

---

**HOUSE BILL 1568**

---

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Chambers, Tharinger, Schmick, Leavitt, Harris, Klicker, Schmidt, Caldier, Bateman, Christian, Doglio, Lekanoff, Pollet, and Macri

Read first time 01/25/23. Referred to Committee on Postsecondary Education & Workforce.

1 AN ACT Relating to the credentialing of certified health care  
2 professionals providing long-term care services; amending RCW  
3 18.88B.021, 18.88B.031, 18.88B.041, 18.88A.130, 18.88B.035,  
4 74.39A.074, and 74.39A.056; adding a new section to chapter 18.88B  
5 RCW; creating new sections; and providing expiration dates.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) Beginning September 1, 2023, a person  
8 whose nursing assistant certificate has been expired for more than  
9 six months and less than two years who seeks to restore the  
10 certificate to active status is exempt from the payment of any late  
11 renewal fee or current renewal fee if the person complies with all  
12 other certification requirements determined necessary by the  
13 department of health to return to active status.

14 (2) The department of health shall send a notification to the  
15 last known address of each person who held a certificate under this  
16 chapter and, since January 1, 2020, failed to renew the certificate  
17 to inform the person that a certificate may be restored without a  
18 financial penalty or payment of a renewal fee under subsection (1) of  
19 this section. For persons who have allowed their certificates to  
20 expire since January 1, 2023, the department of health must allow six  
21 months to pass since the expiration prior to contacting them to

1 inform them that a certificate may be restored without a financial  
2 penalty or payment of a renewal fee under subsection (1) of this  
3 section.

4 (3) This section expires July 1, 2025.

5 NEW SECTION. **Sec. 2.** (1) Beginning September 1, 2023, a person  
6 whose home care aide certificate has been expired for more than six  
7 months and less than two years who seeks to restore the certificate  
8 to active status is exempt from the payment of any late renewal fee  
9 or current renewal fee if the person complies with all other  
10 certification requirements determined necessary by the department of  
11 health to return to active status.

12 (2) The department of health shall send a notification to the  
13 last known address of each person who held a certificate under this  
14 chapter and, since January 1, 2020, failed to renew the certificate  
15 to inform the person that a certificate may be restored without a  
16 financial penalty or payment of a renewal fee under subsection (1) of  
17 this section. For persons who have allowed their certificates to  
18 expire since January 1, 2023, the department of health must allow six  
19 months to pass since the expiration prior to contacting them to  
20 inform them that a certificate may be restored without a financial  
21 penalty or payment of a renewal fee under subsection (1) of this  
22 section.

23 (3) This section expires July 1, 2025.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.88B  
25 RCW to read as follows:

26 (1) A certificate that has been expired for five years or less  
27 may be reinstated if the person holding the expired certificate:

28 (a) Completes an abbreviated application form;

29 (b) Pays any necessary fees, including the current certification  
30 fee, late renewal fees, and expired credential reissuance fees,  
31 unless exempt pursuant to section 2 of this act;

32 (c) Provides a written declaration that no action has been taken  
33 by a state or federal jurisdiction or hospital which would prevent or  
34 restrict the person holding the expired certificate from practicing  
35 as a home care aide;

36 (d) Provides a written declaration that the person holding the  
37 expired certificate has not voluntarily given up any credential or

1 privilege or has not been restricted from practicing as a home care  
2 aide in lieu of or to avoid formal action; and

3 (e) Submits to a state and federal background check as required  
4 by RCW 74.39A.056, if the certificate has been expired for more than  
5 one year.

6 (2) In addition to meeting the requirements of subsection (1) of  
7 this section, a certificate that has been expired for more than five  
8 years may be reinstated if the person holding the expired certificate  
9 demonstrates competence to the standards established by the secretary  
10 and meets other requirements established by the secretary.

