

SB 5811 - H COMM AMD
By Committee on Appropriations

ADOPTED AS AMENDED 02/28/2024

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

3 **"Sec. 1.** RCW 18.88B.041 and 2023 c 424 s 7 are each amended to
4 read as follows:

5 (1) The following long-term care workers are not required to
6 become a certified home care aide pursuant to this chapter:

7 (a)(i)(A) Registered nurses, licensed practical nurses, certified
8 nursing assistants or persons who are in an approved training program
9 for certified nursing assistants under chapter 18.88A RCW, medicare-
10 certified home health aides, or other persons who hold a similar
11 health credential, as determined by the secretary, or persons with
12 special education training and an endorsement granted by the
13 superintendent of public instruction, as described in RCW
14 28A.300.010, if the secretary determines that the circumstances do
15 not require certification.

16 (B) A person who was initially hired as a long-term care worker
17 prior to January 7, 2012, and who completes all of the training
18 requirements in effect as of the date the person was hired.

19 (ii) Individuals exempted by (a)(i) of this subsection may obtain
20 certification as a home care aide without fulfilling the training
21 requirements in RCW 74.39A.074(1)(d)(ii) but must successfully
22 complete a certification examination pursuant to RCW 18.88B.031.

23 (b) All long-term care workers employed by community residential
24 service businesses.

25 (c)(i) An individual provider caring only for the individual
26 provider's ~~((biological, step, or adoptive))~~ child or parent,
27 including when related by marriage or domestic partnership; and

28 (ii) An individual provider caring only for the individual
29 provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,
30 or grandchild, including when related by marriage or domestic
31 partnership.

1 (d) A person working as an individual provider who provides
2 (~~twenty~~) 20 hours or less of nonrespite care for one person in any
3 calendar month.

4 (e) A person working as an individual provider who only provides
5 respite services and works less than (~~three hundred~~) 300 hours in
6 any calendar year.

7 (f) A long-term care worker providing approved services only for
8 a spouse or registered domestic partner, pursuant to the long-term
9 services and supports trust program established in chapter 50B.04
10 RCW.

11 (g) A long-term care worker providing approved services only for
12 a spouse or registered domestic partner and funded through the United
13 States department of veterans affairs home and community-based
14 programs.

15 (2) A long-term care worker exempted by this section from the
16 training requirements contained in RCW 74.39A.074 may not be
17 prohibited from enrolling in training pursuant to that section.

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

19 **Sec. 2.** RCW 74.39A.076 and 2023 c 424 s 8 are each amended to
20 read as follows:

21 (1) Beginning January 7, 2012, except for long-term care workers
22 exempt from certification under RCW 18.88B.041(1) (a):

23 (a) A (~~biological, step, or adoptive~~) parent who is the
24 individual provider only for the person's developmentally disabled
25 (~~son or daughter~~) child, including when related by marriage or
26 domestic partnership, must receive (~~twelve~~) 12 hours of training
27 relevant to the needs of individuals with developmental disabilities
28 within the first (~~one hundred twenty~~) 120 days after becoming an
29 individual provider.

30 (b) A spouse or registered domestic partner who is a long-term
31 care worker only for a spouse or domestic partner, pursuant to the
32 long-term services and supports trust program established in chapter
33 50B.04 RCW, must receive (~~fifteen~~) 15 hours of basic training, and
34 at least six hours of additional focused training based on the care-
35 receiving spouse's or partner's needs, within the first (~~one hundred~~
36 ~~twenty~~) 120 days after becoming a long-term care worker.

37 (c) A person working as an individual provider who (i) provides
38 respite care services only for individuals with developmental
39 disabilities receiving services under Title 71A RCW or only for

1 individuals who receive services under this chapter, and (ii) works
2 (~~three hundred~~) 300 hours or less in any calendar year, must
3 complete (~~fourteen~~) 14 hours of training within the first (~~one~~
4 ~~hundred twenty~~) 120 days after becoming an individual provider. Five
5 of the (~~fourteen~~) 14 hours must be completed before becoming
6 eligible to provide care, including two hours of orientation training
7 regarding the caregiving role and terms of employment and three hours
8 of safety training. The training partnership identified in RCW
9 74.39A.360 must offer at least (~~twelve~~) 12 of the (~~fourteen~~) 14
10 hours online, and five of those online hours must be individually
11 selected from elective courses.

12 (d) Individual providers identified in (d)(i) or (ii) of this
13 subsection must complete (~~thirty-five~~) 35 hours of training within
14 the first (~~one hundred twenty~~) 120 days after becoming an
15 individual provider. Five of the (~~thirty-five~~) 35 hours must be
16 completed before becoming eligible to provide care. Two of these five
17 hours shall be devoted to an orientation training regarding an
18 individual provider's role as caregiver and the applicable terms of
19 employment, and three hours shall be devoted to safety training,
20 including basic safety precautions, emergency procedures, and
21 infection control. Individual providers subject to this requirement
22 include:

23 (i) (A) (~~An~~) Unless covered by (a) of this subsection, an
24 individual provider caring only for the individual provider's
25 (~~biological, step, or adoptive~~) child or parent (~~unless covered by~~
26 ~~(a) of this subsection~~), including when related by marriage or
27 domestic partnership; (~~and~~)

28 (B) An individual provider caring only for the individual
29 provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,
30 or grandchild, including when related by marriage or domestic
31 partnership;

32 (ii) A person working as an individual provider who provides
33 (~~twenty~~) 20 hours or less of care for one person in any calendar
34 month; and

35 (iii) A long-term care worker providing approved services only
36 for a spouse or registered domestic partner and funded through the
37 United States department of veterans affairs home and community-based
38 programs.

