

## **Slide #1 Welcome**

Welcome to this course titled, **Understanding Compliance, Monitoring, Regulation, and Provider Rights**

This course is developed as part of the Washington State Department of Children, Youth, and Families (DCYF's) efforts to prepare Group Care Licensors for their roles and responsibilities as it pertains to interpreting, understanding, and applying the Washington Administrative Code (WAC) in licensing Group Care Facilities (GCF).

## **Slide #2 Helpful Hints**

WA DCYF is pleased to present this e-Learning course!

In the resource section of your learner's screen several documents have been added to assist in your learning process and use as an implementation tool. Before moving to the next slide take some time to access, save, and become familiar with the following documents:

- Helpful Hints
- NRM Principles
- Strength-Based Approach Principles
- Collaborative Compliance Principles
- Draft WAC 110-145
- Definitions
- E-Learning tip sheet

## **Slide #3 Course Introduction**

This course is designed to introduce you to the amended WAC requirements related to Understanding Compliance, Monitoring, Regulation, and Provider Rights. This course will focus on changes to the current WAC and specific amended language to pay particular attention to.

## **Slide #4 Learning Outcomes**

Upon completion of this course, participants will:

- Have a shared understanding of the intent of the WAC covered in this module
- Know and understand the Negotiated Rule Making (NRM) and strength-based principles associated with the WAC covered in this module
- Understand DCYF's responsibility and authority to set and enforce licensing requirements
- Understand the purpose of compliance agreements and exceptions
- Gain an understanding of enforcement actions, notices, and provider's rights

## **Slide #5 Guiding Principles**

As we cover the material in this course, please keep in mind the following Guiding Principles. We will revisit these at the end of the course to check in with you and give you an opportunity to assess your understanding and application of the course content.

### **General Principles:**

- Group care licensees have a responsibility to ensure the health, safety, and well-being of children and youth in care
- DCYF is dedicated to ensuring the safety and well-being of children and youth by establishing standards that meet their developmental and cultural needs, especially in care. The agency works to ease challenges for licensees, offering flexible and tailored support across different care settings
- The Licensing Division is committed to utilizing a strength-based approach to support licensees to identify customized WAC compliance solutions to meet the safety and well-being needs of children and youth in care
- When issuing a compliance agreement or exception, there must be a primary focus on the safety and well-being of the child and youth in care

To review NRM principles, select the NRM button.

### **NRM Principles:**

- Prioritizing youth safety and well-being above all else
- Creating developmentally and culturally appropriate rules that meet the needs of children and youth placed in care
- Minimizing barriers and reducing undue burden on the part of licensees
- Offering differentiation and flexibility between care settings to help support a variety of programs across the state serving children and youth with diverse needs

To review strength-based approach principles, select the strength-based button.

### **Strength-Based Approach Principles:**

- Reducing Bias
  - Checking biases helps reduce their influence on decision making and builds fairness and equity in licensing practices
- Recognizing Strengths
  - Acknowledge and value licensee's expertise, consistent areas of compliance and capabilities to learn, grow, and change
- Fostering Understanding
  - Focus on a shared understanding of WAC intent and approach areas of

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noncompliance with curiosity to promote safe, thriving environments for children and youth

- Achieving Collaborative Compliance
  - Honor cultural differences and perspectives to identify diverse methods of achieving compliance with WAC intent

To review collaborative compliance principles, select the collaboration button

### **Collaborative Compliance Principles:**

- Shared Decision Making
  - Collaborative compliance thrives on licensors and licensees working together to meet both WAC intent and child and youth safety and well-being needs
- Encouraging Innovation
  - Collaborative compliance relies on licensors empowering licensees to think creatively about customizing WAC compliance solutions to better meet the developmental and cultural needs of children and youth in care
- Empowering Licensees as Experts
  - Collaborative compliance assumes that licensees are the experts of their facilities, homes, and programs
- Embracing Perspective and Critical Thinking
  - Collaborative compliance requires critical thinking from both licensors and licensees

### **Slide #6 Course WAC**

This course will cover the following sections from Chapter 110-145 WAC Compliance and Enforcement:

- WAC 110-145-3540 Compliance agreements and exceptions
- WAC 110-145-3550 Probationary licenses
- WAC 110-145-3560 Enforcement actions, notices, and appeals

These revised standards enable DCYF to collaborate with providers in adopting developmentally and culturally appropriate and flexible practices that better support the unique needs of children and youth in care.

