
SUBSTITUTE HOUSE BILL 1629

State of Washington

63rd Legislature

2013 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Cody, Schmick, Jinkins, Tharinger, Green, Pollet, Morrell, Santos, and Ryu)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to eliminating barriers to credentialing and
2 continuing education as a home care aide; amending RCW 18.88B.021,
3 74.39A.341, and 70.128.230; reenacting and amending RCW 18.20.270;
4 adding a new section to chapter 18.88B RCW; and providing an expiration
5 date.

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

7 **Sec. 1.** RCW 18.88B.021 and 2012 c 164 s 301 are each amended to
8 read as follows:

9 (1) Beginning January 7, 2012, except as provided in RCW
10 18.88B.041, any person hired as a long-term care worker must be
11 certified as a home care aide as provided in this chapter within
12 ~~((one))~~ two hundred ~~((fifty))~~ calendar days after the date of being
13 hired ~~((or within one hundred fifty calendar days after March 29, 2012,~~
14 ~~whichever is later))~~. In computing the time periods in this
15 subsection, the first day is the date of hire ~~((or March 29, 2012,~~
16 ~~whichever is applicable))~~.

17 (2)(a) No person may practice or, by use of any title or
18 description, represent himself or herself as a certified home care aide
19 without being certified as provided in this chapter.

1 (b) This section does not prohibit a person: (i) From practicing
2 a profession for which the person has been issued a license or which is
3 specifically authorized under this state's laws; or (ii) who is exempt
4 from certification under RCW 18.88B.041 from providing services as a
5 long-term care worker.

6 (c) In consultation with consumer and worker representatives, the
7 department shall, by January 1, 2013, establish by rule a single scope
8 of practice that encompasses both long-term care workers who are
9 certified home care aides and long-term care workers who are exempted
10 from certification under RCW 18.88B.041.

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

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.88B RCW
13 to read as follows:

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

20 (a) Is limited English proficient; and

21 (b) Complies with other requirements established by the department
22 in rule.

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

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

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

32 (5) The department may not issue any provisional certifications
33 after March 1, 2016.

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

35 **Sec. 3.** RCW 74.39A.341 and 2012 c 164 s 405 are each amended to
36 read as follows:

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

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

7 (3) Unless voluntarily certified as a home care aide under chapter
8 18.88B RCW, subsection (1) of this section does not apply to:

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

11 (b) Registered nurses and licensed practical nurses licensed under
12 chapter 18.79 RCW;

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

15 ((+e)) (d) Before July 1, 2014, a person hired as an individual
16 provider who provides twenty hours or less of care for one person in
17 any calendar month.

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

21 (a) Has been developed with input from consumer and worker
22 representatives; and

23 (b) Requires comprehensive instruction by qualified instructors.

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

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

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

30 **Sec. 4.** RCW 18.20.270 and 2012 c 164 s 702 and 2012 c 10 s 16 are
31 each reenacted and amended to read as follows:

32 (1) The definitions in this subsection apply throughout this
33 section unless the context clearly requires otherwise.

34 (a) "Caregiver" includes any person who provides residents with
35 hands-on personal care on behalf of an assisted living facility, except
36 volunteers who are directly supervised.

1 (b) "Direct supervision" means oversight by a person who has
2 demonstrated competency in the core areas or has been fully exempted
3 from the training requirements pursuant to this section, is on the
4 premises, and is quickly and easily available to the caregiver.

5 (2) Training must have the following components: Orientation,
6 basic training, specialty training as appropriate, and continuing
7 education. All assisted living facility employees or volunteers who
8 routinely interact with residents shall complete orientation. Assisted
9 living facility administrators, or their designees, and caregivers
10 shall complete orientation, basic training, specialty training as
11 appropriate, and continuing education.

12 (3) Orientation consists of introductory information on residents'
13 rights, communication skills, fire and life safety, and universal
14 precautions. Orientation must be provided at the facility by
15 appropriate assisted living facility staff to all assisted living
16 facility employees before the employees have routine interaction with
17 residents.

18 (4) Basic training consists of modules on the core knowledge and
19 skills that caregivers need to learn and understand to effectively and
20 safely provide care to residents. Basic training must be outcome-
21 based, and the effectiveness of the basic training must be measured by
22 demonstrated competency in the core areas through the use of a
23 competency test. Basic training must be completed by caregivers within
24 one hundred twenty days of the date on which they begin to provide
25 hands-on care. Until competency in the core areas has been
26 demonstrated, caregivers shall not provide hands-on personal care to
27 residents without direct supervision. Assisted living facility
28 administrators, or their designees, must complete basic training and
29 demonstrate competency within one hundred twenty days of employment.

30 (5) For assisted living facilities that serve residents with
31 special needs such as dementia, developmental disabilities, or mental
32 illness, specialty training is required of administrators, or
33 designees, and caregivers.

