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**SENATE BILL 5599**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senators Dammeier, Keiser, and Darneille; by request of Department of Social and Health Services

Read first time 01/26/15. Referred to Committee on Health Care.

1 AN ACT Relating to removing expiration dates for training and  
2 certification exemptions for certain long-term care workers; and  
3 amending RCW 18.88B.041, 74.39A.076, 74.39A.341, and 18.88B.035.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.88B.041 and 2014 c 139 s 6 are each amended to  
6 read as follows:

7 (1) The following long-term care workers are not required to  
8 become a certified home care aide pursuant to this chapter:

9 (a)(i)(A) Registered nurses, licensed practical nurses, certified  
10 nursing assistants or persons who are in an approved training program  
11 for certified nursing assistants under chapter 18.88A RCW, medicare-  
12 certified home health aides, or other persons who hold a similar  
13 health credential, as determined by the secretary, or persons with  
14 special education training and an endorsement granted by the  
15 superintendent of public instruction, as described in RCW  
16 28A.300.010, if the secretary determines that the circumstances do  
17 not require certification.

18 (B) A person who was initially hired as a long-term care worker  
19 prior to January 7, 2012, and who completes all of his or her  
20 training requirements in effect as of the date he or she was hired.

1 (ii) Individuals exempted by (a)(i) of this subsection may obtain  
2 certification as a home care aide without fulfilling the training  
3 requirements in RCW 74.39A.074(1)(d)(ii) but must successfully  
4 complete a certification examination pursuant to RCW 18.88B.031.

5 (b) All long-term care workers employed by community residential  
6 service businesses.

7 (c) An individual provider caring only for his or her biological,  
8 step, or adoptive child or parent.

9 (~~Until July 1, 2016,~~) A person working as an individual  
10 provider who provides twenty hours or less of care for one person in  
11 any calendar month.

12 (~~Until July 1, 2016,~~) A person working as an individual  
13 provider who only provides respite services and works less than three  
14 hundred hours in any calendar year.

15 (2) A long-term care worker exempted by this section from the  
16 training requirements contained in RCW 74.39A.074 may not be  
17 prohibited from enrolling in training pursuant to that section.

18 (3) The department shall adopt rules to implement this section.

19 **Sec. 2.** RCW 74.39A.076 and 2014 c 139 s 7 are each amended to  
20 read as follows:

21 (1) Beginning January 7, 2012, except for long-term care workers  
22 exempt from certification under RCW 18.88B.041(1)(a):

23 (a) A biological, step, or adoptive parent who is the individual  
24 provider only for his or her developmentally disabled son or daughter  
25 must receive twelve hours of training relevant to the needs of adults  
26 with developmental disabilities within the first one hundred twenty  
27 days after becoming an individual provider or within one hundred  
28 twenty calendar days after March 29, 2012, whichever is later.

29 (b) Individual providers identified in (b)(i), (ii), and (iii) of  
30 this subsection must complete thirty-five hours of training within  
31 the first one hundred twenty days after becoming an individual  
32 provider or within one hundred twenty calendar days after March 29,  
33 2012, whichever is later. Five of the thirty-five hours must be  
34 completed before becoming eligible to provide care. Two of these five  
35 hours shall be devoted to an orientation training regarding an  
36 individual provider's role as caregiver and the applicable terms of  
37 employment, and three hours shall be devoted to safety training,  
38 including basic safety precautions, emergency procedures, and

1 infection control. Individual providers subject to this requirement  
2 include:

3 (i) An individual provider caring only for his or her biological,  
4 step, or adoptive child or parent unless covered by (a) of this  
5 subsection;

6 (ii) (~~Until July 1, 2016,~~) A person working as an individual  
7 provider who provides twenty hours or less of care for one person in  
8 any calendar month; and

9 (iii) (~~Until July 1, 2016,~~) A person working as an individual  
10 provider who only provides respite services and works less than three  
11 hundred hours in any calendar year.

12 (2) In computing the time periods in this section, the first day  
13 is the date of hire or March 29, 2012, whichever is applicable.

14 (3) Only training curriculum approved by the department may be  
15 used to fulfill the training requirements specified in this section.  
16 The department shall only approve training curriculum that:

17 (a) Has been developed with input from consumer and worker  
18 representatives; and

19 (b) Requires comprehensive instruction by qualified instructors.

20 (4) The department shall adopt rules to implement this section.

21 **Sec. 3.** RCW 74.39A.341 and 2014 c 139 s 8 are each amended to  
22 read as follows:

23 (1) All long-term care workers shall complete twelve hours of  
24 continuing education training in advanced training topics each year.  
25 This requirement applies beginning July 1, 2012.

26 (2) Completion of continuing education as required in this  
27 section is a prerequisite to maintaining home care aide certification  
28 under chapter 18.88B RCW.

29 (3) Unless voluntarily certified as a home care aide under  
30 chapter 18.88B RCW, subsection (1) of this section does not apply to:

31 (a) An individual provider caring only for his or her biological,  
32 step, or adoptive child;

33 (b) Registered nurses and licensed practical nurses licensed  
34 under chapter 18.79 RCW;

35 (c) Before January 1, 2016, a long-term care worker employed by a  
36 community residential service business;

37 (d) (~~Until July 1, 2016,~~) A person working as an individual  
38 provider who provides twenty hours or less of care for one person in  
39 any calendar month; or

1 (e) (~~Until July 1, 2016,~~) A person working as an individual  
2 provider who only provides respite services and works less than three  
3 hundred hours in any calendar year.

4 (4) Only training curriculum approved by the department may be  
5 used to fulfill the training requirements specified in this section.  
6 The department shall only approve training curriculum that:

7 (a) Has been developed with input from consumer and worker  
8 representatives; and

9 (b) Requires comprehensive instruction by qualified instructors.

10 (5) Individual providers under RCW 74.39A.270 shall be  
11 compensated for training time required by this section.

12 (6) The department of health shall adopt rules to implement  
13 subsection (1) of this section.

14 (7) The department shall adopt rules to implement subsection (2)  
15 of this section.

16 **Sec. 4.** RCW 18.88B.035 and 2013 c 259 s 2 are each amended to  
17 read as follows:

18 (1) The department may issue a provisional certification to a  
19 long-term care worker who is limited English proficient to allow the  
20 person additional time to comply with the requirement that a  
21 long-term care worker become certified as a home care aide within two  
22 hundred calendar days after the date of hire as provided in RCW  
23 18.88B.021, if the long-term care worker:

24 (a) Is limited English proficient; and

25 (b) Complies with other requirements established by the  
26 department in rule.

27 (2) The department shall issue a provisional certification to a  
28 long-term care worker who has met the requirements of subsection (1)  
29 of this section. The provisional certification may only be issued  
30 once and is valid for no more than sixty days after the expiration of  
31 the two hundred calendar day requirement for becoming certified.

32 (3) The department shall adopt rules to implement this section.

33 (4) For the purposes of this section, "limited English  
34 proficient" means that an individual is limited in his or her ability  
35 to read, write, or speak English.

36 (~~(5) The department may not issue any provisional certifications  
37 after March 1, 2016.~~)

1      ~~(6) This section expires July 1, 2016.)~~

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