39 (2) In computing the time periods in this section, the first day
40 is the date of hire.

1 (3) Only training curriculum approved by the department may be
2 used to fulfill the training requirements specified in this section.
3 The department shall only approve training curriculum that:

4 (a) Has been developed with input from consumer and worker
5 representatives; and

6 (b) Requires comprehensive instruction by qualified instructors.

7 (4) If a pandemic, natural disaster, or other declared state of
8 emergency impacts the ability of long-term care workers to complete
9 training as required by this section, the department may adopt rules
10 to allow long-term care workers additional time to complete the
11 training requirements.

12 (a) Rules adopted under this subsection (4) are effective until
13 the termination of the pandemic, natural disaster, or other declared
14 state of emergency or until the department determines that all long-
15 term care workers who were unable to complete the training required
16 in subsection (1) of this section have had adequate access to
17 complete the required training, whichever is later. Once the
18 department determines a rule adopted under this subsection (4) is no
19 longer necessary, it must repeal the rule under RCW 34.05.353.

20 (b) Within 12 months of the termination of the pandemic, natural
21 disaster, or other declared state of emergency, the department shall
22 conduct a review of training compliance with subsection (1) of this
23 section and provide the legislature with a report.

24 (5) The department shall adopt rules to implement this section.

25 **Sec. 3.** RCW 74.39A.341 and 2023 c 424 s 6 are each amended to
26 read as follows:

27 (1) All long-term care workers shall complete (~~twelve~~) 12 hours
28 of continuing education training in advanced training topics each
29 year. This requirement applies beginning July 1, 2012.

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

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

35 (a) (~~An individual provider caring only for his or her~~
36 ~~biological, step, or adoptive child;~~

37 ~~(b))~~ An individual provider caring only for the individual
38 provider's child, parent, sibling, aunt, uncle, cousin, niece,

1 nephew, grandparent, or grandchild, including when related by
2 marriage or domestic partnership;

3 ~~((e))~~ (b) Registered nurses and licensed practical nurses
4 licensed under chapter 18.79 RCW;

5 ~~((d))~~ (c) Before January 1, 2016, a long-term care worker
6 employed by a community residential service business;

7 ~~((e))~~ (d) A person working as an individual provider who
8 provides ~~((twenty))~~ 20 hours or less of care for one person in any
9 calendar month;

10 ~~((f))~~ (e) A person working as an individual provider who only
11 provides respite services and works less than ~~((three hundred))~~ 300
12 hours in any calendar year; or

13 ~~((g))~~ (f) A person whose certificate has been expired for less
14 than five years who seeks to restore the certificate to active
15 status. The person does not need to complete continuing education
16 requirements in order for their certificate to be restored to active
17 status. Subsection (1) of this section applies to persons once the
18 certificate has been restored to active status, beginning on the date
19 the certificate is restored to active status.

20 (4) Beginning July 1, 2024, individual providers covered under
21 subsection (3) of this section may voluntarily take continuing
22 education. The consumer directed employer must pay individual
23 providers covered in subsection (3) of this section for any
24 continuing education that they may take, up to 12 hours of continuing
25 education annually.

26 (5) Only training curriculum approved by the department may be
27 used to fulfill the training requirements specified in this section.
28 The department shall only approve training curriculum that:

29 (a) Has been developed with input from consumer and worker
30 representatives; and

31 (b) Requires comprehensive instruction by qualified instructors.

32 ~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be
33 compensated for training time required by this section.

34 ~~((6))~~ (7) If a pandemic, natural disaster, or other declared
35 state of emergency impacts the ability of long-term care workers to
36 complete training as required by this section, the department may
37 adopt rules to allow long-term care workers additional time to
38 complete the training requirements.

39 (a) Rules adopted under this subsection ~~((6))~~ (7) are effective
40 until the termination of the pandemic, natural disaster, or other

1 declared state of emergency or until the department determines that
2 all long-term care workers who were unable to complete the training
3 required in this section have had adequate access to complete the
4 required training, whichever is later. Once the department determines
5 a rule adopted under this subsection (~~((6))~~) (7) is no longer
6 necessary, it must repeal the rule under RCW 34.05.353.

7 (b) Within 12 months of the termination of the pandemic, natural
8 disaster, or other declared state of emergency, the department shall
9 conduct a review of training compliance with subsection (1) of this
10 section and provide the legislature with a report.

11 (~~((7))~~) (8) The department of health shall adopt rules to
12 implement subsection (1) of this section.

13 (~~((8))~~) (9) The department shall adopt rules to implement
14 subsection (2) of this section.

15 NEW SECTION. **Sec. 4.** Section 3 of this act takes effect July 1,
16 2024."

17 Correct the title.

EFFECT: Eliminates an unnecessary cross-reference.

Restores the exemption from continuing education requirements for individual providers who are only caring for a sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild.

Specifies that the exemption from continuing education requirements for an individual provider caring only for their biological, step, or adoptive child applies when caring for their child, including when related by marriage or domestic partnership (removing references to being a biological, step, or adoptive child).

Exempts individual providers from continuing education requirements when caring for their parent, including when related by marriage or domestic partnership.

Allows individual providers who are exempt from continuing education requirements to voluntarily take continuing education and be paid for up to 12 hours of continuing education annually.

Changes the effective date for the continuing education provisions from January 1, 2025, to July 1, 2024.

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