

SENATE BILL REPORT

SB 5811

As of January 15, 2024

Title: An act relating to expanding the definition of family member for individual providers.

Brief Description: Expanding the definition of family member for individual providers.

Sponsors: Senators Kauffman, Wilson, C., Cleveland, Dhingra, Frame, Hasegawa, Keiser, Lias, Lovelett, Nguyen, Nobles, Shewmake, Trudeau and Wellman; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Health & Long Term Care: 1/16/24.

Brief Summary of Bill

- Expands the exemptions from home care aide certification requirements for long-term care workers caring for their child or parent by specifying the relationship may exist through marriage or domestic partnership.
- Expands long-term care worker training requirements for individual providers caring for parents or children by specifying the relationship may exist through marriage or domestic partnership.
- Removes the exemption from the 12-hour annual continuing education requirements for long-term care workers who are individual providers caring only for certain types of relatives.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: Julie Tran (786-7283)

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,

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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 by a private agency or facility licensed to provide personal care services.

Certification and Training Requirements. Long-term care workers must become certified as home care aides by the Department of Health 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.

Among the persons exempted from home care aide certification requirements are long-term care workers who are individual providers either caring for their biological, step, or adoptive child or parent, or caring only for a sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild.

Family members who have been exempted from certification have reduced training requirements. Parents who are individual providers only for their developmentally disabled child must only complete 12 hours of training relevant to the needs of individuals with developmental disabilities. Long-term care workers who are being paid to care for their nondevelopmentally disabled child or for a parent, sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, must only complete 35 hours of required training and are exempt from continuing education requirements.

Summary of Bill: The exemption from home care aide certification requirements for long-term care workers who are individual providers only for their child or parent is expanded by removing the limitations that the care recipient be the biological, step, or adoptive child or parent and specifies the relationship may exist through marriage or domestic partnership.

The exemption from home care aide certification for long-term care workers who are individual providers providing up to 20 hours of care for one person in a calendar month applies to the provision of nonrespite care.

The 12-hour training requirement that applies to parents who are individual providers only for their developmentally disabled children is expanded by removing the limitations that the parents be the biological, step, or adoptive parents of the children and specifies the relationship may exist through marriage or domestic partnership.

The 35-hour training requirement that applies to long-term care workers who are individual providers only for their child or parent is expanded by removing the limitations that the care recipient be the biological, step, or adoptive child or parent and specifies the relationship may exist through marriage or domestic partnership.

The exemption from the 12-hour annual continuing education requirement for long-term care workers who are individual providers caring only for a sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild is removed.

Appropriation: None.

Fiscal Note: Requested on January 9, 2024.

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

Effective Date: The bill contains several effective dates. Please refer to the bill.