### **Slide #7 WAC 110-145 DCYF's Responsibility to Monitor and Regulate**

As we move forward in this learning, it is important to understand DCYF's responsibility and authority under chapter RCW 43.216 and WAC 110-145 to monitor and regulate group care facilities operating in the state of Washington. These rules and regulations are established to safeguard the safety and well-being of children and youth in care and therefore it is crucial that group care facilities remain compliant with all chapter 110-145 WAC. In the event non-

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compliance with WAC occurs, it is the responsibility of the licensor to work collaboratively with the licensee to address the issues utilizing methods outlined in WAC.

## **Slide #8 WAC 110-145-3540 Compliance Agreements and Exceptions**

The intent of WAC 110-145-3540, Compliance agreements and exceptions, is to outline actions LD can take for the safety and well-being of the children and youth in care. This new WAC was formerly WAC 110-145-1395, Are there exceptions made if I do not meet the licensing regulations? No distinctive changes to the requirements were made.

When licensors become aware of WAC non-compliance, they must address each area with the licensee. Licensing will decide which option is appropriate depending on the level of risk that the non-compliance presents and any previous actions taken.

In accordance with WAC 110-145-3540 (1) The department may: (1)(a) Take one or both of the following actions for the safety and well-being of the children and youth in care: (1)(a)(i) Limit or restrict a license; or (1)(a)(ii) Require licensees to enter into a compliance agreement; and (1)(b) Make exceptions to license an applicant or continue to license a licensee if they do not meet the minimum licensing regulations but can demonstrate that they can provide for the safety and well-being of the children and youth in care.

Regardless of the option that is taken, LD will utilize a strength-based approach to work directly with the licensee to develop a plan that will address the child and youth safety and well-being deficiency. Through a strength-based approach, licensors will empower licensees to innovate and tailor WAC compliance strategies to better align with the developmental and cultural needs of the children and youth in care, taking into account the physical structure of the licensed facility or home, as well as the cultural context of the surrounding community.

## **Slide #9 License Limitations and Restrictions**

License limitations refer to specific restrictions or conditions placed on a license that define the scope of permitted activities, ensuring compliance with regulations and standards. These limitations aim to protect the health and safety of children and youth in care, and enhance the quality of services, while also ensuring that licensees are held accountable for their operational practices and the overall well-being of the children and youth being served.

## **Slide #10 License Exceptions**

If an applicant or licensee, despite not meeting licensing requirements, can demonstrate their ability to ensure the safety and well-being of children and youth in their care, the department may grant an exception. This process allows for flexibility in licensing decisions, while also prioritizing the welfare of children and youth by assessing the unique circumstances. It is important to understand that license exceptions are administrative approvals that are permitted only when specifically allowed by the WAC.

Ultimately, the department aims to balance regulatory standards with the best interests of

those in care, and exceptions can be made to support licensees who demonstrate a commitment to providing a safe and healthy environment for the children and youth in care.

If a licensee is seeking an exception, they may submit a written request to their licensor. The licensor will work with the licensee to formalize the request for review. If the initial request is denied, the licensor will provide the licensee with the basis for the denial decision.

### **Slide #11 License Compliance Agreements**

A compliance agreement is a written improvement plan to meet licensing requirements in this chapter. The purpose of a compliance agreement is for the licensor and licensee to collaboratively formalize a plan to address areas of non-compliance to meet the safety and well-being needs of children and youth in care. A compliance agreement is a constructive tool that integrates the principles of a strength-based approach to support the ongoing development of the program and improvements to processes. It constitutes a formal, documented understanding between the licensor and licensee, detailing the actions required to achieve and sustain compliance with chapter 110-145 WAC requirements. Compliance agreements are time sensitive, with all specified actions required to be completed by the designated deadline set forth in the agreement.

