

SENATE BILL REPORT

SB 5278

As of January 25, 2023

Title: An act relating to implementing audit recommendations to reduce barriers to home care aide certification.

Brief Description: Implementing audit recommendations to reduce barriers to home care aide certification.

Sponsors: Senators Wilson, L., Fortunato, Lovick, Muzzall, Robinson, Shewmake, Torres, Warnick and Wilson, C..

Brief History:

Committee Activity: Health & Long Term Care: 1/26/23.

Brief Summary of Bill

- Allows the Department of Health more discretion for grading and administering the home care aide certification examination.
- Requires the departments of Health and Social and Health Services to address delays between training and testing, the lack of test sites, and performance and contract management processes, by completing specific requirements and submitting a preliminary report to the Governor and Legislature no later than December 1, 2023.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: Julie Tran (786-7283)

Background: Home Care Aide Certification. A long-term care worker is a person who provides paid, hands-on personal care services for the elderly or persons with disabilities, including individual providers of home care services, direct care workers employed by home care agencies, providers of home care services to people with developmental

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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.

Most long-term care workers must become certified as home care aides within 200 days of being hired by Department of Health (DOH) 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.

Certified Nursing Assistant Certification. DOH issues credentials to nursing assistants at two levels—registered nursing assistants and certified nursing assistants (CNAs). A person may become a registered nursing assistant by submitting an information form to DOH and paying a fee. To become a CNA, a person must complete an approved training program or alternative training program that meets the Nursing Care Quality Assurance Commission's criteria and complete a competency evaluation. The curriculum for CNA training programs, other than an alternative training program, must be competency based and include a minimum of 85 hours total, with at least 35 hours of classroom training and at least 50 hours of clinical training.

State Auditor's Office. The Office of the Washington State Auditor (SAO) holds state and local governments accountable for the use of public resources. The state auditor has the power to examine the financial affairs of all governments in the state, including local governments, schools, state agencies, and institutions of higher education. SAO carries out special investigations and performance audits of state agencies and local governments, and may contract with certified public accountants to audit state agencies and local governments.

Performance Audits of Long-Term In-home Care. The state auditor is required under Initiative 1163, approved by the voters in November 2011, to conduct performance audits of the long-term in-home care program on a biennial basis. In September 2022, SAO published a performance audit report on addressing testing barriers for home care aides. The audit found that prospective home care aides still face a number of barriers to becoming certified including long delays between completing training and taking the test, as well as the number of regional test sites dropped 20 percent since the previous SAO performance audit in 2016.

The audit recommends the Legislature give DOH similar authority and discretion in testing home care aides as the Nursing Commission has for testing CNAs. Other recommendations include ways to address delays between training and testing, the lack of test sites, and gaps in performance and contract management. The audit found that concrete steps such as establishing more test sites and reducing delays between the completion of training and scheduling a certification test would result in a greater number of qualified home care aides available in communities across Washington State.

Summary of Bill: DOH is required to either prepare, grade, and administer, or determine the nature of and supervise grading and administration of a home care aide certification examination to evaluate whether an applicant possess the skills and knowledge necessary to practice competently. Other specific requirements for testing and certifying home care aides are removed from statute.

DOH, in consultation with Department of Social and Health Services (DSHS) and other relevant participants, must devise a system to reduce delays between training and testing for home care aides that include:

- integrating testing into training that allows applicants to test at the same location where they train;
- allowing applicants to schedule tests during training to facilitate testing shortly after completing training;
- allowing remote testing within home care aide training programs immediately or shortly after completion of the program; and
- determining the benefits and costs of having home care aide training programs authorize applicants to test instead of DOH.

DOH, in consultation with DSHS and other relevant participants, must examine existing challenges related to a lack of testing sites and develop a plan expanding testing sites with a cost estimation included. The plan must consider:

- applicants' travel time and availability of testing for comparable professions;
- how many tests are needed, where these sites should be located, and the best way to establish appropriate partnerships that can lead to new test sites;
- how often test sites should be available to applicants; and
- whether there are areas of the state where a stipend for travel expenses would be beneficial and appropriate protocols for travel stipends.

DOH, in consultation with DSHS and other relevant participants, must establish performance-based contracts for vendors who administer the tests that include all key performance measures expected and detailed vendor costs. The key performance measures expected must include a definition of what sufficient access to test sites entail.

A preliminary report on this work from DOH, in consultation with DSHS and other relevant participants, is due to the Governor and appropriate committees of the Legislature no later than December 1, 2023, and a final report is due no later than June 30, 2024.

Appropriation: None.

Fiscal Note: Requested on January 17, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.