

FINAL BILL REPORT

E2SSB 5278

C 323 L 23
Synopsis as Enacted

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

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wilson, L., Fortunato, Lovick, Muzzall, Robinson, Shewmake, Torres, Warnick and Wilson, C.).

Senate Committee on Health & Long Term Care
Senate Committee on Ways & Means
House Committee on Postsecondary Education & Workforce
House Committee on Appropriations

Background: Home Care Aides. 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 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.

Home Care Aide Certification Exam. DOH is responsible for developing the home care aide certification examination, which evaluates whether an applicant possesses the skills and knowledge necessary to practice competently. Applicants must have completed the training requirements to be eligible to sit for the exam unless the applicant is exempted from the training requirements. The examination must include both a skills demonstration and a written or oral knowledge test. The examination papers, all grading of the papers, and

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.

records related to the grading of skills demonstration must be preserved for no less than one year. All examinations are required to be conducted fairly and by wholly impartial methods. The certification examination must be administered and evaluated by DOH or by a contractor to DOH that is neither an employer of long-term care workers nor a private contractor providing training services.

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 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 certified nursing assistants. 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: Home Care Aide Certification Examination. The home care aide examination or series of examinations must include both a skills demonstration and written or oral knowledge test. The skills demonstration, the knowledge test, or both, may be administered throughout training, on the last day of training, or after a student's formal training.

An applicant may apply to take the examination during or after training. An applicant may not sit for any part of the examination prior to completing the part of the training associated with that part of the examination.

The requirement for the examination papers, all grading of papers, and records related to the grading of skills demonstration to be preserved for a period of not less than one year is removed.

The examination or series of examinations must be conducted at local testing sites around the state. To reduce travel time for applicants, DOH must explore alternative testing options such as remote testing.

The examinations must be available to be administered in the preferred language for the applicant taking the examination. DOH must conduct an annual evaluation of the examination results of applicants who complete the examination in a language other than English. If DOH finds that applicants taking the examination in a particular language fail at a disproportionately higher rate than other examination takers, DOH must conduct a review of the translation to ensure that it is accurate and understandable.

The prohibition against a contractor who is administering the examination also being a contractor who provides training is eliminated. The list of persons and entities who may administer and evaluate the examination is expanded to include:

- an employer of long-term care workers who is a Department of Social and Health Services (DSHS) approved instructor and has met DOH standards for administration of the examination; and
- a high school or community college that has met DOH standards for administering the examination.

Additional Requirements. DOH, in consultation with DSHS and other relevant participants, must devise a system that reduces delays between training and testing for home care aides.

The system must include:

- developing and implementing a plan to integrate testing into training that allows applicants to test at the same location where they train;
- 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, including an estimation of costs, to expand testing sites. When conducting this work, DOH must use various geographic measures, including by county and by zip code, and conduct a survey of all approved testing locations in Washington to determine their current capacity for offering tests and their potential capacity to offer tests but for the lack of available proctors. The plan must include the following considerations:

- applicant travel time and availability of testing for comparable professions;
- how many test sites are needed, where the sites should be located, and the best way to establish appropriate partnerships that may 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 those stipends.

DOH, in consultation with DSHS and other relevant participants, must establish the following:

- performance measures and data collection criteria to monitor the overall length of time between training and testing and number of available test sites;
- accountability mechanisms for the overall training to testing process; and
- performance-based contracts for vendors who administer the tests that include all performance measures expected, including a definition of what sufficient access to test sites entails, and detailed vendor costs.

When conducting its work, DOH must ensure that its decisions are informed by existing data on test completion, including passage and failure rates for both parts of the examination. DOH, in consultation with DSHS and other relevant participants, must submit to the Governor and the Legislature a preliminary report no later than June 30, 2024, and a final report no later than December 31, 2024. The reports must include a summary of the work conducted and any recommendations for improvement.

Votes on Final Passage:

Senate	45	0	
House	96	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 23, 2023