11 **Sec. 4.** RCW 18.88B.021 and 2021 c 203 s 10 are each amended to  
12 read as follows:

13 (1) (~~Beginning January 7, 2012, except~~) (a) Except as provided  
14 in RCW 18.88B.041, any person hired as a long-term care worker must  
15 be certified as a home care aide as provided in this chapter within  
16 (~~two hundred~~) 200 calendar days after the date of hire, as defined  
17 by the department, unless the long-term care worker meets the  
18 requirements of (b) of this subsection.

19 (b) Notwithstanding (a) of this subsection, if the long-term care  
20 worker is not certified as a home care aide within 200 days after the  
21 date of hire, the long-term care worker may continue to work for an  
22 additional 200 days if the long-term care worker has proof of  
23 completion of the five hours of initial training required under RCW  
24 74.39A.074(1)(d)(i) and proof of having begun the 70 hours of long-  
25 term care basic training required under RCW 74.39A.074(1)(d)(ii). The  
26 long-term care worker must be certified as a home care aide by the  
27 expiration of the additional 200 days.

28 (c) The department may adopt rules determining under which  
29 circumstances a long-term care worker may have more than one date of  
30 hire, restarting the person's 200-day period to obtain certification  
31 as a home care aide.

32 (2)(a) No person may practice or, by use of any title or  
33 description, represent himself or herself as a certified home care  
34 aide without being certified as provided in this chapter.

35 (b) This section does not prohibit a person: (i) From practicing  
36 a profession for which the person has been issued a license or which  
37 is specifically authorized under this state's laws; or (ii) who is  
38 exempt from certification under RCW 18.88B.041 from providing  
39 services as a long-term care worker.

1 (c) In consultation with consumer and worker representatives, the  
2 department shall, by January 1, 2013, establish by rule a single  
3 scope of practice that encompasses both long-term care workers who  
4 are certified home care aides and long-term care workers who are  
5 exempted from certification under RCW 18.88B.041.

6 (3) If a pandemic, natural disaster, or other declared state of  
7 emergency impacts the ability of long-term care workers to complete  
8 certification as required by this section, the department may adopt  
9 rules to allow long-term care workers additional time to become  
10 certified.

11 (a) Rules adopted under this subsection (3) are effective until  
12 the termination of the pandemic, natural disaster, or other declared  
13 state of emergency or until the department determines that additional  
14 time for long-term care workers to become certified is no longer  
15 necessary, whichever is later. Once the department determines a rule  
16 adopted under this subsection (3) is no longer necessary, it must  
17 repeal the rule under RCW 34.05.353.

18 (b) Within 12 months of the termination of the pandemic, natural  
19 disaster, or other declared state of emergency, the department shall  
20 conduct a review of certification compliance with subsection (1) of  
21 this section and rules adopted under this subsection (3) and provide  
22 the legislature with a report.

23 (4) The department shall adopt rules to implement this section.

24 **Sec. 5.** RCW 18.88B.031 and 2012 c 164 s 304 are each amended to  
25 read as follows:

26 (1) Except as provided in RCW 18.88B.041 and subject to the other  
27 requirements of this chapter, to be certified as a home care aide, a  
28 long-term care worker must successfully complete the training  
29 required under RCW 74.39A.074(1) and a certification examination. A  
30 certification as a home care aide must be renewed every two years.  
31 Any long-term care worker failing to make the required grade for the  
32 examination may not be certified as a home care aide.

33 (2) The department, in consultation with consumer and worker  
34 representatives, shall develop a home care aide certification  
35 examination to evaluate whether an applicant possesses the (~~skills~~  
36 ~~and~~) knowledge necessary to practice competently. Except as provided  
37 by RCW 18.88B.041(1)(a)(ii), only those who have completed the  
38 training requirements in RCW 74.39A.074(1) shall be eligible to sit  
39 for this examination.

1 (3) The examination shall include (~~both a skills demonstration~~  
2 ~~and~~) a written or oral knowledge test. The examination papers(~~(7)~~)  
3 and all grading of the papers(~~(7 and records related to the grading~~  
4 ~~of skills demonstration)~~) shall be preserved for a period of not less  
5 than one year. The department shall establish rules governing the  
6 number of times and under what circumstances individuals who have  
7 failed the examination may sit for the examination, including whether  
8 any intermediate remedial steps should be required.

