

FINAL BILL REPORT

E2SHB 1694

C 424 L 23
Synopsis as Enacted

Brief Description: Addressing home care workforce shortages.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Alvarado, Tharinger, Berry, Lekanoff, Reed, Leavitt, Fitzgibbon, Callan, Santos, Chopp, Ortiz-Self, Senn, Taylor, Pollet, Macri, Riccelli and Simmons).

House Committee on Health Care & Wellness
House Committee on Appropriations
Senate Committee on Health & Long Term Care

Background:

Home Care Aide Certification.

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 to people with developmental disabilities, respite care providers, and direct care workers in assisted living facilities and adult family homes. 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.

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

Among the exemptions from home care aide certification is an exemption for individual providers caring for their biological, step, or adoptive child or parent. Although they are exempt from certification, these individual providers caring for their child or parent must complete 35 hours of training, except for those caring for a developmentally disabled child who only need to complete 12 hours of 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 recipient who is under 18 years old.

Reactivation of a Health Care Provider Credential.

Certain uniform requirements apply when health practitioners allow their credentials to expire, including the payment of late renewal penalty fees, the payment of renewal fees, and the provision of certain declarations. The requirements become more extensive the longer the credential has been expired. For example, a person whose credential has expired for over three years must:

- complete an abbreviated application form;
- pay the late renewal penalty fee, the current renewal fee, any required substance abuse monitoring surcharge, and the expired credential reissuance fee;
- provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital, which would prevent or restrict the practitioner's practice of the profession;
- provide a written declaration that the person has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of formal action;
- provide a written declaration that continuing education or competency requirements for the two most recent years have been met, if required;
- satisfy other required competency requirements;
- provide other written declarations or documentation, if required; and
- provide proof of AIDS education if required and not previously provided.

A home care aide whose certification has expired is subject to the following additional requirements:

- If the certification has been expired for less than three years, the home care aide must submit proof of 12 hours of continuing education for each year the certification has been expired.
- If the certification has been expired for three years or more, the practitioner must successfully repeat the training and examination requirements.

Summary:

Home Care Aide Certification Standards.

The Department of Health's (DOH) rulemaking authority 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 is eliminated. The term "date of hire" is defined as the first day that the

long-term care worker is employed by any employer. Long-term care workers who are not currently certified or eligible to reactivate an expired certificate may receive a new date of hire when either beginning work with a new employer or returning to work for a former employer.

Beginning September 1, 2023, a person whose home care aide or nursing assistant certificate has been expired for more than six months but less than two years is exempt from the payment of any late renewal fee or current renewal fee if the person complies with all other certification requirements necessary to return to active status. The DOH must notify all home care aides and nursing assistants who failed to renew their certification after January 1, 2020, to inform them that their certification may be restored without financial penalty or a renewal fee. For persons whose certification expired since January 1, 2023, the DOH must allow six months to pass before sending the notification. The DOH and the Department of Social and Health Services (DSHS), as applicable, must adopt rules to assure that continuing education requirements are not a barrier for persons reactivating their certification.

A person whose certification as a home care aide has been expired for five years or less may reinstate their certification if the person:

- completes an abbreviated application form;
- pays any necessary fees and expired credential reissuance fees, unless exempt;
- provides a written declaration that no action has been taken by a state or federal jurisdiction that would prevent or restrict the person from practicing as a home care aide;
- provides a written declaration that the person has not voluntarily given up any credential or privilege or has not been restricted from practicing as a home care aide in lieu of, or to avoid, formal action; and
- submits to a state and federal background check if the certification has been expired for more than one year.

The person is exempt from completing continuing education requirements as a condition for restoring a certificate. If the certification has been expired for more than five years, the person must demonstrate competence and other requirements required by the Secretary of Health.

Family Caregivers.

The exemptions from home care aide certification and continuing education requirements and the related reduction of training to 35 hours for individual providers 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 individual providers who are caring for a sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild. The exemption and reduced training also apply to a person providing approved services to a spouse or registered domestic partner under the federal Veterans Administration's home and community-based programs.

The DSHS must design a pilot project to reimburse the spouses and domestic partners of persons with complex medical needs who are eligible for long-term services and supports for providing home care services to the spouse or domestic partner. The design must consider: appropriate acuity levels for the care-receiving spouse or domestic partner; training needs for the care-providing spouse or domestic partner; payment parameters; fiscal considerations; geographic locations for the pilot project; ways that the project can aid in expansion to statewide implementation; cost estimates for implementing the pilot project and pilot expansion; and a timeline for implementation of the pilot project and pilot expansion. 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.

Beginning June 1, 2025, the DSHS must annually report on the status of the long-term care worker supply, the average wages of long-term care workers compared to entry-level positions in other industries, projections of service demands, geographic disparities in the long-term care worker supply, and any race, gender, or other worker demographic data available through preexisting administrative data sources.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 23, 2023