

**SB 5529** - H COMM AMD

By Committee on Health Care & Wellness

**ADOPTED 03/03/2022**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 74.39.007 and 1999 c 336 s 2 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout RCW 74.39.007,  
6 74.39.050, (~~(74.39.060,)~~) 74.39.070, 43.190.060, and section 1,  
7 chapter 336, Laws of 1999 unless the context clearly requires  
8 otherwise.

9 (1) "Self-directed care" means the process in which an adult  
10 person, who is prevented by a functional disability from performing a  
11 manual function related to health care that an individual would  
12 otherwise perform for himself or herself, chooses to direct and  
13 supervise a paid personal aide to perform those tasks.

14 (2) "Personal aide" means an individual, working privately or as  
15 an individual provider (~~(under contract or agreement with the~~  
16 ~~department of social and health services)~~) as defined in RCW  
17 74.39A.240, who acts at the direction of an adult person with a  
18 functional disability living in his or her own home (~~(and provides~~  
19 ~~that person with health care services that a person)~~) to assist with  
20 the physical performance of a health care task, as described in RCW  
21 74.39.050, that persons without a functional disability can perform  
22 themselves.

23 **Sec. 2.** RCW 74.39.050 and 1999 c 336 s 3 are each amended to  
24 read as follows:

25 (1) An adult person with a functional disability living in his or  
26 her own home may direct and supervise a paid personal aide in the  
27 performance of a health care task.

28 (2) The following requirements shall guide the provision of self-  
29 directed care under chapter 336, Laws of 1999:

30 (a) Health care tasks are those medical, nursing, or home health  
31 services that enable the person to maintain independence, personal

1 hygiene, and safety in his or her own home, and that are services  
2 that a person without a functional disability would customarily and  
3 personally perform without the assistance of a licensed health care  
4 provider.

5 (b) The individual who chooses to self-direct a health care task  
6 is responsible for initiating self-direction by informing the health  
7 care professional who has ordered the treatment which involves that  
8 task of the individual's intent to perform that task through self-  
9 direction.

10 (c) When state funds are used to pay for self-directed tasks, a  
11 description of those tasks will be included in the client's  
12 comprehensive assessment, and subject to review with each annual  
13 reassessment.

14 (d) When a licensed health care provider orders treatment  
15 involving a health care task to be performed through self-directed  
16 care, the responsibility to ascertain that the patient understands  
17 the treatment and will be able to follow through on the self-directed  
18 care task is the same as it would be for a patient who performs the  
19 health care task for himself or herself, and the licensed health care  
20 provider incurs no additional liability when ordering a health care  
21 task which is to be performed through self-directed care.

22 (e) The role of the personal aide in self-directed care is  
23 limited to performing the physical aspect of health care tasks under  
24 the direction of the person for whom the tasks are being done. This  
25 shall not affect the ability of a person who acts as a personal aide  
26 by performing self-directed health care tasks to also provide other  
27 home care services, such as personal care or homemaker services,  
28 which enable the client to remain at home.

29 (f) The responsibility to initiate self-directed health care  
30 tasks, to possess the necessary knowledge and training for those  
31 tasks, and to exercise judgment regarding the manner of their  
32 performance rests and remains with the person who has chosen to self-  
33 direct those tasks, including the decision to employ and dismiss a  
34 personal aide.

35 **Sec. 3.** RCW 74.39.070 and 1999 c 336 s 8 are each amended to  
36 read as follows:

37 A personal aide, in the performance of a health care task, who is  
38 directed and supervised by a person with a functional disability in  
39 his or her own home, is exempt from any legal requirement to qualify

1 and be credentialed by the department of health as a health care  
2 provider under Title 18 RCW to the extent of the responsibilities  
3 provided and health care tasks performed under chapter 336, Laws of  
4 1999. Nothing in this section exempts an individual provider from  
5 being required to become a certified home care aide under chapter  
6 18.88B RCW.

7 NEW SECTION. **Sec. 4.** RCW 74.39.060 (Personal aide providers—  
8 Registration) and 1999 c 336 s 4 are each repealed."

9 Correct the title.

EFFECT: Specifies that the direction that an adult person with a functional disability gives to a personal aide relates to assisting with the performance of a health care task.

Specifies that a person who acts as a personal aide by performing self-directed health care tasks may also provide other home care services.

Specifies that the exemption from requirements to hold a license as a health care provider that applies to personal aides performing health care tasks does not exempt an individual provider from becoming certified as a home care aide.

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