



# 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: May 02, 2025**  
**TIME: 4:20 PM**

**WSR 25-10-066**

**Agency:** Department of Social and Health Services, Home and Community Living Administration, HCS

☒ **Original Notice**

☐ **Supplemental Notice to WSR** \_\_\_\_\_

☐ **Continuance of WSR** \_\_\_\_\_

☒ **Preproposal Statement of Inquiry was filed as WSR 24-24-053 ; 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 388-71-1031 What is the curriculum approval process for orientation, safety, the 70-hour basic training population specific training, the 30-hour basic training, the seven hour parent provider training, and continuing education? and 388-112A-1010 What is the curriculum approval process for orientation, safety training, basic training, population specific training, specialty training, residential care administrator training, and continuing education. These rules are related to curriculum approval.

**Hearing location(s):**

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

**Date of intended adoption:** Not earlier than June 11, 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](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)

Fax 360-664-6185

Other

Beginning (date and time) noon on May 7, 2025

By (date and time) 5:00 p.m. on June 10, 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)

Other

By (date) 5:00 p.m. on May 27, 2025

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Department of Social and Health Services (department) proposes to amend WAC 388-71-1031 and 388-112A-1010 related to curriculum approval. The purpose of this rulemaking is to establish and clarify curriculum approval requirements. This will provide greater flexibility in the approval process for long-term care workers and the instructional entities.

**Reasons supporting proposal:** RCW 74.39A.074 specifies that only training approved by the department may be used to fulfill long-term care worker training requirements.

There is an increasing number of aspiring community instructors and technological advancements in virtual and online learning management systems. The number of new Core Basic submissions has grown, and many of those submissions come from training entities that have little experience in curriculum development resulting in sub-standard submissions containing issues in curriculum that:

- Is not Washington State specific.
- Does not meet department online quality standards.
- Does not contain all required elements.
- Exceeds the scope of practice for Home Care Aides.
- Contains inaccurate or outdated information.

The current WAC language does not give the department the authority to do a partial review of curriculum even when consistent significant issues are identified early on. Additionally, the department does not currently have the authority to set a limit to how often a program may re-submit the same substandard curriculum for full review.

The reasons for supporting this proposal is that the proposed language will:

- Provide clearer guidelines and expectations for curriculum submitted.
- Discourage poor-quality curriculum submissions that does not serve the best interests of learners and clients.
- Provide program managers with the flexibility in the approval process while avoiding unnecessary barriers to known developers of quality curriculum by using permissive rather than obligatory language.
- Allow for situations where significant global issues are present, allow the department to do a full review prior to denying the submission.
- Allow the department, when deemed appropriate, the ability to require that a specific amount of time pass before the next submission.

**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.,

**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](mailto: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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((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. Clarifying standards and providing the department greater flexibility in the curriculum approval process does not impose additional cost to training programs.
- ☐ 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 David Chappell  
Address PO Box 45600, Olympia WA 98504  
Phone 360-725-2516  
Fax  
TTY 711 Relay Service  
Email [david.chappell@dshs.wa.gov](mailto:david.chappell@dshs.wa.gov)  
Other

<b>Date:</b> May 2, 2025	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

**WAC 388-71-1031** ~~What ((is the))~~ are the requirements and process for curriculum approval ((process)) for orientation, safety, the 70-hour core basic training ((population specific training)), the 30-hour basic training, the seven-hour parent provider training, and continuing education? To obtain the department's approval of the curriculum for the 70-hour core basic training, ~~((population specific training,))~~ the 30-hour basic training, the seven-hour parent provider training, and continuing education, applicants must adhere to the following steps and requirements:

(1) ~~((Submit the required training application forms and any other materials required for specific curricula to the department.))~~ Prior to submission:

(a) For all courses except continuing education, ensure that the curriculum contains all required competencies. For the core basic portion of the 75-hour training, the curriculum should follow the presentation order and, at minimum, contain the full content of the department's fundamentals of caregiving;

(b) Ensure that the curriculum:

(i) Uses Washington state specific content and terminology;

(ii) Contains activities and checkpoints that support student learning; and

(iii) Requires no fewer hours than the equivalent department curriculum, if any.

(c) For curriculum to be delivered in an online format without a live instructor, ensure the content meets all the department online standards for learning and accessibility found at "bit.ly/dshs-online-standards".

(2) ~~((After review of the curriculum, DSHS will send a written response to the submitter, indicating approval or disapproval of the curriculum))~~ Except for core basic curriculum, the department will only review complete curriculum submissions and is not able to assist the applicant with course development. For core basic, the first module may be submitted separately to assure proper development and adherence to standards prior to the first complete submission.

