the home, unless the local fire authority requires a different type of fire extinguisher.
- (4) Each fire extinguisher must be:
- (a) Installed according to manufacturer recommendations;
 - (b) Annually replaced or inspected and serviced;
 - (c) In proper working order; and
 - (d) Readily available for use at all times.
- (5) The group training home must be located in an area with public fire protection.
- (6) A group training home that was a licensed assisted living facility before January 1, 2019 must:
- (a) Meet requirements under subsections (1) through (5); or
 - (b) Annually demonstrate they have passed inspection by the state fire marshal.

NEW SECTION

WAC 388-101D-0620 How must a group training home prepare for emergency evacuations? (1) The group training home must display an emergency evacuation plan in a common area on every floor of the home.

- (2) The emergency evacuation plan must include:
- (a) A floor plan of the home with clearly marked exits;
 - (b) Emergency evacuation routes; and
 - (c) The location for the clients to meet outside the home.
- (3) The group training home must be able to evacuate all clients to a safe location outside the home in five minutes or less.
- (4) A group training home that was a licensed assisted living facility before January 1, 2019 must:
- (a) Meet requirements under subsection (3); or
 - (b) Annually demonstrate they have passed inspection by the state fire marshal.
- (5) If a client requires assistance during an evacuation, the group training home must ensure the client's primary evacuation route does not require the client to evacuate:
- (a) Through another person's bedroom; or
 - (b) Using stairs, an elevator, chairlift, or platform lift.

NEW SECTION

WAC 388-101D-0625 How much emergency food and drinking water must be kept in the group training home? (1) The group training home must keep an emergency food supply on-site to meet the needs of the clients and staff for at least seventy-two hours. The food supply must meet the dietary needs of each client.

(2) The group training home must keep at least three gallons of water on-site for each client and staff member, which must be:

- (a) In sealed, food-grade containers;
 - (b) Stored in a cool, dry location away from direct sunlight; and
 - (c) Chlorinated or commercially bottled.
- (3) Chlorinated water must be replaced every six months.

NEW SECTION

WAC 388-101D-0630 What must a group training home consider when providing nutritional services? (1) The group training home must:

- (a) Serve breakfast, lunch, and dinner each day;
- (b) Provide twenty-four hour access to snacks and beverages, including nutritious options and options preferred by the client;
- (c) Provide a special diet, if ordered by a healthcare professional, such as low sodium, general diabetic, and mechanical soft food diets;

(d) Provide prescribed nutrient concentrates and supplements when prescribed in writing by a healthcare practitioner; and

- (e) Maintain a sufficient supply of food at all times.

(2) The group training home must plan meals that accommodate the client's preferences and support the client's choice.

(3) The group training home must provide meals, snacks, and beverages that, if applicable, address each client's:

- (a) Nutritional needs;
- (b) Food allergies and sensitivities; and
- (c) Need for altered diet due to a risk of choking or aspiration.

NEW SECTION

WAC 388-101D-0635 What requirements must an employee or volunteer meet to prepare meals and snacks in a group training home? (1) If a group training home employee prepares food for clients, the employee must:

(a) Complete safe food handling training requirements under chapter 388-829 WAC;

- (b) Prepare food for clients in a safe and sanitary manner; and
- (c) Have a food worker card under chapter 246-217 WAC.

(2) If a group training home volunteer prepares food for clients, the volunteer must:

- (a) Prepare food for clients in a safe and sanitary manner; and
- (b) Have a food worker card under chapter 246-217 WAC.

(3) The group training home staff must provide meal preparation instruction and support to the client in accordance with the client's person-centered service plan.

NEW SECTION

WAC 388-101D-0640 When may a pet live in a group training home?

A pet living in the group training home must:

- (1) Not compromise any client rights, preferences, or medical needs;
- (2) Be clean and healthy with proof of current vaccinations; and
- (3) Pose no significant health or safety risks to any client residing in the home.

NEW SECTION

WAC 388-101D-0645 What infection control practices must a group training home implement?

(1) The group training home must implement occupational safety and health administration (OSHA) universal precautions to limit the spread of infections when:

- (a) Providing client care and services;
- (b) Cleaning the home;
- (c) Washing laundry; and
- (d) Managing infectious waste.

(2) The group training home must:

(a) Provide staff with the supplies, equipment, and protective clothing necessary for limiting the spread of infections;

(b) Restrict a staff person's contact with clients when the staff person has an illness that is likely to spread in the group training home by casual contact; and

(c) Report communicable diseases as required under chapter 246-100 WAC.

(3) If a client has a positive tuberculosis test result, the group training home must ensure the client:

(a) Has a chest X-ray no more than seven days after the positive test result;

(b) Is evaluated for signs and symptoms of tuberculosis; and

(c) Follows the recommendation of the client's healthcare provider.

NEW SECTION

WAC 388-101D-0650 What must a group training home do to detect and manage tuberculosis? To detect and manage tuberculosis, a group training home must:

(1) Ensure each employee has a tuberculin test no more than three days after beginning to work with clients unless otherwise exempt under this chapter;

(2) Implement policies and procedures that comply with tuberculosis standards set by the Centers for Disease Control and Prevention and applicable state laws;

(3) Comply with the Washington Industrial Safety and Health Act (WISHA) standards for respiratory protection; and

(4) Comply with chapter 296-842 WAC requirements to protect the health and safety of clients who may come into contact with people who have infectious tuberculosis.

NEW SECTION

WAC 388-101D-0655 What type of tuberculin test must a group training home employee complete? (1) A group training home employee required to complete a tuberculin test must complete:

(a) A tuberculin skin test with results read by a qualified medical professional between forty-eight and seventy-two hours after placing the test; or

(b) Another FDA-approved tuberculin test.

