



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: October 18, 2021

TIME: 10:45 AM

WSR 21-21-071

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

Title of rule and other identifying information: (describe subject) WAC 388-112A-1245, What are the requirements and minimum qualifications for high school instructors and programs that offer core basic, population specific, nurse delegation, and specialty trainings?

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing to rephrase subsection (f). The change adds clarity, does not alter the intent or context of the rule, and will not affect any existing rules.

Reasons supporting proposal: The proposed changes are for housekeeping purposes only to provide greater clarity to a subsection that otherwise may be misinterpreted.

Statutory authority for adoption: RCW 74.08.090; RCW 70.128.060

Statute being implemented: RCW 74.08.090; RCW 70.128.060

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

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

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	David Chappell	PO Box 45600, Olympia WA 98504-5600	360-725-2516
Implementation:	David Chappell	PO Box 45600, Olympia WA 98504-5600	360-725-2516
Enforcement:	Christine Morris	PO Box 45600, Olympia WA 98504-5600	360-725-2549

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

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The proposed rule only clarifies a subsection that may be misinterpreted.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Rules Coordinator

Agency: Department of Social and Health Services

Address: PO Box 45850, Olympia WA 98504-5850

Phone:

Fax: 360-664-6185

Email: DSHSRPAURulesCoordinator@dshs.wa.gov

Other:

AND RECEIVED BY (date) 5:00 pm on December 21, 2021

Date: October 18, 2021

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-112A-1245 What are the requirements and minimum qualifications for high school instructors and programs that offer core basic, population specific, nurse delegation, and specialty trainings?

(1) A high school instructor teaching core basic, population specific, nurse delegation core, nurse delegation special focus on diabetes, specialty and expanded specialty trainings must meet the following minimum qualifications:

- (a) Be at least twenty-one years of age;
- (b) Not have had a professional, adult family home, assisted living facility, or social services license or certification revoked in Washington state;
- (c) Meet the following education and work experience requirements upon initial approval or hire:
 - (i) Have a valid teaching credential with a related endorsement such as career and technical education, science, health, or special education; and
 - (A) Have caregiving experience within the last five years in a school, community-based, or home setting; or
 - (B) Be a registered nurse with direct care experience within the last five years; or
 - (C) Be certificated under the vocational code V511614; or
 - (D) Have successfully completed core basic training taught by a DSHS approved instructor; or
 - (E) Have taught forty hours of basic training while being mentored by an instructor who is approved to teach basic training;
 - (d) Have at least 100 hours teaching experience;
 - (e) Be knowledgeable in caregiving practices and demonstrate competency for teaching the course content or units being taught; and
 - (f) Have successfully completed ~~((any))~~ a specialty or expanded specialty training ~~((classes))~~ class before providing training in that curriculum to others;
- (2) In addition to requirements under subsection (1) of this section, an instructor for nurse delegation core or diabetes must have a current Washington registered nurse (RN) license in good standing without practice restrictions.
- (3) A high school home care aide training program must be approved and contracted by the department as a community instructor program.