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HOUSE BILL 2646

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Cody, Tharinger, Harris, Senn, Morrell, and Freeman; by request of Department of Social and Health Services

Read first time 01/23/14. Referred to Committee on Appropriations Subcommittee on Health & Human Services.

1 AN ACT Relating to certification exemptions and training  
2 requirements for individual providers who work less than twenty hours  
3 per month for a single client, or who only provide limited respite  
4 services; and amending RCW 18.88B.041, 74.39A.076, and 74.39A.341.

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

6 **Sec. 1.** RCW 18.88B.041 and 2012 c 164 s 302 are each amended to  
7 read as follows:

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

10 (a)(i)(A) Registered nurses, licensed practical nurses, certified  
11 nursing assistants or persons who are in an approved training program  
12 for certified nursing assistants under chapter 18.88A RCW, medicare-  
13 certified home health aides, or other persons who hold a similar health  
14 credential, as determined by the secretary, or persons with special  
15 education training and an endorsement granted by the superintendent of  
16 public instruction, as described in RCW 28A.300.010, if the secretary  
17 determines that the circumstances do not require certification.

18 (B) A person who was initially hired as a long-term care worker

1 prior to January 7, 2012, and who completes all of his or her training  
2 requirements in effect as of the date he or she was hired.

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

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

9 (c) An individual provider caring only for his or her biological,  
10 step, or adoptive child or parent.

11 (d) ~~((Prior to))~~ Until July 1, ~~((2014))~~ 2016, a person ~~((hired))~~  
12 working as an individual provider who provides twenty hours or less of  
13 care for one person in any calendar month.

14 (e) Until July 1, 2016, a person working as an individual provider  
15 who only provides respite services and works less than three hundred  
16 hours in any calendar year.

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

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

21 **Sec. 2.** RCW 74.39A.076 and 2012 c 164 s 402 are each amended to  
22 read as follows:

23 (1) Beginning January 7, 2012, except for long-term care workers  
24 exempt from certification under RCW 18.88B.041(1)(a):

25 (a) A biological, step, or adoptive parent who is the individual  
26 provider only for his or her developmentally disabled son or daughter  
27 must receive twelve hours of training relevant to the needs of adults  
28 with developmental disabilities within the first one hundred twenty  
29 days after becoming an individual provider or within one hundred twenty  
30 calendar days after March 29, 2012, whichever is later.

31 (b) Individual providers identified in (b)(i) ~~((and)),~~ (ii), and  
32 (iii) of this subsection must complete thirty-five hours of training  
33 within the first one hundred twenty days after becoming an individual  
34 provider or within one hundred twenty calendar days after March 29,  
35 2012, whichever is later. Five of the thirty-five hours must be  
36 completed before becoming eligible to provide care. Two of these five  
37 hours shall be devoted to an orientation training regarding an

1 individual provider's role as caregiver and the applicable terms of  
2 employment, and three hours shall be devoted to safety training,  
3 including basic safety precautions, emergency procedures, and infection  
4 control. Individual providers subject to this requirement include:

5 (i) An individual provider caring only for his or her biological,  
6 step, or adoptive child or parent unless covered by (a) of this  
7 subsection; ~~((and))~~

8 (ii) Until ~~((January 1, 2014))~~ July 1, 2016, a person ~~((hired))~~  
9 working as an individual provider who provides twenty hours or less of  
10 care for one person in any calendar month; and

11 (iii) Until July 1, 2016, a person working as an individual  
12 provider who only provides respite services and works less than three  
13 hundred hours in any calendar year.

14 (2) In computing the time periods in this section, the first day is  
15 the date of hire or March 29, 2012, whichever is applicable.

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

19 (a) Has been developed with input from consumer and worker  
20 representatives; and

21 (b) Requires comprehensive instruction by qualified instructors.

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

23 **Sec. 3.** RCW 74.39A.341 and 2013 c 259 s 3 are each amended to read  
24 as follows:

25 (1) All long-term care workers shall complete twelve hours of  
26 continuing education training in advanced training topics each year.  
27 This requirement applies beginning July 1, 2012.

28 (2) Completion of continuing education as required in this section  
29 is a prerequisite to maintaining home care aide certification under  
30 chapter 18.88B RCW.

31 (3) Unless voluntarily certified as a home care aide under chapter  
32 18.88B RCW, subsection (1) of this section does not apply to:

33 (a) An individual provider caring only for his or her biological,  
34 step, or adoptive child;

35 (b) Registered nurses and licensed practical nurses licensed under  
36 chapter 18.79 RCW;

1 (c) Before January 1, 2016, a long-term care worker employed by a  
2 community residential service business; ~~((or))~~

3 (d) ~~((Before))~~ Until July 1, ~~((2014))~~ 2016, a person ~~((hired))~~  
4 working as an individual provider who provides twenty hours or less of  
5 care for one person in any calendar month; or

6 (e) Until July 1, 2016, a person working as an individual provider  
7 who only provides respite services and works less than three hundred  
8 hours in any calendar year.

9 (4) Only training curriculum approved by the department may be used  
10 to fulfill the training requirements specified in this section. The  
11 department shall only approve training curriculum that:

12 (a) Has been developed with input from consumer and worker  
13 representatives; and

14 (b) Requires comprehensive instruction by qualified instructors.

15 (5) Individual providers under RCW 74.39A.270 shall be compensated  
16 for training time required by this section.

17 (6) The department of health shall adopt rules to implement  
18 subsection (1) of this section.

19 (7) The department shall adopt rules to implement subsection (2) of  
20 this section.

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