### **Slide #12 WAC 110-145-3550 Probationary Licenses**

The intent of WAC 110-145-3550, Probationary licenses, is to detail the requirements that determine when the department may issue a probationary license. This new WAC incorporates requirements from the previous WAC 110-145-1415, Can I be issued a probationary license?

In situations where a provider has not been able to demonstrate compliance after technical assistance and compliance agreements have been provided, the department may need to explore other options. Probationary licenses provide another important mechanism for addressing areas of non-compliance. This type of license allows the facility to continue operating under more closely monitored conditions, giving the facility the opportunity to demonstrate their commitment to meeting the required WAC standards.

Pursuant to RCW 71.15.125, a probationary license is time limited and may only be issued for up to six months with a onetime ability to be renewed for an additional six months if needed and appropriate. Although it is not an enforcement action, it is an option that the Licensing Division may propose as part of a corrective action plan in lieu of an enforcement action. It allows the licensee a final chance to correct deficiencies without immediate risk of losing their license. For the children and youth in care, a probationary license ensures that their safety and well-being are still prioritized, as the facility works towards reaching full compliance.

RCW 74.15.125 specifies the conditions and guidelines under which a probationary license may be granted. WAC 110-145-3550 further outlines the requirements that are considered when issuing a probationary license. Prior to issuing a probationary license, the licensor (1)(b) Will consider the following when deciding whether to issue a probationary license: (1)(b)(i) Intentional or negligent violation of licensing regulations; (1)(b)(ii) History of violation of

licensing regulations; (1)(b)(iii) Current violations of licensing regulations; (1)(b)(iv) Whether licensees are making a good faith effort to comply; and (1)(b)(v) Other factors relevant to the specific situation.

It is important to note that probationary licenses cannot be issued if there is an imminent danger or risk to the children and youth in the facility. Additionally, if at any time there is imminent danger or risk to children during the probationary period, DCYF may terminate the probationary license and move to an enforcement action. If a probationary license is terminated or a request for a probationary license is denied, the licensee does not have the right to contest the decision made by DCYF.

If DCYF issues a probationary license, the licensee's current license becomes invalidated. Once issued a probationary license, the licensee must work with the licensor to develop an approved plan to correct the area of noncompliance within the probationary period. At the conclusion of the probationary license period, the department will reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

### **Slide #13 Test Your Learning!**

Before we continue, let's test your learning. Review the question and select True or False.

#### **True/False**

	A probationary license may be issued for only one six-month period.
True	The correct response is False. A probationary license may be issued for up to six months and may be renewed, at DCYF's discretion, for an additional six-month period if necessary.
False	A probationary license may be issued for up to six months and may be renewed, at DCYF's discretion, for an additional six-month period if necessary.

### **Slide #14 WAC 110-145-3560 Enforcement Actions, Notices, and Appeals**

The intent of WAC 110-145-3560, Enforcement actions, notices, and appeals, is to provide information about the potential actions that may be taken against a group care license, the circumstances in which these actions may occur, how notifications will be provided and what information will be included in the notification to include the appeal rights of the licensee. This new WAC incorporates requirements from the previous WAC 110-145-1390, 1405, and 1410 with no distinctive changes.

While probationary licenses provide group care facilities the opportunity to address deficiencies under close supervision, there are instances where enforcement action may be necessary to ensure the safety and well-being of children and youth in care.

## **Slide #15 Enforcement Actions**

If the department determines that a corrective action is not appropriate or if corrective actions have already been implemented unsuccessfully, it may be necessary to take an enforcement action to ensure the safety and well-being of children and youth in care. In accordance with WAC 110-145-3560, the department: (1) May take action against a licensee's license: (1)(a) Including: (1)(a)(i) Modification; (1)(a)(ii) Denial; (1)(a)(iii) Suspension; or (1)(a)(iv) Revocation. If an enforcement action is taken by the department, the licensee will be notified through a certified letter detailing the decision. This letter will also include information on the steps the licensee can take if they disagree with the license modification.