34 (a) Specialty training consists of modules on the core knowledge
35 and skills that caregivers need to effectively and safely provide care
36 to residents with special needs. Specialty training should be
37 integrated into basic training wherever appropriate. Specialty

1 training must be outcome-based, and the effectiveness of the specialty
2 training measured by demonstrated competency in the core specialty
3 areas through the use of a competency test.

4 (b) Specialty training must be completed by caregivers within one
5 hundred twenty days of the date on which they begin to provide hands-on
6 care to a resident having special needs. However, if specialty
7 training is not integrated with basic training, the specialty training
8 must be completed within ninety days of completion of basic training.
9 Until competency in the core specialty areas has been demonstrated,
10 caregivers shall not provide hands-on personal care to residents with
11 special needs without direct supervision.

12 (c) Assisted living facility administrators, or their designees,
13 must complete specialty training and demonstrate competency within one
14 hundred twenty days from the date on which the administrator or his or
15 her designee is hired, if the assisted living facility serves one or
16 more residents with special needs.

17 (6) Continuing education consists of ongoing delivery of
18 information to caregivers on various topics relevant to the care
19 setting and care needs of residents. Competency testing is not
20 required for continuing education. Continuing education is not
21 required in the same calendar year in which basic or modified basic
22 training is successfully completed. Continuing education is required
23 in each calendar year thereafter. If specialty training is completed,
24 the specialty training applies toward any continuing education
25 requirement for up to two years following the completion of the
26 specialty training.

27 (7) Persons who successfully challenge the competency test for
28 basic training are fully exempt from the basic training requirements of
29 this section. Persons who successfully challenge the specialty
30 training competency test are fully exempt from the specialty training
31 requirements of this section.

32 (~~(Licensed persons who perform the tasks for which they are~~
33 ~~licensed are fully or partially exempt from the training requirements~~
34 ~~of this section, as specified by the department in rule.)) (a)~~

35 Registered nurses and licensed practical nurses licensed under chapter
36 18.79 RCW are exempt from any continuing education requirement
37 established under this section.

1 (b) The department may adopt rules that would exempt licensed
2 persons from all or part of the training requirements under this
3 chapter, if they are (i) performing the tasks for which they are
4 licensed and (ii) subject to chapter 18.130 RCW.

5 (9) In an effort to improve access to training and education and
6 reduce costs, especially for rural communities, the coordinated system
7 of long-term care training and education must include the use of
8 innovative types of learning strategies such as internet resources,
9 videotapes, and distance learning using satellite technology
10 coordinated through community colleges or other entities, as defined by
11 the department.

12 (10) The department shall develop criteria for the approval of
13 orientation, basic training, and specialty training programs.

14 (11) Assisted living facilities that desire to deliver facility-
15 based training with facility designated trainers, or assisted living
16 facilities that desire to pool their resources to create shared
17 training systems, must be encouraged by the department in their
18 efforts. The department shall develop criteria for reviewing and
19 approving trainers and training materials that are substantially
20 similar to or better than the materials developed by the department.
21 The department may approve a curriculum based upon attestation by an
22 assisted living facility administrator that the assisted living
23 facility's training curriculum addresses basic and specialty training
24 competencies identified by the department, and shall review a
25 curriculum to verify that it meets these requirements. The department
26 may conduct the review as part of the next regularly scheduled yearly
27 inspection and investigation required under RCW 18.20.110. The
28 department shall rescind approval of any curriculum if it determines
29 that the curriculum does not meet these requirements.

30 (12) The department shall adopt rules for the implementation of
31 this section.

32 (13)(a) Except as provided in (b) of this subsection, the
33 orientation, basic training, specialty training, and continuing
34 education requirements of this section commence September 1, 2002, or
35 one hundred twenty days from the date of employment, whichever is
36 later, and shall be applied to (i) employees hired subsequent to
37 September 1, 2002; and (ii) existing employees that on September 1,
38 2002, have not successfully completed the training requirements under

1 RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who
2 have not successfully completed the training requirements under RCW
3 74.39A.010 or 74.39A.020 shall be subject to all applicable
4 requirements of this section.

5 (b) Beginning January 7, 2012, long-term care workers, as defined
6 in RCW 74.39A.009, employed by facilities licensed under this chapter
7 are also subject to the training requirements under RCW 74.39A.074.

8 **Sec. 5.** RCW 70.128.230 and 2012 c 164 s 705 are each amended to
9 read as follows:

10 (1) The definitions in this subsection apply throughout this
11 section unless the context clearly requires otherwise.

12 (a) "Caregiver" includes all adult family home resident managers
13 and any person who provides residents with hands-on personal care on
14 behalf of an adult family home, except volunteers who are directly
15 supervised.

16 (b) "Indirect supervision" means oversight by a person who has
17 demonstrated competency in the core areas or has been fully exempted
18 from the training requirements pursuant to this section and is quickly
19 and easily available to the caregiver, but not necessarily on-site.

