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## Health Care & Wellness Committee

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### HB 1694

**Brief Description:** Addressing home care workforce shortages.

**Sponsors:** Representatives Alvarado, Tharinger, Berry, Lekanoff, Reed, Leavitt, Fitzgibbon, Callan, Santos, Chopp, Ortiz-Self, Senn, Taylor, Pollet, Macri, Riccelli and Simmons.

#### Brief Summary of Bill

- Expands timelines and testing opportunities for long-term care workers seeking certification as a home care aide.
- Expands the list of family members who are exempt from having to become home care aides and reduces the training requirements for these caregivers.
- Directs the Department of Social and Health Services to design a pilot project to pay spouses of persons with complex medical needs for providing care and to study the feasibility and cost of paying the parents of medically complex children under 18 years old.
- Directs the Department of Health to establish a database to track and understand long-term care workforce data trends.

**Hearing Date:** 2/10/23

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

#### Background:

A long-term care worker is any person who provides paid, hands-on personal care services for older persons 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

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to people with developmental disabilities, direct care workers in assisted living facilities and adult family homes, and respite care providers. The term excludes employees of several types of health care and residential care facilities, as well as care providers not paid by the state or a private agency or facility licensed by the state.

Long-term care workers must become certified as home care aides by the Department of Health (DOH) unless an exemption applies. To become certified, a long-term care worker must complete 75 hours of training, pass a certification examination, and pass state and federal background checks. The long-term care worker must be certified within 200 calendar days of the date of hire. The DOH defines the date of hire as either the date of service authorization for individual providers hired by the Department of Social and Health Services (DSHS) or the date the long-term care worker provides direct care for pay from any employer other than the DSHS. The date of hire is specific to the long-term care worker and does not change if the long-term care worker changes employers.

Among the exemptions from home care aide certification are long-term care workers caring for their biological, step, or adoptive child or parent. In addition, long-term care workers who are being paid to care for their child or parent, must only complete 35 of the 75 hours of required training. Long-term care workers who are providing care to a family member who is eligible for services through the DSHS may receive payment for those services, unless the caregiver is the spouse of the care recipient or the parent of a care recipients who is under 18 years old.

### **Summary of Bill:**

#### Home Care Aide Certification Standards.

The authority for the Department of Health (DOH) to adopt rules both to define a long-term care worker's date of hire and to determine when a long-term care worker may have more than one date of hire are eliminated. The term "date of hire" is defined as the first day that the long-term care worker is paid to provide direct care by any employer. Long-term care workers who are not currently certified or eligible to reactivate an expired credential may receive a new date of hire when either beginning work with a new employer or returning to work for a former employer.

The requirement that long-term care workers complete their long-term care worker training before being deemed eligible to sit for the certification examination is eliminated. The skill demonstration and the knowledge test portions of the home care aide certification examination may be administered on the last day of a long-term care worker's formal training. Private contractors of the DOH that administer home care aide examinations may provide training services. High schools and community colleges that meet DOH standards may administer home care aide examinations. The DOH must examine and authorize innovative ways to reduce barriers to home care aide certification and testing which may include remote proctoring of the knowledge examination, allowing long-term care workers to sign up for testing at the time of hire, and expanding the number and type of testing locations.

#### Family Caregivers.

The exemption from home care aide certification and the related reduction of training to 35 hours for long-term care workers who are the child or parent of the care recipient are applied to additional family members. The exemption and the reduced training hours are expanded to apply to long-term care workers hired after September 1, 2023, who are caring for a sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild.

The Department of Social and Health Services (DSHS) must design a pilot project to reimburse the spouses of persons with complex medical needs who are eligible for long-term services and supports for providing home care services to the spouse. The design must consider: appropriate acuity levels for the care-receiving spouse; training needs for the care-providing spouse; payment parameters; fiscal considerations; geographic locations for the pilot project; ways that the project can aid in expanding it to statewide implementation; cost estimates; and a timeline for implementation. The DSHS must submit the pilot project design to the Office of Financial Management and the appropriate fiscal committees of the Legislature by November 1, 2023.

The DSHS must study the feasibility and cost of paying the parents of children under 18 years old who are medically complex or have complex support needs related to their behaviors. The DSHS must report the results of the study to the Office of Financial Management and the appropriate fiscal committees of the Legislature by December 31, 2023. The report must address: any legal authority required to authorize the payments; information technology changes and associated costs; elements needed to prepare a federal waiver or state plan amendment to receive federal matching funds; estimates of the number of children to be served; anticipated annual costs to the state if federal matching funds are available and the cost if they are not available; recommendations on the types of training needed for the care giving parents; and a proposed timeline for implementation.

#### Workforce Data Collection.

By June 1, 2025, the DOH must establish a workforce data collection and public reporting monitoring system that is able to track and understand long-term care workforce data trends and provide regular reports. The system must be able to accurately determine the status of the long-term care worker supply; long-term care worker shortages; delays in the ability of long-term care workers to complete training, testing, and certification; unmet service demands; and geographic areas and populations for which there are disparities in long-term care workers and services.

**Appropriation:** None.

**Fiscal Note:** Requested on February 2, 2023.

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