(2) A group training home employee must complete a blood test for tuberculosis if the employee declines a skin test.

NEW SECTION

WAC 388-101D-0660 When is a group training home employee not required to complete a tuberculin test? (1) A group training home employee is not required to complete a tuberculin test if the employee:

(a) Has documentation of an FDA-approved tuberculin test with negative results from within the last twelve months;

(b) Has documentation of a positive FDA-approved tuberculin test with documented evidence of:

(i) Adequate therapy for active disease; or

(ii) Completion of treatment for latent tuberculosis infection preventive therapy;

(c) Self-reports a history of positive test results under subsection (2) or (3) of this section.

(2) If a group training home employee self-reports a history of positive test results with chest x-ray results from the last twelve months, the employee must:

(a) Provide a copy of the normal x-ray results to the group training home; and

(b) Be evaluated for signs and symptoms of tuberculosis.

(3) If a group training home employee self-reports a history of positive test results without chest x-ray results, the employee must:

(a) Be referred to a medical provider;

(b) Complete a chest x-ray within seven days; and

(c) Be cleared by a medical professional before returning to work if the x-ray is abnormal and consistent with tuberculosis.

(4) A group training home volunteer working less than four hours a month is exempt from tuberculin test requirements.

NEW SECTION

WAC 388-101D-0665 When must a group training home employee complete a one-step tuberculin test? A group training home employee must complete a one-step tuberculin test if the employee:

- (1) Has a documented history of a negative result from a previous two-step skin test; or
- (2) Is tested using an FDA-approved tuberculin test that does not require a two-step testing process.

NEW SECTION

WAC 388-101D-0670 When must a group training home employee complete a two-step tuberculin test? A group training home employee must complete a two-step tuberculosis skin test if the employee:

- (1) Has never had a tuberculosis skin test;
- (2) Cannot demonstrate proof of a previous negative two-step skin test; or
- (3) Completed a one-step skin test more than twelve months ago.

NEW SECTION

WAC 388-101D-0675 What happens if a group training home employee receives a positive tuberculin test result? If a group training home employee receives a positive result to tuberculosis skin or blood testing, the group training home must:

- (1) Ensure the employee completes a chest X-ray within seven days;
- (2) Evaluate the employee for signs and symptoms of tuberculosis immediately and annually thereafter; and
- (3) Follow the recommendations of the employee's medical provider.

NEW SECTION

WAC 388-101D-0680 Must a group training home employee complete follow-up testing? A group training home employee with negative tuberculin test results may be required by a public health provider or licensing authority to complete follow-up testing:

- (1) After exposure to active tuberculosis;
- (2) When tuberculosis symptoms are present; or
- (3) Periodically as determined by the public health provider.

NEW SECTION

WAC 388-101D-0685 What must a group training home do when a client or employee has tuberculosis symptoms or receives a positive chest x-ray result? If a group training home client or employee has tuberculosis symptoms or receives a positive chest x-ray result, the group training home must:

- (1) Report the client or employee with tuberculosis symptoms or a positive chest x-ray to an appropriate medical provider or public health provider;
- (2) Follow the infection control and safety measures ordered by the client or employee's medical provider or a public health provider;
- (3) Implement appropriate infection control measures;
- (4) Apply living or work restrictions if the client or employee poses an infection risk to others; and
- (5) Ensure an employee caring for a client who has active tuberculosis complies with the Washington Industrial Safety and Health Act (WISHA) standards for respiratory protection under chapter 296-842 WAC.

NEW SECTION

WAC 388-101D-0690 What records must a group training home maintain related to tuberculin testing? A group training home must:

- (1) Keep the records of tuberculin test results, reports of X-ray findings, and any medical provider or public health provider orders in the group training home;
- (2) Provide the records to a public health provider or licensing agency upon request;
- (3) Retain the records for at least two years after the date the employee quits or is terminated; and
- (4) Provide an employee a copy of the employee's tuberculin test results.

NEW SECTION

WAC 388-101D-0695 What rights and protections does a client living in a group training home have? (1) In addition to the client rights under WAC 388-101D-0125 and WAC 388-823-1095, a client living in a group training home has the right to:

- (a) A locking bedroom door, unless it is unsafe for the client and is documented in their person-centered service plan;
- (b) Share their bedroom only if they consent;
- (c) Furnish and decorate their bedroom within the terms of their written agreement with the group training home;
- (d) Retain and use personal possessions, including furniture and clothing, as space permits;
- (e) Control their own schedule, with support if indicated in their person-centered service plan;
- (f) Meet privately at any time with visitors of their choosing;

- (g) Access and review the group training home's certification review results and corrective action plans;
 - (h) View copies of the group training home's policies and procedures at any time;
 - (i) View copies of the certification results, inspection reports, and the group training home's plans of correction at any time;
 - (j) Receive written notice from the group training home of enforcement action that places a hold on referrals for new clients or is related to provisional certification; and
 - (k) A setting that meets requirements under 42 C.F.R. 441.301(c)(4).
- (2) Each client must sign a written agreement with the group training home. The written agreement must include the client's notice rights for termination of services. The notice rights must not conflict with requirements under WAC 388-101D-0200.

NEW SECTION

WAC 388-101D-0700 What notice requirements must a group training home meet? If a client's group training home services are terminated and the client is evicted, before evicting the client the group training home must follow:

- (1) Notice requirements under WAC 388-101D-0200; and
- (2) Applicable legal processes, such as unlawful detainer under chapters 59.12 or 59.16 RCW.

NEW SECTION

WAC 388-101D-0705 What requirements under this chapter is a group training home provider exempt from? A group training home provider contracted with DDA before January 1, 2019 is exempt from requirements under WAC 388-101D-0565, 388-101D-0575, 388-101D-0605, 388-101D-0615.