

WSR 25-04-083

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed February 3, 2025, 10:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-22-012.

Title of Rule and Other Identifying Information: 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 (DSHS) contract required to be a nurse delegator, and all other instructor requirements for nurse delegation and adult education are maintained.

Hearing Location(s): On March 11, 2025, at 10:00 a.m., virtually via Teams or call in. 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.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, beginning noon on February 5, 2025, by 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](mailto:shelley.tencza@dshs.wa.gov), by 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 included.

Reasons Supporting Proposal: Currently, all nurse delegation and adult education instructors are required to contract with DSHS 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 DSHS 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, and 74.39A.341.

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

Name of Proponent: DSHS, governmental.

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

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Dave Chappell, P.O. Box 45600, Lacey, WA 98504-5600, phone 360-725-2516, TTY 711 relay service, email david.chappell@dshs.wa.gov.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. 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.

February 3, 2025  
Katherine I. Vasquez  
Rules Coordinator

## SHS-5071.1

AMENDATORY SECTION (Amending WSR 24-16-082, filed 8/1/24, effective 9/1/24)

**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~~

~~((e) 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.