9 (4) All examinations shall be conducted by fair and wholly  
10 impartial methods. The certification examination shall be  
11 administered and evaluated by the department or by a contractor to  
12 the department that is neither an employer of long-term care workers  
13 or a private contractor providing training services under this  
14 chapter.

15 (5) The department shall adopt rules to implement this section.

16 **Sec. 6.** RCW 18.88B.041 and 2019 c 363 s 20 are each amended to  
17 read as follows:

18 (1) The following long-term care workers are not required to  
19 become a certified home care aide pursuant to this chapter:

20 (a) (i) (A) Registered nurses, licensed practical nurses, certified  
21 nursing assistants or persons who are in an approved training program  
22 for certified nursing assistants under chapter 18.88A RCW, medicare-  
23 certified home health aides, or other persons who hold a similar  
24 health credential, as determined by the secretary, or persons with  
25 special education training and an endorsement granted by the  
26 superintendent of public instruction, as described in RCW  
27 28A.300.010, if the secretary determines that the circumstances do  
28 not require certification.

29 (B) A person who was initially hired as a long-term care worker  
30 prior to January 7, 2012, and who completes all of the training  
31 requirements in effect as of the date the person was hired.

32 (ii) Individuals exempted by (a) (i) of this subsection may obtain  
33 certification as a home care aide without fulfilling the training  
34 requirements in RCW 74.39A.074(1)(d)(ii) but must successfully  
35 complete a certification examination pursuant to RCW 18.88B.031.

36 (b) All long-term care workers employed by community residential  
37 service businesses.

38 (c) An individual provider caring only for the individual  
39 provider's biological, step, or adoptive child or parent.

1 (d) A person working as an individual provider who provides  
2 twenty hours or less of care for one person in any calendar month.

3 (e) A person working as an individual provider who only provides  
4 respite services and works less than three hundred hours in any  
5 calendar year.

6 (f) A long-term care worker providing approved services only for  
7 a spouse or registered domestic partner, pursuant to the long-term  
8 services and supports trust program established in chapter 50B.04  
9 RCW.

10 (2) A long-term care worker exempted by this section from the  
11 training requirements contained in RCW 74.39A.074 may not be  
12 prohibited from enrolling in training pursuant to that section.

13 (3) For long-term care workers under subsection (1) of this  
14 section who are in an approved training program for certified nursing  
15 assistants under chapter 18.88A RCW, the long-term care worker must  
16 be certified as a nursing assistant within 400 calendar days after  
17 the date of hire, as defined by the department.

18 (4) The department shall adopt rules to implement this section.

19 **Sec. 7.** RCW 18.88A.130 and 2012 c 208 s 8 are each amended to  
20 read as follows:

21 Registrations, certifications, and medication assistant  
22 endorsements shall be renewed every two years according to  
23 administrative procedures, administrative requirements, and fees  
24 determined by the secretary under RCW 43.70.250 and 43.70.280.

25 **Sec. 8.** RCW 18.88B.035 and 2015 c 152 s 4 are each amended to  
26 read as follows:

27 (1) The department may issue a provisional certification to a  
28 long-term care worker who is limited English proficient to allow the  
29 person additional time to comply with the requirement that a  
30 long-term care worker become certified as a home care aide within  
31 (~~two hundred~~) 400 calendar days after the date of hire as provided  
32 in RCW 18.88B.021, if the long-term care worker:

33 (a) Is limited English proficient; and

34 (b) Complies with other requirements established by the  
35 department in rule.

36 (2) The department shall issue a provisional certification to a  
37 long-term care worker who has met the requirements of subsection (1)  
38 of this section. The provisional certification may only be issued

1 once and is valid for no more than (~~sixty~~) 60 days after the  
2 expiration of the (~~two hundred~~) 400 calendar day requirement for  
3 becoming certified.