## **Slide #16 Modification**

A license modification occurs when there is a capacity change made to the license for age, gender, or total number of children or youth in the facility. If the capacity change is at the request of the licensee, this is not considered an enforcement action. If the department determines that a modification is necessary to maintain the safety and well-being of children and youth in care, this is an enforcement action.

## **Slide #17 Denial, Suspension, or Revocation**

A group care application denial or a group care license suspension or revocation occurs when the department determines that a licensee is either unable or refuses to comply with licensing requirements. In accordance with WAC 110-145-3560, A denial of the licensing application or revocation of a license may occur (1)(b) when licensees: (1)(b)(i) Do not meet the minimum licensing regulations in this chapter; (1)(b)(ii) Have not met the background check requirements; (1)(b)(iii) Have been determined by the department to have abused or neglected a child or youth; (1)(b)(iv) Have committed, permitted, or assisted in an illegal act on the premises of a facility providing care to children or youth; (1)(b)(v) Are unable to manage the premises and financial responsibilities; (1)(b)(vi) Tried to get a license by deceitful means, such as making false statements or omitting critical information on the application; (1)(b)(vii) Knowingly allowed personnel who made false statements or omitted critical information on their applications to work at the agency; (1)(b)(viii) Cannot provide for the safety and well-being of the children or youth in care; or (1)(b)(ix) Have children or youth in facilities for whom they are not licensed, without approval by the licenser.

## **Slide #18 Due Process Rights**

A licensee's due process rights guarantee fair treatment and the opportunity to respond before any adverse action is taken against their license. If the department decides to take action, the licensee will receive a certified letter outlining the decision and their appeal rights, as specified in Chapter 110-03 WAC.

For more information on provider's rights, please review **DCYF LD Legal Series 1: Introduction to the Legal Process**.

## Slide #19 Test Your Learning!

Let's test your learning. Review the question and select the best response.

### Multiple Choice

	What must the department do if it decides to take action against a provider's license?
A	Immediately shut down the facility without notice.
B	Send a certified letter informing the licensee of the decision and their appeal rights.
C	Require the licensee to apply for a new license.

## Slide #20 Guiding Principles

This concludes the content portion of this course! Thank you for your participation!

Before this course ends, please take a moment to reflect on the Guiding Principles mentioned at the beginning of this course and start planning for how you will emphasize strength-based approach principles in your work.

### General Principles:

- Group care professionals have a responsibility to ensure the health, safety, and well-being of children and youth in care
- DCYF is dedicated to ensuring the safety and well-being of children and youth by establishing standards that meet their developmental and cultural needs, especially in care. The agency works to ease challenges for licensees, offering flexible and tailored support across different care settings
- The Licensing Division is committed to supporting providers through collaborative compliance so providers can meet WAC requirements in creative and tailored ways while maintaining child safety and wellbeing
- When issuing a compliance agreement or exception, there must be a primary focus on the safety and well-being of the child and youth in care

To review NRM principles, select the NRM button.

### NRM Principles:

- Prioritizing youth safety and well-being above all else

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- Creating developmentally and culturally appropriate rules that meet the needs of children and youth placed in care
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- Collaborative compliance requires critical thinking from both licensors and licensees

## **Slide #21 End of Course**

This concludes this course on **Understanding Compliance, Enforcement Actions, and Provider Rights**

We hope this course has been helpful in providing information about the licensing role and job expectations.

Our goal is that all LD professionals and group care personnel viewing this course have left with increased knowledge of the changes associated with Group Care Licensing, as well as a general understanding of areas where strength-based approach principles should be emphasized.

If you have any questions regarding the content provided in this course, please reach out to the [group care NRM team](#).