

## WACF WAC Feedback and DLR Responses

### General Suggestions

1. Suggest adding an appendix at the end of the WAC chapter containing all relevant RCWs mentioned.

**DLR Response:** These are easily accessible on the web. If agencies would like to attach them to the regulations they hand out, they are free to do so. One of our goals was to simplify the rules and make them more concise for foster parents.

2. WACs should indicate whether the responsibility is with the CPA or the foster parent.

**DLR Response:** These are rules that apply to the CPA, the foster parent or the group care facility, depending on the WAC chapter. If the WAC chapter concerns licensing of foster family homes, the family is responsible for adherence to the rules. If the WAC chapter governs CPAs, the responsibility would be with the CPA.

### 388-145 (Group Care)

1. Resource and Assessment Center (RAC)-Unclear what we mean by the RAC not required to be operational, because it makes it sound like RACs are required to always be accepting placements. Does this mean RACs have to be a 24/7 operation?

**DLR Response:** The WAC was modified to clarify intent that RACs do not have to be 24/7 operations. However, if a child is admitted, the RAC must remain in operation until that child/youth is discharged, up to the maximum of 72 hours. The WAC now reads:

“When am I required to be available for services?”

You or a designated staff must be available by phone at all times when you ~~not operational~~ are receiving new placements. Your ~~resource and assessment center may~~ust limit days and times of operation, but if you accept placement of a child, you must be operational until that child is discharged. ~~24~~excluding Saturday’s, Sunday’s and holidays Resource and assessment centers are not required to be operational at times during which ~~if~~ there are no children in care.”

2. Concern that a paid staff is required for group care facilities when volunteers are working at a facility. Doesn't this run counter to the intent of establishments that RACs as staffed primarily by volunteers? The RACs will not be able to fund staff available all the time. Asking for this requirement to be removed for RACs, or that a paid staff can just be available by phone.

**DLR Response: DLR's position is that this does not violate the statute allowing for a primarily volunteer-staffed RAC facility. A responsible and qualified staff must be available, and is required for safety issues and overall operation of the program. However, the WAC has been modified to allow for a volunteer who meets the qualifications of a program manager to be a designee for the paid staff available on-site.**

3. Recommend decreasing staffing requirements for secure CRCs. There are some agencies with waivers for staffing requirements, based on the number of youth in the facility.

**DLR Response: Waivers are allowed for specific programs on a case-by-case basis. These approvals include review of their historical practice, intakes, current practice and any concerns. There have been concerns in some facilities over staffing levels related to safety incidents with youth. These may be youth with presenting problems of which we are unaware, and we feel a heightened staffing level is needed for this population. No change was made.**

4. New staff should count in the staffing ratio while pre-service training is pending.

**DLR Response: We made this recommended change.**

5. Remove the requirement for an on-site program manager during business hours. This is unnecessary while no children are admitted to the facility, or children are off-site. Suggest that an on-site program manager be available when youth are present.

**DLR Response: The suggested change was made to require an on-site program manager only when youth are present, with telephonic availability at other times. Did not use the suggested language of "available", which implies they do not have to be there. Staff in some facilities have raised concerns about lack of an on-site program manager, with little to no understanding of who is in charge, and whom they contact in a crisis.**

6. Change requirement for a designee to the on-site program manager to require someone in charge in place of the program manager, only if youth are present.

**DLR Response: We made this change.**

7. Question about having a case manager for a CRC licensed for five, if the rule requires a case manager to youth ratio of 1 to 6.

**DLR Response: Someone must be in charge of treatment planning for youth in care. We would require at least one case manager regardless of the size of the facility. We clarified this in the WAC, identifying that the CRC would require at least one case manager.**

8. WAC requires staffing such that facility staff can have two days off a week. Staff should be allowed to voluntarily request overtime, there are staffing shortages or emergencies that require staff to not have days off. Suggest changing language to "reasonable days off".

**DLR Response: This is an existing rule, and it has come up as an issue in facilities, where staff have been required to work numerous overtime shifts. This has presented as a safety issue. We acknowledge that in an emergent weather situation, DLR would need to be reasonable about this expectation. WAC was not modified.**

9. Change requirements for immunizations to "...if applicable". Need to clarify when immunizations are needed.

**DLR Response: At the time WACF reviewed this WAC, these immunizations were going to be required for everyone. Since that time, the WAC (388-145-1335) was amended to require pertussis and influenza immunizations only if the facility is licensed for children under the age of 2. The WAC regarding personnel records was then amended to read "A record of required immunizations", as being needed in personnel records.**

### **388-147 (Child-Placing Agencies)**

1. Issue: Can it be spelled out which statutory requirement meets the highest standard? These might include RCW, WAC, CA policy, or contract.