4 (3) The department shall adopt rules to implement this section.

5 (4) For the purposes of this section, "limited English  
6 proficient" means that an individual is limited in his or her ability  
7 to read, write, or speak English.

8 **Sec. 9.** RCW 74.39A.074 and 2021 c 203 s 7 are each amended to  
9 read as follows:

10 (1)(a) Except for long-term care workers exempt from  
11 certification under RCW 18.88B.041(1)(a), all persons hired as  
12 long-term care workers must meet the minimum training requirements in  
13 this section within (~~one hundred twenty~~) 400 calendar days after  
14 the date of being hired.

15 (b) Except as provided in RCW 74.39A.076, the minimum training  
16 requirement is (~~seventy-five~~) 75 hours of entry-level training  
17 approved by the department. A long-term care worker must successfully  
18 complete five of these (~~seventy-five~~) 75 hours before being  
19 eligible to provide care.

20 (c) Training required by (d) of this subsection applies toward  
21 the training required under RCW 18.20.270 or 70.128.230 or any  
22 statutory or regulatory training requirements for long-term care  
23 workers employed by community residential service businesses.

24 (d) The (~~seventy-five~~) 75 hours of entry-level training  
25 required shall be as follows:

26 (i) Before a long-term care worker is eligible to provide care,  
27 he or she must complete:

28 (A) Two hours of orientation training regarding his or her role  
29 as caregiver and the applicable terms of employment; and

30 (B) Three hours of safety training, including basic safety  
31 precautions, emergency procedures, and infection control; and

32 (ii) (~~Seventy~~) 70 hours of long-term care basic training,  
33 including training related to:

34 (A) Core competencies; and

35 (B) Population specific competencies, including identification of  
36 individuals with potential hearing loss and how to seek assistance if  
37 hearing loss is suspected.

1 (2) Only training curriculum approved by the department may be  
2 used to fulfill the training requirements specified in this section.  
3 The department shall only approve training curriculum that:

4 (a) Has been developed with input from consumer and worker  
5 representatives; and

6 (b) Requires comprehensive instruction by qualified instructors  
7 on the competencies and training topics in this section.

8 (3) Individual providers under RCW 74.39A.270 shall be  
9 compensated for training time required by this section.

10 (4) If a pandemic, natural disaster, or other declared state of  
11 emergency impacts the ability of long-term care workers to complete  
12 training as required by this section, the department may adopt rules  
13 to allow long-term care workers additional time to complete the  
14 training requirements.

15 (a) Rules adopted under this subsection (4) are effective until  
16 the termination of the pandemic, natural disaster, or other declared  
17 state of emergency or until the department determines that all long-  
18 term care workers who were unable to complete the training required  
19 in subsection (1)(a) of this section have had adequate access to  
20 complete the required training, whichever is later. Once the  
21 department determines a rule adopted under this subsection (4) is no  
22 longer necessary, it must repeal the rule under RCW 34.05.353.

23 (b) Within 12 months of the termination of the pandemic, natural  
24 disaster, or other declared state of emergency, the department shall  
25 conduct a review of training compliance with subsection (1)(a) of  
26 this section and provide the legislature with a report.

27 (5) The department shall adopt rules to implement this section.

28 **Sec. 10.** RCW 74.39A.056 and 2021 c 203 s 3 are each amended to  
29 read as follows:

30 (1)(a) All long-term care workers shall be screened through state  
31 and federal background checks in a uniform and timely manner to  
32 verify that they do not have a history that would disqualify them  
33 from working with vulnerable persons. The department must process  
34 background checks for long-term care workers and make the information  
35 available to employers, prospective employers, and others as  
36 authorized by law. Any time that a long-term care worker leaves the  
37 employment of an employer and is rehired by the same employer more  
38 than three months later after the termination of the employment, the  
39 department must conduct a new background check on the returning long-



1 term care worker and make the information available to the employer,  
2 prospective employer, and others as authorized by law.

