
Health Care & Wellness Committee

ESSB 6582

Brief Description: Concerning nursing assistant credentialing.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Roach, Zarelli, Prentice and Kilmer).

Brief Summary of Engrossed Substitute Bill

- Requires the Nursing Care Quality Assurance Commission to adopt criteria for alternative training to determine eligibility to take the nursing assistant certification examination, including an option allowing certified home care aides to take the examination after specified additional training.

Hearing Date: 2/18/10

Staff: Chris Cordes (786-7103).

Background:

Nursing Assistant Credentialing.

Washington Law. In Washington, nursing assistants are persons who, regardless of title, assist in the delivery of nursing activities to patients in facilities such as nursing homes, hospitals, hospice, and home health care agencies. Nursing assistants provide care as delegated by, and under the supervision of, a registered nurse or licensed practical nurse. However, nursing assistants employed as personal aides are not prohibited from accepting direction from their clients.

There are two levels of credentialing for nursing assistants:

- Registered nursing assistants. Applicants for nursing assistant registration must file within three days of employment. Registered nursing assistants may not be assigned to provide care until the nursing assistant demonstrates the skills necessary to perform competently all assigned duties.

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

- Certified nursing assistants. To become certified, a nursing assistant must successfully complete an approved training program and pass a competency evaluation. Certification is required for nursing assistants working in a nursing home, but is voluntary for those working in other health care facilities unless required by law.

The Nursing Care Quality Assurance Commission (Nursing Commission) determines minimum education requirements and approves training programs for certifying nursing assistants. Rules adopted by the Nursing Commission require an applicant for nursing assistant certification to complete at least 85 hours of training in specified topics.

The Nursing Commission also has authority to determine whether alternative training is equivalent to approved training programs and may establish procedures and criteria for evaluating an applicant's alternative training to determine eligibility to take the qualifying examination for certification.

Nursing assistant registrations and certifications are issued by the Department of Health (DOH).

Federal Law. Nursing homes participating in federal Medicare or Medicaid programs must meet specified requirements. One requirement is that nursing homes must employ only nurse aides who have completed either a state-approved (1) training and competency evaluation program or (2) competency evaluation program. For state-approved training, federal law requires 75 hours of training, including 16 hours of supervised clinical training, in specified subjects. It also specifies the content of the competency evaluation programs, which must address each training subject and include a demonstration of skills. The Department of Social and Health Services is the state's survey agency responsible for determining whether nursing homes meet federal requirements.

Nursing home employees who are in a state-approved training and competency evaluation program are allowed up to four months to complete the program.

The majority of states have chosen to approve only a training and competency evaluation program. Other states also have competency evaluation programs that permit applicants to sit for the certification examination without completing approved training (e.g., Florida, Minnesota, and Iowa) or after the state waives completion of certain parts of the training (e.g. Missouri).

Certified Home Care Aides.

Under Initiative 1029 (I-1029) as amended in 2009, most long-term care workers hired after January 1, 2011, must have specified training and be certified as a home care aide. The home care aide certification must occur within 150 days from the date of hire after the long-term care worker completes 75 hours of training and passes an examination.

Included in I-1029 was a directive to the DOH to develop, in consultation with the Nursing Commission, rules that would permit reciprocity between certification for home care aides and nursing assistants to the maximum extent possible under federal law. These rules must be adopted by August 1, 2010.

Summary of Bill:

Alternative Training Criteria.

The Nursing Commission is required to adopt criteria for evaluating alternative training to determine an applicant's eligibility to take the qualifying examination for nursing assistant certification. At least one option must allow an applicant to take the examination if he or she:

- is a certified home care aide; and
- has successfully completed 24 hours of training determined by the Nursing Commission to provide training equivalent to nursing assistant approved training on topics not addressed in the training specified for home care aide.

The Nursing Commission has discretion to include clinical training for a portion of the 24 hours of training.

"Approved training" and "alternative training" are defined as programs that meet the requirements of a state-approved nurse aide "training and competency evaluation program" and "competency evaluation program," respectively, within the meaning of federal law.

Reciprocity Rules.

By January 1, 2011, the Nursing Commission, in consultation with the Secretary of the DOH and consumer, worker, and employer representatives, must adopt rules to implement the alternative training criteria and to provide for credentialing reciprocity between home care aide certification and nursing assistant certification. The Secretary of the DOH must also adopt rules that may be necessary to implement this program. The directive to the DOH to develop reciprocity rules to the maximum extent possible under federal law is repealed.

Nursing Assistant Practice.

Nursing assistants employed in nursing homes must be certified through (1) an approved training program within four months after the date of employment or (2) through an alternative training program and the competency examination prior to employment.

Nursing assistants employed as long-term care workers are not prohibited from accepting direction from their clients.

Report on Nursing Career Advancement.

Beginning December 1, 2011, the Secretary of the DOH, in consultation with the Nursing Commission, must report annually to the Governor and Legislature on the progress made in achieving career advancement for certified home care aides into nursing practice.

Various technical changes are made for consistency and to clarify terms.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.