**DLR Response: The new WACs continue to identify that if licensing requirements differ from contract requirements, the most stringent standard applies. In many cases, the most stringent standards are contract requirements, but this depends on the requirement. The RCWs and WACs should never be in conflict; the WACs are written to create administrative rules in order to implement RCW. It would not be possible to make this suggested change.**

2. Is a business degree qualifying education for an Executive Director? Can the wording be changed from "specific program" to "specific role"?

**DLR Response: We agree that an Executive Director may play a role specific to the business functions, and a business degree would be appropriate in this role. We did not change language, but will make it clear to staff during training.**

3. Why isn't a background check a requirement for volunteers in WAC 388-147-1490?

**DLR Response: It is a requirement. All staff and volunteers having unsupervised access are subject to background checks as identified in 388-147-1325.**

4. The training requirement for volunteers is too high, can another category be created if volunteers are caring for children while foster parents or staff are somewhere on-site.

**DLR Response: We feel this is a safety issue, and training is needed to provide direct care to children. Volunteers who have no direct care responsibility do not require this training. Volunteers working with a highly vulnerable population need to have adequate training to**

respond to children's needs, even when providing care for a short time. However, foster parents also have the authority to make prudent parenting decisions for periods of time, as allowed in WAC.

5. Is the in-service training an annual requirement?

**DLR Response: The WAC was modified to reflect that this is an annual requirement.**

6. There is confusion about referring to HIV/AIDS training separate from Blood-borne pathogens training.

**DLR Response: The contractor providing this training refers to it as HIV/AIDS/BBP training. We have changed the WAC reference to reflect this.**

7. Need clarification to retention of records for children placed in permanent custody. Does this include children the Department places in a CPA home?

**DLR Response: This applies to all children you as the agency place permanently.**

8. The WAC refers to permanent retention of adoption records if an agency closes. Recommend changing that to 99 years, as that is the Department's retention period.

**DLR Response: We made the suggested change to 99 years, as well as identifying specifically that those records do not need to be retained for children who achieved permanency while in the Department's custody.**

### **388-148 (Foster Family Homes)**

1. The WAC allows that an application may be withdrawn after 90 days if the family does not submit required documents within 90 days. Concern that some background clearances may take longer than that. Recommend changing WAC to reflect app may be withdrawn 90 days after background clearance is returned.

**DLR Response: If a family is making reasonable progress, they will not be withdrawn. The WAC specifies that it is the family's submission of documents that is necessary within 90 days, not the completion of processing. We do know that if a family has rejected fingerprints, it may take longer than this. However, if the language was modified as suggested, we would lose the ability to ever withdraw a family who did not submit all the background checks. No changes were made.**

2. There is confusion about referring to HIV/AIDS training separate from Blood-borne pathogens training. Isn't this included in the Keep the Beat class?

**DLR Response: The Keep the Beat contractor providing this training refers to it as HIV/AIDS/BBP training. We have changed the WAC reference to reflect this.**

3. Questions about the renewal process. Will DLR be sending CPAs notification of license expirations? What documents are required to send in before expiration?

**DLR Response: It is the CPA's responsibility to monitor expirations and provide a renewal notice to their homes. A license application and required background check authorizations are what is required to be considered a renewal application. We will emphasize this in our training rollout.**

4. Language is too loose regarding information provided to an evaluator regarding an assessment. Recommend that all communication with the evaluator must be in writing and available to the foster parent upon request. Also needs to clarify who "us" is, as in "You must give the evaluator written permission to share information with us..."

**DLR Response: We have to have the ability to communicate with an evaluator verbally, and we do this frequently. In response to the suggestion, we did include the term "us" in the definitions to make it more clear that "us" is the department.**

5. Question about the reference to orientation in the WAC. Orientation is no longer required in Caregiver Core Training.

**DLR Response: Orientation remains a requirement. Some regions previously included it in Pride, others did not. Orientation is still being offered, and can be obtained from the Department or the CPA.**

6. Question about the CPR/First Aid training requirement for people in the household who provide care. What does "provide care" mean? There is mention of CPR/First Aid classes being accredited, using nationally recognized standards. Are all classes using nationally recognized standards approved?

**DLR Response: We think "provide care" is clear, it would mean someone who has supervision responsibility for the child, and does not necessarily apply to all adults in the home. With regard to CPR/FA using nationally recognized standards, that is language offered by the Department of Health. We can help to develop a list of courses that would be considered to be approved and provide that list to our CPA partners. The course used by Keep the Beat is approved.**

7. Suggestion concerning the incident reporting responsibilities regarding improper or excessive physical restraint. "Improper" and "excessive" is open to interpretation, need examples of what is improper or excessive.

