

WSR 22-16-026
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed July 25, 2022, 3:55 p.m.]

Title of Rule and Other Identifying Information: WAC 388-71-0992
When must continuing education be completed when public health emergency waivers are lifted, and what continuing education credit is granted to long-term care workers employed during the pandemic?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to correct a WAC reference. The change 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 house-keeping purposes only to correct a WAC reference.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Statute Being Implemented: RCW 74.08.090 and 74.09.520.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Chappell, P.O. Box 45600, Olympia, WA 98504-5600, 360-725-2516.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed rule only clarifies a subsection that may be misinterpreted by correcting a wrong rule citation.

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 DSHS Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m. on October 4, 2022.

July 26, 2022
Katherine I. Vasquez
Rules Coordinator

SHS-4938.1

AMENDATORY SECTION (Amending WSR 22-12-081, filed 5/31/22, effective 7/1/22)

WAC 388-71-0992 When must continuing education be completed when public health emergency waivers are lifted, and what continuing education credit is granted to long-term care workers employed during the pandemic?

(1) The department finds that long-term care workers employed during the COVID-19 pandemic between March 1, 2020, and February 28, 2021, required emergent and intensive on-the-job training. Long-term care workers received critical, ongoing training in such topics as:

- (a) Donning and doffing personal protective equipment (PPE);
- (b) Hand hygiene;
- (c) Disinfection of high-touch surfaces;
- (d) Managing visitations and physical distancing;
- (e) Responding to newly infected residents;
- (f) Promotion of vaccination;
- (g) Protocols for quarantine;
- (h) Use of cloth face coverings;
- (i) Personal protection outside of the work environment; and
- (j) How to reduce exposure and spread.

(2) This on-the-job training was required of all workers in all long-term care environments in Washington state. Instruction was provided in assisted living facilities, adult family homes, home care agencies, enhanced services facilities, certified community residential services, and to individual providers by the SEIU775 benefits group and DSHS to discuss infection control and the availability and distribution of personal protective equipment. Recognition of this training as a valid learning experience, in its various forms, was agreed upon with input from consumer and worker representatives, as the content was based on guidelines established by the Centers for Disease Control (CDC) and other federal, state, and local health care authorities.

(3) During this time, long-term care workers required ongoing critical training because guidance from the CDC, department of labor and industries, and other health authorities changed as more was learned about the SARS-CoV-2 virus. The department finds that this unprecedented on-the-job training constituted at least 12 hours of continuing education between March 1, 2020, and February 28, 2021, and that this training is not considered to be repeated training as described in WAC (~~(388-112A-0600(2))~~) 388-71-0985.

(4) All long-term care workers employed during the dates in section (3) of this section are granted 12 hours of DSHS-approved continuing education credit for the training entitled "COVID-19 On-The-Job Training Protocols," bearing the DSHS approval code CE2135218. No physical certificate for this training will be issued or required. The COVID-19 continuing education hours may be applied to renewal periods ending no earlier than March 1, 2020, and no later than December 31, 2021.

(5) The department recognizes that long-term care workers may not have completed training hours in excess of the 12 hours of CE granted in section (4) of this section due to the COVID-19 public health emergency. All long-term care workers shall have until December 31, 2022, or 120 days from the end of the COVID-19 training waivers established by gubernatorial proclamation, whichever is later, to complete any additional CE that may have become due while training waivers were in place in excess of the 12 hours of CE granted in subsection (4) of

this section. If a worker's next birthday allows fewer than 120 days after the waivers are lifted to complete required CE for their current renewal cycle, the worker will have 120 days from the end of training waivers to complete the required CE.

[Statutory Authority: RCW 74.08.090 and 74.09.520. WSR 22-12-081, § 388-71-0992, filed 5/31/22, effective 7/1/22.]

WSR 22-16-117
EXPEDITED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed August 3, 2022, 11:00 a.m.]

Title of Rule and Other Identifying Information: Chapter 460-33A WAC, Regulations concerning securities involving mortgages, trust deeds or property sales contracts.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The securities division proposes to repeal the entirety of chapter 460-33A WAC, which creates an optional method of registration for mortgage paper securities. The last issuer to register an offering of mortgage paper securities under these rules was in 2012. Changes in federal law over the past 10 years, including the Jumpstart Our Business Startups (JOBS) Act of 2012, have diminished the usefulness of the rules contained in chapter 460-33A WAC.

Reasons Supporting Proposal: Repealing chapter 460-33A WAC will remove an outdated section of the regulations that are administered by the securities division. This will streamline the regulations it administers and allow the regulations to reflect modern practice.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of financial institutions, securities division, governmental.

Name of Agency Personnel Responsible for Drafting: Patrick Stickney, 150 Israel Road S.W., Tumwater, WA 98501; Implementation: Faith Anderson, 150 Israel Road S.W., Tumwater, WA 98501, 360-902-8760; and Enforcement: William Beatty, 150 Israel Road S.W., Tumwater, WA 98501, 360-902-8760.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: RCW 34.05.353 states that an agency may file notice for the expedited repeal of a rule if "[t]he rule is no longer necessary because of changed circumstances." It has been more than 10 years since an issuer has applied to register an offering under chapter 460-33A WAC, and federal regulatory changes have rendered the rule obsolete. These changed circumstances thus justify the expedited repeal of the rule.

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 Patrick Stickney, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone 360-902-8760, email Patrick.Stickney@dfi.wa.gov, AND RECEIVED BY October 3, 2022.

August 3, 2022
Charles Clark
Director

OTS-3993.1

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 460-33A-010	Application.
WAC 460-33A-015	Definitions.
WAC 460-33A-017	Registration not required.
WAC 460-33A-020	Optional registration procedures for mortgage paper securities.
WAC 460-33A-025	Contents of the general offering circular.
WAC 460-33A-030	Contents and filing of the specific offering circular.
WAC 460-33A-031	Minimum investor suitability requirements.
WAC 460-33A-035	Limitations on the use of optional registration of this chapter.
WAC 460-33A-036	Participation agreement.
WAC 460-33A-037	Disclosure requirements in the sale of real estate owned property.
WAC 460-33A-038	Real estate broker's opinion of value in the sale of real estate owned property.
WAC 460-33A-040	Net worth or bond requirement.
WAC 460-33A-055	Escrow account.
WAC 460-33A-060	Recordation.
WAC 460-33A-065	Service agreement.
WAC 460-33A-070	Origination and assignment.
WAC 460-33A-075	Advertising.
WAC 460-33A-080	Registration and examination of mortgage broker-dealers.
WAC 460-33A-081	Expiration of mortgage broker-dealer registration, renewal procedure.
WAC 460-33A-085	Registration and examination of mortgage securities salespersons.
WAC 460-33A-086	Expiration of mortgage securities salesperson registration, renewal procedure.
WAC 460-33A-090	Dishonest and unethical practices—Mortgage broker-dealers.
WAC 460-33A-095	Fiduciary duty—Mortgage broker-dealers.
WAC 460-33A-100	Written statement.
WAC 460-33A-105	Appraisals.

WAC 460-33A-110	Financial statements and annual reports.
WAC 460-33A-115	Books and records.
WAC 460-33A-116	Access to loan records by investors.
WAC 460-33A-120	Preservation of records.
WAC 460-33A-125	Notice of changes by mortgage broker-dealers.
WAC 460-33A-130	Notice of complaint.