

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1629**

63rd Legislature  
2013 Regular Session

Passed by the House March 5, 2013  
Yeas 96 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 17, 2013  
Yeas 47 Nays 1

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1629** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1629**

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Passed Legislature - 2013 Regular Session

**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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