(3) ~~((If the curriculum is not approved, the reason(s) for denial will be given and the submitter will be told what portion(s) of the training must be changed and resubmitted for review in order for the curriculum to be approved))~~ Submit the required training application forms and any other materials required for specific curriculum to the department.

(4) ~~((The submitter may then make the requested changes and re-submit the curriculum(s) for review))~~ The department will review submissions that meet the requirements in subsection (1) of this section. After review of the curriculum, in whole or in part, the department will send a written response to the applicant, indicating approval or disapproval of the curriculum.

(5) ~~((If after working with the department, the reasons why the curriculum is not approved cannot be resolved, the submitter may seek a review of the nonapproval decision from the assistant secretary of aging and long-term support administration (AL TSA). The assistant secretary's review decision will be the final decision of DSHS. No other administrative review is available to the submitter))~~ If the depart-

ment does not approve the curriculum, the department will provide the applicant the reasons the submission was not approved, including:

(a) What components of the training must be changed prior to re-submission; or

(b) The general areas of deficiency that must be addressed prior to resubmission.

(6) When the department does not approve the curriculum submission, the applicant may resubmit the curriculum for review.

(a) If the department does not approve the second version of the same curriculum submission, the department may require the applicant to wait a minimum of 180 days before submitting the curriculum a third time.

(b) If the department does not approve the third submission, the department may require the applicant to wait a minimum of one year between subsequent submissions.

(7) If after working with the department, the reasons why the curriculum was not approved cannot be resolved, the applicant may seek a review of the nonapproval decision from the assistant secretary of the aging and long-term support administration (ALTSA). The assistant secretary's review decision will be the department's final decision.

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

**WAC 388-112A-1010** What ~~((is the))~~ are the requirements and process for curriculum approval ~~((process))~~ for orientation, safety training, core basic training, ~~((population specific training,))~~ specialty training, ~~((residential care administrator training,))~~ and continuing education? To obtain the department's approval of the curriculum for orientation, safety training, core basic training, ~~((population specific training,))~~ specialty training, ~~((residential care administrator training,))~~ and continuing education, applicants must adhere to the following steps and requirements:

(1) Prior to submission:

(a) For all courses except continuing education, ensure that the curriculum contains all required competencies. For the core basic portion of the 75-hour training, the curriculum should follow the presentation order and, at minimum, contain the full content of the department's fundamentals of caregiving;

(b) Ensure that the curriculum:

(i) Uses Washington state specific content and terminology;

(ii) Contains activities and checkpoints that support student learning; and

(iii) Requires no fewer hours than the equivalent department curriculum, if any.

(c) For curriculum to be delivered in an online format without a live instructor, ensure the content meets all the department online standards for learning and accessibility found at "bit.ly/dshs-online-standards".

(2) Except for core basic curriculum, the department will only review complete curriculum submissions and is not able to assist the applicant with course development. For core basic, the first module may be submitted separately to assure proper development and adherence to standards prior to the first complete submission.

(3) Submit the required training application forms and any other materials required for specific curriculum to the department.

~~((+2))~~ (4) The department will review submissions that meet the requirements in subsection (1) of this section. After review of the curriculum, in whole or in part, the department ((DSHS)) will send a written response to the ((submitter)) applicant, indicating approval or disapproval of the curriculum.

~~((+3))~~ (5) If the department does not approve the curriculum ((is not approved)), the department will provide the applicant the reason ((reason(s) for denial will be given and the submitter will be told)) the submission was not approved, including:

~~((what portion(s)))~~ (a) What components of the training must be changed ((and resubmitted for review for the curriculum to be approved.)) prior to resubmission; or

(b) The general areas of deficiency that must be addressed prior to resubmission.

~~((+4) The submitter may then make the requested changes and))~~ (6) When the department does not approve the curriculum submission, the applicant may resubmit the curriculum for review.

(a) If the department does not approve the second version of the same curriculum submission, the department may require the applicant to wait a minimum of 180 days before submitting the curriculum a third time.

(b) If the department does not approve the third submission, the department may require the applicant to wait a minimum of one year between subsequent submissions.

~~((+5))~~ (7) If after working with the department, the reasons why the curriculum was not approved cannot be resolved, the ((submitter)) applicant may seek a review of the nonapproval decision from the assistant secretary of the aging and long-term support administration (ALTSA). The assistant secretary's review decision will be ((DSHS's)) the department's final decision. ((No other administrative review is available to the submitter.))