



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Labor & Industries

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: The rules will assist in the implementation of Chapter 72, Laws of 2007 (ESSB 5920, RCW51.32.099) which mandates that L&I develop rules for approving non-accredited and unlicensed training providers.

See attachment 1

Citation of existing rules affected by this order:

Repealed:

Amended:

Suspended:

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)

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-18-099 on September 1, 2009.

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available 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

Date adopted: 12/01/2009

NAME (TYPE OR PRINT)

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 02, 2009

TIME: 9:42 AM

WSR 09-24-108

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>10</u>	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>10</u>	Amended	_____	Repealed	_____

296-19A-500 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 workers?

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

296-19A-530

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

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

296-19A-540

How long must a non-accredited or unlicensed training provider be in operation before applying to provide services to Washington injured 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 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 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 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 296-19A?**

- 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 criteria must training providers meet to maintain provider status?**

- Accredited and licensed training providers must maintain accreditation or licensure.
- Approved non-accredited or unlicensed training providers must conform to WAC 19A on an ongoing basis.
- Requirement to maintain accreditation, licensure or compliance with WAC 296-19A.
- 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.