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SENATE BILL 6582

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State of Washington

61st Legislature

2010 Regular Session

By Senators Keiser, Roach, Zarelli, Prentice, and Kilmer

Read first time 01/18/10. Referred to Committee on Health & Long-Term Care.

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

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

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

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

28 (a)(i) Is a certified home care aide pursuant to chapter 18.88B  
29 RCW; or

30 (ii) Is a certified medical assistant pursuant to a certification  
31 program accredited by a national medical assistant accreditation  
32 organization and approved by the commission; and

33 (b) Has successfully completed twenty-four hours of training that  
34 the commission determines is necessary to provide training equivalent  
35 to approved training on topics not addressed in the training specified  
36 for certification as a home care aide or medical assistant, as

1 applicable. In the commission's discretion, a portion of these hours  
2 may include clinical training.

3 (2) By August 1, 2010, the commission, in consultation with the  
4 secretary and consumer and worker representatives, shall adopt rules to  
5 implement this section and to provide, by January 1, 2011, for  
6 credentialing reciprocity to the extent required by this section  
7 between home care aide certification and nursing assistant  
8 certification. The secretary shall also adopt such rules as may be  
9 necessary to implement this section and the credentialing reciprocity  
10 program by January 1, 2011.

11 (3) Beginning December 1, 2011, the secretary, in consultation with  
12 the commission, shall report annually by December 1st to the governor  
13 and the legislature on the progress made in achieving career  
14 advancement for certified home care aides and medical assistants into  
15 nursing practice.

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

18 In addition to any other authority provided by law, the commission  
19 may:

20 (1) Determine minimum nursing assistant education requirements and  
21 approve training programs;

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

25 (3) Determine whether alternative methods of training are  
26 equivalent to approved training programs, and establish forms(~~(7)~~) and  
27 procedures(~~(7—and—criteria)~~) for evaluation of an applicant's  
28 alternative training (~~(to determine the applicant's eligibility to take~~  
29 ~~any qualifying examination for certification)~~) under criteria adopted  
30 pursuant to section 2 of this act;

31 (4) Define and approve any experience requirement for nursing  
32 assistant certification;

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

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

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

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

6       (a) Successful completion of an approved training program or  
7 successful completion of ~~((alternate))~~ alternative training meeting  
8 established criteria ~~((approved))~~ adopted by the commission under  
9 section 2 of this act; and

10       (b) Successful completion of a competency evaluation.

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

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

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

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

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

22       (2) The practice by an individual employed by the government of the  
23 United States while engaged in the performance of duties prescribed by  
24 the laws of the United States;

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

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

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

1        NEW SECTION.    **Sec. 7.**    If any part of this act is found to be in  
2    conflict with federal requirements that are a prescribed condition to  
3    the allocation of federal funds to the state, the conflicting part of  
4    this act is inoperative solely to the extent of the conflict and with  
5    respect to the agencies directly affected, and this finding does not  
6    affect the operation of the remainder of this act in its application to  
7    the agencies concerned. Rules adopted under this act must meet federal  
8    requirements that are a necessary condition to the receipt of federal  
9    funds by the state.

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