**DLR Response: The list of what is prohibited is in the physical restraint WAC 388-148 1620.**

8. Permission to travel requirements are inconsistent with the travel policy allowing for travel to bordering counties without approval.

**DLR Response: Agree, the WACs were modified to reflect travel policy and the prudent parenting rules.**

9. Keeping children safe around bodies of water. Concern that requirement is that the person providing supervision must be able to see and hear children. You can't see or hear them underwater. Suggest changing WAC to reflect that the adult supervising must regularly check in with the child during duration of water activities.

**DLR Response: DLR has recently conducted a workgroup that included a drowning prevention expert, in response to a recommendation from a fatality workgroup. We have amended the WACs significantly regarding children being around bodies of water. The suggested language would not have been found to be sufficient by that workgroup.**

10. It has been said that fire ladders must be out of the box and in each child's bedrooms. The WAC does not reflect that. Would like discretion for foster parent to decide where fire ladder is kept.

**DLR response: Fire ladder in each bedroom is not required, nor is it required to be out of the box. We will clarify with DLR staff during WAC roll-out training.**

11. Suggested language change for "You may not leave open-flame devices unattended or use them incorrectly"...Change may to must.

**DLR Response: Although "may" and "must" have different meanings, "may not" and "must not" mean the same thing. No change required.**

12. Bedroom sharing prohibition for youth in Extended Foster Care, and children under the age of 10. These youth used to be able to share a bedroom if they were the same gender and were a sibling. Need the ability to allow siblings to share a bedroom with approval.

**DLR Response: The WAC has never allowed adults to share bedrooms with children. We agree that it may be in the best interest of the children and youth to share a room with a sibling. The WAC already does allow for administrative approval for this, if the DSHS worker and licenser agree it is in the child's best interest.**

13. Refer to the document "Licensing Supervision Plan for Site-Specific Conditions" in the WAC mentioning alcohol or marijuana.

**DLR Response: This is a document used and required for staff, not a requirement for foster parents. The foster parent should not have to be responsible or be found to be in violation if the staff member does not complete this document. No change made.**

14. Spread of infections and communicable diseases: No mention of adults living in the home being required TB test, and no discussion of transferring from agency to agency. No mention of TDAP tests if the family is accepting placement of children under the age of 2.

**DLR Response: WAC 388-148-1555 now requires pertussis and influenza immunizations if the family is accepting placement younger than age 2. The licensee(s) and all other adults living in the home are required to have TB tests as per 388-148-1320. It also identifies that someone who**

**has been tested in the previous year does not have to have another test, which would apply if an individual was transferring from agency to agency.**

15. Previous WAC indicated that children must not be routinely separated from adults during mealtimes. Suggest keeping this.

**DLR Response: We agree that this is important, but we also tried to simplify and reduce requirements when we could. If this came up as an issue in a particular home, we could argue that WAC 388-388-148-1520 could be used to develop a compliance agreement to rectify the problem.**

16. Starting or stopping a child's prescribed medication requires approval from the child's physician, and starting or stopping psychotropic medications requires additional steps. Concern that when a child's case is transferred to another agency, and that child is currently taking prescription medications, that agency cannot get approval right away.

**DLR Response: This is currently policy and WAC. We would not expect that agencies would seek approval for medication each and every time that child may change agencies. The child is already taking the med, it is not being stopped or started again. The approval travels with the child. If there is an issue that court orders are occurring that identify consent only under the supervision authority of a particular CPA, we can work with the Office of the Attorney General to try to change that practice.**

17. Requires a written record of all prescription and over the counters medications given to children. Recommend documentation of prescription meds only.

**DLR Response: We modified the WAC to read: "You must give children non-prescription medication according to product instructions and seek medical advice regarding possible interactions with a child's other prescription and non-prescription medications." We removed the documentation requirement, but caution foster parents to be aware of contraindications of OTC meds.**

18. Suggest identifying all requirements to have respite providers approved to provide care. Suggest identifying requirements for all types of caregivers (in-home respite, babysitters, emergencies, etc.)

**DLR Response: This WAC chapter identifies the requirements for foster parents. If someone wants to become an approved respite provider, that is managed by the licenser, not the foster parent. The use of others to watch foster children (babysitters, etc.) is addressed in WAC 388-148-1605. In response to the suggestion, we did feel it might be helpful to identify respite as a person paid by the department. We have added that to the definitions.**

19. Prudent parenting activities have not been included in the WAC.

**DLR Response: We agree, and the WACs have been modified to reflect the statutory changes now in effect.**