3 (b) (i) For long-term care workers hired on or after January 7,  
4 2012, the background checks required under this section shall include  
5 checking against the federal bureau of investigation fingerprint  
6 identification records system or its successor program. The  
7 department shall require these long-term care workers to submit  
8 fingerprints for the purpose of investigating conviction records  
9 through both the Washington state patrol and the federal bureau of  
10 investigation. The department shall not pass on the cost of these  
11 criminal background checks to the workers or their employers.

12 (ii) A long-term care worker who is not disqualified by the state  
13 background check can work and have unsupervised access pending the  
14 results of the federal bureau of investigation fingerprint background  
15 check as allowed by rules adopted by the department.

16 (c) The department shall share state and federal background check  
17 results with the department of health in accordance with RCW  
18 18.88B.080.

19 (d) Background check screening required under this section and  
20 department rules is not required for an employee of a consumer  
21 directed employer if all of the following circumstances apply:

22 (i) The individual has an individual provider contract with the  
23 department;

24 (ii) The last background check on the contracted individual  
25 provider is still valid under department rules and did not disqualify  
26 the individual from providing personal care services;

27 (iii) Employment by the consumer directed employer is the only  
28 reason a new background check would be required; and

29 (iv) The department's background check results have been shared  
30 with the consumer directed employer.

31 (e) The department may require a fingerprint-based background  
32 check through both the Washington state patrol and the federal bureau  
33 of investigation at any time.

34 (2) A provider may not be employed in the care of and have  
35 unsupervised access to vulnerable adults if:

36 (a) The provider is on the vulnerable adult abuse registry or on  
37 any other registry based upon a finding of abuse, abandonment,  
38 neglect, or financial exploitation of a vulnerable adult;

39 (b) On or after October 1, 1998, the department of children,  
40 youth, and families, or its predecessor agency, has made a founded

1 finding of abuse or neglect of a child against the provider. If the  
2 provider has received a certificate of parental improvement under  
3 chapter 74.13 RCW pertaining to the finding, the provider is not  
4 disqualified under this section;

5 (c) A disciplining authority, including the department of health,  
6 has made a finding of abuse, abandonment, neglect, or financial  
7 exploitation of a minor or a vulnerable adult against the provider;  
8 or

9 (d) A court has issued an order that includes a finding of fact  
10 or conclusion of law that the provider has committed abuse,  
11 abandonment, neglect, or financial exploitation of a minor or  
12 vulnerable adult. If the provider has received a certificate of  
13 parental improvement under chapter 74.13 RCW pertaining to the  
14 finding of fact or conclusion of law, the provider is not  
15 disqualified under this section.

16 (3) The department shall establish, by rule, a state registry  
17 which contains identifying information about long-term care workers  
18 identified under this chapter who have final substantiated findings  
19 of abuse, neglect, financial exploitation, or abandonment of a  
20 vulnerable adult as defined in RCW 74.34.020. The rule must include  
21 disclosure, disposition of findings, notification, findings of fact,  
22 appeal rights, and fair hearing requirements. The department shall  
23 disclose, upon request, final substantiated findings of abuse,  
24 neglect, financial exploitation, or abandonment to any person so  
25 requesting this information. This information must also be shared  
26 with the department of health to advance the purposes of chapter  
27 18.88B RCW.

28 (4) For the purposes of this section, "provider" means:

29 (a) An individual provider as defined in RCW 74.39A.240;

30 (b) An employee, licensee, or contractor of any of the following:  
31 A home care agency licensed under chapter 70.127 RCW; a nursing home  
32 under chapter 18.51 RCW; an assisted living facility under chapter  
33 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a  
34 certified resident services and supports agency licensed or certified  
35 under chapter 71A.12 RCW; an adult family home under chapter 70.128  
36 RCW; or any long-term care facility certified to provide medicaid or  
37 medicare services; and

38 (c) Any contractor of the department who may have unsupervised  
39 access to vulnerable adults.

1 (5) The department shall adopt rules to implement this section.

--- **END** ---