



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: February 03, 2025
TIME: 10:47 AM

WSR 25-04-083

Agency: Department of Social and Health Services- Aging and Long Term Care Support Administration- HCS

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

- Preproposal Statement of Inquiry was filed as WSR 24-22-012 ; 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); or**
- Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) WAC 388-112A-1240 What are the minimum qualifications for an instructor for core basic, population specific, on-the-job, residential care administrator, nurse delegation core, and specialized diabetes trainings? and 388-112A-1250 What are the minimum qualifications for community instructors for adult education training using DSHS curriculum? The proposed changes do not affect the separate Department of Social and Health Services (department) contract required to be a nurse delegator, and all other instructor requirements for nurse delegation and adult education are maintained.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 11, 2025	10:00 a.m.	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website at https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings for the most current information.

Date of intended adoption: No earlier than March 12, 2025 (Note: This is **NOT** the effective date)

Submit written comments to:

Name DSHS Rules Coordinator
 Address PO Box 45850, Olympia WA 98504
 Email DSHSRPAURulesCoordinator@dshs.wa.gov
 Fax 360-664-6185
 Other
 Beginning (date and time) noon on February 5, 2025
 By (date and time) 5:00 p.m. on March 11, 2025

Assistance for persons with disabilities:

Contact Shelley Tencza, Rules Consultant
 Phone 360-664-6036
 Fax 360-664-6185
 TTY 711 Relay Service
 Email shelley.tencza@dshs.wa.gov
 Other
 By (date) 5:00 p.m. on February 25, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the amendments to WAC 388-112A-1240 and 388-112A-1250 are related to the minimum qualifications for an instructor for adult education, nurse delegation core, and specialized diabetes trainings when the instructor only teaches at the facility or corporation where they are employed. Other necessary changes and corrections related to numerical representation, consistency, and inclusive language are also be included

Reasons supporting proposal: Currently, all nurse delegation and adult education instructors are required to contract with department as community instructors regardless of where they teach. No contract is required of instructors who teach orientation and safety, basic training, specialty, or continuing education courses only to employees of the specific facility, corporation or adult family home where they are employed.

Community instructors have a wide scope of training authority. They are required to complete a contractor intake application process and maintain liability insurance. Facility instructors are only authorized to teach workers employed by a specific facility or within a facility's corporation and are insured under that facility's required liability coverage, eliminating the need for a separate contract.

Removing the department contract requirement from nurse delegation and adult education instructors who only teach workers employed by the facility or corporation where the instructor is employed will remove the burden of the community instructor contract application process and the expense of securing secondary liability insurance.

Statutory authority for adoption: RCW 18.88B.010, 18.88B.021, 18.88B.041, 74.08.090, 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.076, 74.39A.341.

Statute being implemented:

Is rule necessary because of a:

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

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Social and Health Services

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	David Chappell	PO Box 45600, Lacey WA 98504-5600	360-725-2516
Implementation	David Chappell	PO Box 45600, Lacey WA 98504-5600	360-725-2516
Enforcement	David Chappell	PO Box 45600, Lacey WA 98504-5600	360-725-2516

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

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

- Name Dave Chappell
- Address PO Box 45600, Lacey WA 98504-5600
- Phone 360-725-2516
- Fax
- TTY 711 Relay service
- Email david.chappell@dshs.wa.gov
- Other

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. The proposal will result in a cost savings for nurse delegation and adult education instructors who only teach workers employed by the facility or corporation where the instructor is employed because they will no longer be required to contract with the state as community instructors and carry separate liability insurance.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Date: February 3, 2025	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

WAC 388-112A-1240 What are the minimum qualifications for an instructor for core basic, population specific, on-the-job, residential care administrator, nurse delegation core, and specialized diabetes trainings? An instructor for core basic, population specific, on-the-job, residential care administrator, nurse delegation core, and nurse delegation specialized diabetes trainings must meet the following minimum qualifications:

- (1) Be at least 21 years of age;
- (2) Has not had a professional health care, adult family home, assisted living facility, or social services license or certification revoked in Washington state;
- (3) Meets one or more of the following education or work experience requirements upon initial approval or hire:
 - (a) Is a registered nurse with work experience within the last five years with the elderly or persons with disabilities requiring long-term care in a community setting;
 - (b) Has an associate degree or higher degree in the field of health or human services and six months professional or caregiving experience within the last five years in a community-based setting or an adult family home, enhanced services facility, assisted living facility, supported living through the developmental disabilities administration (DDA), or home care setting; or
 - (c) Has a high school diploma or equivalent and one year of professional or caregiving experience within the last five years in an adult family home, enhanced services facility, assisted living, supported living through DDA, or home care setting;
- (4) Meets one or more of the following teaching experience requirements:
 - (a) 100 hours of experience teaching adults in an appropriate setting on topics directly related to basic training or basic training topics that may be offered as continuing education;
 - (b) 40 hours of teaching basic training while being mentored by an instructor who is approved to teach basic training; or
 - (c) Instructors with adult family homes, enhanced services facilities, and assisted living facilities who do not have the experience described in (a) or (b) of this subsection, must have and attest to the following experience and plans in their application:
 - (i) 40 hours of informal teaching experiences unrelated to basic training topics such as guest lecturing, team teaching, and volunteer teaching with parks, local high schools, 4-H groups, English as a second language (ESL) groups, senior organizations, or religious organizations;
 - (ii) Three adult learning techniques that the instructor will implement in the long-term care worker training; and
 - (iii) Three ways the instructor plans on improving instructional skills and the method the instructor will use to measure improvement such as submitting the continuous improvement plan feedback from the DSHS adult education class;
- (5) Except for instructors for nurse delegation core and diabetes training, completion of a class on adult education that meets the requirements of WAC 388-112A-1297;

(6) The instructor must be experienced in caregiving practices and demonstrate competency for teaching the course content or units being taught;

(7) Instructors who will administer tests must have experience or training in assessment and competency testing; and

(8) (~~Community instructors~~) Instructors for nurse delegation core and diabetes training must have a current Washington or multi-state registered nurse (RN) license in good standing without practice restrictions (~~and~~) .

(9) (~~Facility instructors must be approved and contracted by the department as a community instructor in order to be approved to teach the following classes:~~

~~(a) Nurse delegation core;~~

~~(b) Nurse delegation specialized diabetes training; or~~

~~(c) DSHS adult education training curriculum)~~ Instructors for nurse delegation core and specialized diabetes trainings who intend to teach students beyond the facility or corporation where they are employed and approved must be contracted with the Department of Social and Health Services as a community instructor.

AMENDATORY SECTION (Amending WSR 23-01-022, filed 12/9/22, effective 1/9/23)

WAC 388-112A-1250 What are the minimum qualifications for (~~community~~) instructors for adult education training using DSHS curriculum?

(1) The minimum qualifications for (~~community~~) instructors of adult education training using DSHS curriculum, in addition to the general qualifications in WAC 388-112A-1240 (1) and (2), include:

(a) The instructor must be experienced in adult education practices and capable of demonstrating competency in the entire course content;

(b) Education:

(i) Has a bachelor's degree or is a registered nurse with at least one year of education in seminars, conferences, continuing education, or in college classes in subjects directly related to adult education, such as, but not limited to, English as a second language (ESL), adult basic education, and adult secondary education (one year of education equals 24 semester credits in a semester system, 36 quarter credits in a quarter system, or at least 80 hours of seminars, conferences, and continuing education); and

(ii) Successful completion of the DSHS adult education training curriculum prior to beginning to train others;

(c) Meets one or more of the following teaching experience requirements:

(i) Two years experience teaching long-term care workers; or

(ii) 200 hours experience teaching adult education or closely related subjects; and

(d) Successful completion of the DSHS instructor qualification/demonstration process (~~and~~

~~Instructor approved and contracted by the department as a community instructor).~~

(2) Instructors (~~that~~) who administer tests must have experience or training in assessment and competency testing.

(3) Instructors for adult education who intend to teach students beyond the facility or corporation where they are employed and approved must be contracted with the Department of Social and Health Services as a community instructor.