

WAC 388-115-0503 What definitions apply to WAC 388-115-0500 through 388-115-05640?

(1) **"Area agencies on aging (AAA)"** means a contracted entity that aging and long-term support administration (AL TSA) grants funds to in order to carry out the functions of the Older Americans Act, general-fund state programs, and to provide case management services and supports to individuals 18 and older who receive medicaid-funded LTC in the individual's own home.

(2) **"Applicant"** means a person who is in the process of becoming an in-home long-term care worker.

(3) **"Negative actions"** are listed in WAC 388-113-0030.

(4) **"Background check"** means a name and date of birth check or a fingerprint-based background check, or both.

(5) **"Background check result"** is defined in WAC 388-113-0101.

(6) **"Background check central unit (BCCU)"** means the DSHS entity responsible for conducting background checks for the department.

(7) **"Character, competence, and suitability determination (CC&S)"** is defined in WAC 388-113-0050.

(8) **"Client"** means an individual receiving medicaid or veterans' administration funded in-home long term services from the department.

(9) **"Consumer directed employer (CDE)"** is a private entity that contracts with the department to be the legal employer of individual providers for purposes of performing administrative functions. The consumer directed employer is patterned after the agency with choice model, recognized by the federal centers for medicare and medicaid services for financial management in consumer directed programs. The entity's responsibilities are described in RCW 74.39A.515 and throughout chapter 74.39A RCW and include:

(a) Coordination with the consumer, who is the individual provider's managing employer;

(b) Withholding, filing, and paying income and employment taxes, including workers' compensation premiums and unemployment taxes, for individual providers;

(c) Verifying an individual provider's qualifications; and

(d) Providing other administrative and employment-related supports. The consumer directed employer is a social service agency and its employees are mandated reporters as defined in RCW 74.34.020.

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

(12) **"Fingerprint-based background check"** means an in-state criminal history records check through the Washington state patrol and a national criminal history records check through the Federal Bureau of Investigation.

(13) **"Individual provider (IP)"** as defined in RCW 74.39A.240 limited to individual providers employed by the consumer directed employer.

(14) **"Managing employer"** means a consumer who employs one or more individual providers and whose responsibilities include:

(a) Choosing potential individual providers and referring them to the consumer directed employer;

(b) Selecting an individual provider(s);

(c) Overseeing the day-to-day management and scheduling of the individual provider's tasks consistent with the plan of care; and

(d) Dismissing the individual provider when desired.

(15) **"Name and date of birth check"** is a search, conducted by the background check central unit (BCCU), of Washington state criminal history and negative action records using the applicant's name and date of birth.

[Statutory Authority: RCW 18.88B.021, 18.88B.041, 18.88B.060, 74.08.090, 74.39A.076, and 74.39A.341. WSR 24-05-003, § 388-115-0503, filed 2/8/24, effective 3/10/24. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.832, 74.39A.270, 74.39A.056, 74.39A.074, 43.20A.710, 74.39A.525, 43.43.842, 74.39A.326, 74.39A.515, 74.39A.505, 18.88B.021, 43.43.837 and 2018 c 278. WSR 21-18-081, § 388-115-0503, filed 8/30/21, effective 10/1/21.]