



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- Pre-proposal Statement of Inquiry was filed as WSR 08-24-098; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

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

Title of rule and other identifying information: Chapter 296-19A WAC, Vocational Rehabilitation, Industrial Insurance Training Provider Qualification Rules for approval of non-accredited and unlicensed training providers.

Hearing location(s): Tukwila
 Department of Labor and Industries
 Tukwila Office Training Room
 12806 Gateway Dr
 Tukwila, WA 98168-3311

Date: 10/06/09 Time: 10:00AM

Submit written comments to:
 Name: Keith Klinger
 Address: P.O. Box 44329
 Olympia, WA 98504-4329
 e-mail KLIN235@LNI.WA.GOV
 fax (360)902-6362 by (date) 10/20/09

Assistance for persons with disabilities: Contact
 Nancy James by 9/22/09
 TTY (360) 902-4379 or (360) 902-4379

Date of intended adoption: 12/01/09
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rules will assist in the implementation of Chapter 72, Laws of 2007 (ESSB 5920), which mandates that L&I develop rules for approving non-accredited and unlicensed training providers.

See Attachment 1

Reasons supporting proposal: See purpose statement.

Statutory authority for adoption: RCW 51.04.020, 51.04.030, 51.32.095, 51.32.099, and Chapter 72, Laws of 2007 (ESSB 5920)

Statute being implemented: Chapter 72, Laws of 2007 (ESSB 5920) and RCW 51.32.099

- Is rule necessary because of a:**
- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE
 9/1/09

NAME (type or print)
 Judy Schurke

SIGNATURE

TITLE
 Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: September 01, 2009
TIME: 2:08 PM

WSR 09-18-099

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: Labor and Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Rich Wilson	Tumwater	360.902 1363
Implementation....Cheri Ward	Tumwater	360 902 4300
Enforcement.....Bob Malooly	Tumwater	360 902 4209

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

- Name:
- Address:

- phone
- fax
- e-mail

No. Explain why no statement was prepared. These legislatively mandated pilot and proposed rules do not adversely impact small businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:
Name: Keith Klinger
Address: PO Box 44329
Olympia, WA 98504-4329
phone 360-902-6362
fax 360-902-6706
e-mail klin235@lni.wa.gov

No: Please explain:

296-19A-500 Training provider definitions

- “Training provider” defined.
- “Accredited” defined.
- “Licensed” defined.

296-19A-510

What training programs can the department approve and issue a provider account number to?

- An accredited training program or provider.
- A licensed training program or provider.
- Approved apprenticeship programs.
- A training provider on the “Eligible Training Provider List” (ETPL).
- Non-accredited or unlicensed programs must file a separate application for approval.

296-19A-520

What are the requirements for providing training services to Washington injured or ill workers?

- Legal requirements for doing business and providing training services in Washington or other states.

296-19A-530

What financial information must a non-accredited or unlicensed training provider submit as part of the application to provide training services to Washington injured or ill workers?

- Financial documentation required of non-accredited or unlicensed training providers.
- Public entity exemption from financial disclosure requirement.

296-19A-540

What time period must a non-accredited or unlicensed training provider offer a program of instruction prior to application to be eligible to provide training services to Washington injured or ill workers?

- Non-accredited or unlicensed training providers must provide proof of continuous operation for at least two years prior to application for a provider number.
- Public entity exemption from the requirement of two year continuous operation prior to application requirement.

296-19A-550

When must an approved non-accredited or unlicensed training provider re-apply in order to continue providing services to Washington injured or ill workers?

- An approved non-accredited or unlicensed training provider must re-apply after two years of the most recent application maintain their provider number.
- Public entity exemption from the two year re-application requirement.

296-19A-560

What documentation does the department require from a non-accredited or unlicensed training provider in order to be considered for approval to provide training to Washington injured or ill workers?

- The list of documents that a non-accredited or unlicensed training provider must submit in order to be considered for approval including the catalog, enrollment agreement and collateral documentation describing all aspects of the provider's operation.

296-19A-570

What factors will the department consider when deciding whether to approve a non-accredited or unlicensed training provider for Washington injured or ill workers?

- Factors the department will consider when deciding whether to approve a non-accredited or unlicensed training provider for Washington injured or ill worker.
- The factors include but are not limited to; all of the documents submitted with the application; supervision of staff; student safety; complaints; criminal history of staff; and performance data.

296-19A-580

When must non-accredited or unlicensed training providers conform to the requirements of WAC 296-19B?

- Non-accredited or unlicensed providers without a provider number must be approved and receive a provider number as of the effective date of the rule.
- Non-accredited or unlicensed providers with a provider number must be re-apply and be approved by June 30, 2010, to maintain provider status.
- Non-accredited or unlicensed providers must obtain approval from the appropriate agency and submit proof with their application.
- Non-accredited or unlicensed training providers that are exempt from the Workforce Training and Education Coordinating Board (WTECB) licensure must submit proof of the exemption with their application.

296-19A-590

What are the criteria training providers must meet to maintain provider status? *Start here*

- Accredited and licensed training providers must maintain accreditation or licensure.
- Approved non-accredited or unlicensed training providers must conform to WAC 19B on an ongoing basis.
- Requirement to maintain accreditation, licensure or compliance with WAC 296-19B.
- Employment preparation programs must maintain at least a 30% completion rate and a 50% placement rate in jobs for which training was provided.
- The department may consider and grant exceptions based on cause or circumstance.