
SUBSTITUTE SENATE BILL 6582

State of Washington

61st Legislature

2010 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Keiser, Roach, Zarelli, Prentice, and Kilmer)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to credentialing as a nursing assistant; amending
2 RCW 18.88A.010, 18.88A.060, 18.88A.085, and 18.88A.140; adding a new
3 section to chapter 18.88A RCW; creating a new section; and repealing
4 RCW 18.88A.115.

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

6 **Sec. 1.** RCW 18.88A.010 and 1991 c 16 s 1 are each amended to read
7 as follows:

8 (1) The legislature takes special note of the contributions made by
9 nursing assistants in health care facilities whose tasks are arduous
10 and whose working conditions may be contributing to the high and often
11 critical turnover among the principal cadre of health care workers who
12 provide for the basic needs of patients. The legislature also
13 recognizes the growing shortage of nurses as the proportion of the
14 elderly population grows and as the acuity of patients in hospitals and
15 nursing homes becomes generally more severe.

16 (2) The legislature finds and declares that:

17 (a) Occupational nursing assistants should have a formal system of
18 educational and experiential qualifications leading to career mobility
19 and advancement. The establishment of such a system should bring about

1 a more stabilized workforce in health care facilities, as well as
2 provide a valuable resource for recruitment into licensed nursing
3 practice.

4 ~~((The legislature finds that))~~ (b) The quality of patient care in
5 health care facilities is dependent upon the competence of the
6 personnel who staff their facilities. To assure the availability of
7 trained personnel in health care facilities the legislature recognizes
8 the need for training programs for nursing assistants.

9 ~~((The legislature declares that))~~ (c) Certified home care aides are
10 a valuable potential source of nursing assistants who will be needed to
11 meet the care needs of the state's growing aging population. To assure
12 continued opportunity for recruitment into nursing practice and career
13 advancement for certified home care aides, nursing assistant training
14 programs should recognize the relevant training and experience obtained
15 by these credentialed professionals.

16 (d) The registration of nursing assistants and providing for
17 voluntary certification of those who wish to seek higher levels of
18 qualification is in the interest of the public health, safety, and
19 welfare.

20 NEW SECTION. Sec. 2. A new section is added to chapter 18.88A RCW
21 to read as follows:

22 (1) The commission shall adopt criteria for evaluating an
23 applicant's alternative training to determine the applicant's
24 eligibility to take a qualifying examination for nursing assistant
25 certification. At least one option adopted by the commission must
26 allow an applicant to take the examination if he or she:

27 (a) Is a certified home care aide pursuant to chapter 18.88B RCW;
28 and

29 (b) Has successfully completed twenty-four hours of training that
30 the commission determines is necessary to provide training equivalent
31 to approved training on topics not addressed in the training specified
32 for certification as a home care aide. In the commission's discretion,
33 a portion of these hours may include clinical training.

34 (2) By August 1, 2010, the commission, in consultation with the
35 secretary and consumer and worker representatives, shall adopt rules to
36 implement this section and to provide, by January 1, 2011, for
37 credentialing reciprocity to the extent required by this section

1 between home care aide certification and nursing assistant
2 certification. The secretary shall also adopt such rules as may be
3 necessary to implement this section and the credentialing reciprocity
4 program by January 1, 2011.

5 (3) Beginning December 1, 2011, the secretary, in consultation with
6 the commission, shall report annually by December 1st to the governor
7 and the legislature on the progress made in achieving career
8 advancement for certified home care aides into nursing practice.

9 **Sec. 3.** RCW 18.88A.060 and 1994 sp.s. c 9 s 710 are each amended
10 to read as follows:

11 In addition to any other authority provided by law, the commission
12 may:

13 (1) Determine minimum nursing assistant education requirements and
14 approve training programs;

15 (2) Prepare, grade, and administer, or determine the nature of, and
16 supervise the grading and administration of, examinations of training
17 and competency for applicants for nursing assistant certification;

18 (3) Determine whether alternative methods of training are
19 equivalent to approved training programs, and establish forms(~~(7)~~) and
20 procedures(~~(7—and—criteria)~~) for evaluation of an applicant's
21 alternative training (~~(to determine the applicant's eligibility to take~~
22 ~~any qualifying examination for certification)~~) under criteria adopted
23 pursuant to section 2 of this act;

24 (4) Define and approve any experience requirement for nursing
25 assistant certification;

26 (5) Adopt rules implementing a continuing competency evaluation
27 program for nursing assistants; and

28 (6) Adopt rules to enable it to carry into effect the provisions of
29 this chapter.

30 **Sec. 4.** RCW 18.88A.085 and 2007 c 361 s 9 are each amended to read
31 as follows:

32 (1) After January 1, 1990, the secretary shall issue a nursing
33 assistant certificate to any applicant who demonstrates to the
34 secretary's satisfaction that the following requirements have been met:

35 (a) Successful completion of an approved training program or

1 successful completion of (~~alternate~~) alternative training meeting
2 established criteria (~~approved~~) adopted by the commission under
3 section 2 of this act; and

4 (b) Successful completion of a competency evaluation.

5 (2) (~~The secretary may permit all or a portion of the training~~
6 ~~hours earned under chapter 74.39A RCW to be applied toward~~
7 ~~certification under this section.~~

8 (~~3~~)) In addition, applicants shall be subject to the grounds for
9 denial of certification under chapter 18.130 RCW.

10 **Sec. 5.** RCW 18.88A.140 and 2003 c 140 s 3 are each amended to read
11 as follows:

12 Nothing in this chapter may be construed to prohibit or restrict:

13 (1) The practice by an individual licensed, certified, or
14 registered under the laws of this state and performing services within
15 their authorized scope of practice;

16 (2) The practice by an individual employed by the government of the
17 United States while engaged in the performance of duties prescribed by
18 the laws of the United States;

19 (3) The practice by a person who is a regular student in an
20 educational program approved by the secretary, and whose performance of
21 services is pursuant to a regular course of instruction or assignments
22 from an instructor and under the general supervision of the instructor;

23 (4) A nursing assistant, while employed as a personal aide as
24 defined in RCW 74.39.007 or a long-term care worker as defined in
25 chapter 74.39A RCW, from accepting direction from an individual who is
26 self-directing (~~their~~) his or her care.

27 NEW SECTION. **Sec. 6.** RCW 18.88A.115 (Home care aide certification
28 reciprocity) and 2009 c 580 s 16 & 2009 c 2 s 11 (Initiative Measure
29 No. 1029) are each repealed.

30 NEW SECTION. **Sec. 7.** If any part of this act is found to be in
31 conflict with federal requirements that are a prescribed condition to
32 the allocation of federal funds to the state, the conflicting part of
33 this act is inoperative solely to the extent of the conflict and with
34 respect to the agencies directly affected, and this finding does not
35 affect the operation of the remainder of this act in its application to

1 the agencies concerned. Rules adopted under this act must meet federal
2 requirements that are a necessary condition to the receipt of federal
3 funds by the state.

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