20 (2) Training must have three components: Orientation, basic
21 training, and continuing education. All adult family home providers,
22 resident managers, and employees, or volunteers who routinely interact
23 with residents shall complete orientation. Caregivers shall complete
24 orientation, basic training, and continuing education.

25 (3) Orientation consists of introductory information on residents'
26 rights, communication skills, fire and life safety, and universal
27 precautions. Orientation must be provided at the facility by
28 appropriate adult family home staff to all adult family home employees
29 before the employees have routine interaction with residents.

30 (4) Basic training consists of modules on the core knowledge and
31 skills that caregivers need to learn and understand to effectively and
32 safely provide care to residents. Basic training must be outcome-
33 based, and the effectiveness of the basic training must be measured by
34 demonstrated competency in the core areas through the use of a
35 competency test. Basic training must be completed by caregivers within
36 one hundred twenty days of the date on which they begin to provide

1 hands-on care. Until competency in the core areas has been
2 demonstrated, caregivers shall not provide hands-on personal care to
3 residents without ((~~indirect~~)) direct supervision.

4 (5) For adult family homes that serve residents with special needs
5 such as dementia, developmental disabilities, or mental illness,
6 specialty training is required of providers and resident managers.

7 (a) Specialty training consists of modules on the core knowledge
8 and skills that providers and resident managers need to effectively and
9 safely provide care to residents with special needs. Specialty
10 training should be integrated into basic training wherever appropriate.
11 Specialty training must be outcome-based, and the effectiveness of the
12 specialty training measured by demonstrated competency in the core
13 specialty areas through the use of a competency test.

14 (b) Specialty training must be completed by providers and resident
15 managers before admitting and serving residents who have been
16 determined to have special needs related to mental illness, dementia,
17 or a developmental disability. Should a resident develop special needs
18 while living in a home without specialty designation, the provider and
19 resident manager have one hundred twenty days to complete specialty
20 training.

21 (6) Continuing education consists of ongoing delivery of
22 information to caregivers on various topics relevant to the care
23 setting and care needs of residents. Competency testing is not
24 required for continuing education. Continuing education is not
25 required in the same calendar year in which basic or modified basic
26 training is successfully completed. Continuing education is required
27 in each calendar year thereafter. If specialty training is completed,
28 the specialty training applies toward any continuing education
29 requirement for up to two years following the completion of the
30 specialty training.

31 (7) Persons who successfully challenge the competency test for
32 basic training are fully exempt from the basic training requirements of
33 this section. Persons who successfully challenge the specialty
34 training competency test are fully exempt from the specialty training
35 requirements of this section.

36 (8) ((~~Licensed persons who perform the tasks for which they are~~
37 ~~licensed are fully or partially exempt from the training requirements~~
38 ~~of this section, as specified by the department in rule.)) (a)~~

1 Registered nurses and licensed practical nurses licensed under chapter
2 18.79 RCW are exempt from any continuing education requirement
3 established under this section.

4 (b) The department may adopt rules that would exempt licensed
5 persons from all or part of the training requirements under this
6 chapter, if they are (i) performing the tasks for which they are
7 licensed and (ii) subject to chapter 18.130 RCW.

8 (9) In an effort to improve access to training and education and
9 reduce costs, especially for rural communities, the coordinated system
10 of long-term care training and education must include the use of
11 innovative types of learning strategies such as internet resources,
12 videotapes, and distance learning using satellite technology
13 coordinated through community colleges, private associations, or other
14 entities, as defined by the department.

15 (10) Adult family homes that desire to deliver facility-based
16 training with facility designated trainers, or adult family homes that
17 desire to pool their resources to create shared training systems, must
18 be encouraged by the department in their efforts. The department shall
19 develop criteria for reviewing and approving trainers and training
20 materials. The department may approve a curriculum based upon
21 attestation by an adult family home administrator that the adult family
22 home's training curriculum addresses basic and specialty training
23 competencies identified by the department, and shall review a
24 curriculum to verify that it meets these requirements. The department
25 may conduct the review as part of the next regularly scheduled
26 inspection authorized under RCW 70.128.070. The department shall
27 rescind approval of any curriculum if it determines that the curriculum
28 does not meet these requirements.

29 (11) The department shall adopt rules by September 1, 2002, for the
30 implementation of this section.

31 (12)(a) Except as provided in (b) of this subsection, the
32 orientation, basic training, specialty training, and continuing
33 education requirements of this section commence September 1, 2002, and
34 shall be applied to (i) employees hired subsequent to September 1,
35 2002; or (ii) existing employees that on September 1, 2002, have not
36 successfully completed the training requirements under RCW 70.128.120
37 or 70.128.130 and this section. Existing employees who have not

1 successfully completed the training requirements under RCW 70.128.120
2 or 70.128.130 shall be subject to all applicable requirements of this
3 section.

4 (b) Beginning January 7, 2012, long-term care workers, as defined
5 in RCW 74.39A.009, employed by an adult family home are also subject to
6 the training requirements under RCW 74.39A.074.

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