

# HOUSE BILL REPORT

## HB 1531

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**As Passed House:**  
March 9, 2015

**Title:** An act relating to removing expiration dates for training and certification exemptions for certain long-term care workers.

**Brief Description:** Removing expiration dates for training and certification exemptions for certain long-term care workers.

**Sponsors:** Representatives Tharinger, Harris, Jinkins, Cody, Caldier, Kagi, Wylie and Senn; by request of Department of Social and Health Services.

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 2/6/15, 2/13/15 [DP].

**Floor Activity:**

Passed House: 3/9/15, 91-7.

**Brief Summary of Bill**

- Exempts certain individual providers who provide limited hours of care from home care aide certification requirements on a permanent basis.
- Makes permanent the Department of Health's authority to issue provisional certifications as home care aides to long-term care workers who are limited English proficient.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 15 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Jinkins, Johnson, Moeller, Robinson, Rodne, Short, Tharinger and Van De Wege.

**Staff:** Chris Blake (786-7392).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A long-term care worker is any person who provides paid, hands-on personal care services for the elderly or persons with disabilities. The term includes individual providers of home care services, direct care workers employed by home care agencies, providers of home care services to people with developmental disabilities, direct care workers in assisted-living facilities and adult family homes, and respite care providers. The term does not include employees of nursing homes, hospitals, acute care settings, residential habilitation centers, hospice agencies, adult day care centers, and adult day health centers. The term also excludes people who are not paid by the state or any private agency or facility licensed by the state to provide personal care services.

Long-term care workers must become certified as home care aides by the Department of Health unless an exemption applies. To become certified as a home care aide, a long-term care worker must complete 75 hours of training, pass a certification examination, and pass state and federal background checks. Long-term care workers may work once they have completed five hours of safety and orientation training. Certified home care aides and specified long-term care workers must complete 12 hours of annual continuing education.

Long-term care workers who are exempt from becoming certified home care aides include registered nurses, licensed practical nurses, certified nursing assistants, home health aides, long-term care workers employed by community residential service businesses, and individual providers caring for only their biological, step, or adoptive child or parent. In addition, until July 1, 2016, there are exemptions for persons working as individual providers who: (1) provide 20 hours of care or less each month; or (2) provide only respite services and work less than 300 hours each year. Until 2016 when these limited hour individual providers must become certified home care aides, they must complete 35 hours of training, including five hours of specified training prior to providing any care. Beginning July 1, 2016, limited-hour individual providers must annually complete 12 hours of continuing education.

**Summary of Bill:**

The temporary exemption from home care aide certification requirements is made permanent for persons working as individual providers who: (1) provide 20 hours of care or less each month; or (2) provide only respite services and work less than 300 hours each year. The requirement that limited-hour individual providers must complete 35 hours of training, including five hours of specified training prior to providing any care, is made permanent. Limited-hour individual providers are not required to annually complete 12 hours of continuing education.

The Department of Health's temporary authority to issue a 60-day provisional certification to long-term care workers who are limited-English proficient is made permanent.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Eighty-four percent of care in Washington is in-home care to allow people to age in place and in the community, and this adds flexibility and resilience to this system. This helps people providing care on a neighbor-to-neighbor or family-member-to-family-member basis and this will add to the capacity of the system.

This bill promotes choice and safety through innovative services. There is a lot of diversity in the population of individuals who need long-term services and supports in both ethnicity and languages spoken, as well as the type and frequency of care that is needed. The current time-limited exemptions for certain providers ensures that clients' families have, and maintain, access to qualified long-term care workers.

This is part of a broad process to make training and certification work more smoothly. The Joint Legislative Executive Committee on Aging and Disability Issues included an item on reducing barriers for respite in its final report.

Respite is the most requested and least costly service that people ask for and this bill provides more flexibility around respite by removing barriers. Parents of children with developmental delays say that the most needed service is respite, but it is frequently hard to find respite providers.

The Department of Health has issued about 2,000 provisional certifications and this has helped give people time to complete the certification process to allow them to have training in their original language.

(Opposed) None.

**Persons Testifying:** Representative Tharinger, prime sponsor; Bea Rector, Department of Social and Health Services; Misha Werschkal, SEIU 775; Donna Patrick, Developmental Disabilities Council; and Audrey Adams.

**Persons Signed In To Testify But Not Testifying:** None.