

# SENATE BILL REPORT

## ESSB 6582

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As Amended by House, February 28, 2010

**Title:** An act relating to credentialing as a nursing assistant.

**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 History:**

**Committee Activity:** Health & Long-Term Care: 1/25/10, 2/04/10 [DPS].

Passed Senate: 2/16/10, 46-0.

Passed House: 2/28/10, 67-29.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 6582 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Becker, Fairley, Marr, Murray and Parlette.

**Staff:** Edith Rice (786-7444)

**Background:** The Legislature currently recognizes the growing need for competent nursing assistants in health care facilities. The growth of the elderly population, and sicker patients in hospitals and nursing homes, combined with the high turnover of health care workers who can provide for basic needs of patients creates a challenge to meet staffing needs in health care facilities. The Legislature also recognizes that there should be a system which provides career mobility and advancement opportunities for nursing assistants. Such a system can provide for a stable workforce and be a resource for recruitment into the licensed nursing practice.

The Secretary of the Department of Health (secretary) issues certificates for nursing assistants. Applicants must complete an approved training program or alternate training approved by the Nursing Care Quality Assurance Commission (commission) which meets criteria approved by the commission. The secretary can permit training hours earned by long-term care workers to be applied toward certification. Applicants must also complete a competency evaluation and can be denied certification under the Uniform Disciplinary Act.

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*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.*

**Summary of Engrossed Substitute Bill:** In addition to recognizing the value of career mobility and advancement for nursing assistants, the Legislature recognizes the value of certified home care aides as a potential source of nursing assistants. Nursing assistant training programs should recognize the relevant training and experience obtained by these credentialed professionals.

The commission must adopt criteria to evaluate an applicant's alternative training to determine eligibility to take a qualifying exam for nursing assistant certification. The commission must adopt at least one option to allow a certified home care aide to take the exam if the person has 24 hours of training that the commission determines is equivalent to approved training on topics not addressed in the training required for home care aide.

Rules must be developed by the commission by January 1, 2011, in consultation with the Secretary and representatives of consumers, workers, and employers.

Approved training programs and alternative training must comply with federal requirement under 42 U.S. C. Sec. 1395i-3(e). Clarification is provided to ensure compliance with federal requirements for hiring certified nursing assistants in nursing facilities. For those enrolled in an approved training program, such certification must be accomplished within four months of employment. For those completing an alternative training, such certification must be completed prior to employment.

The Secretary is to report annually beginning December 1, 2011, to the Governor and the Legislature on progress made in achieving career advancement for certified home care aides into nursing practice.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2010.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: We support lifelong learning and the creation of career tracks. Healthcare has the highest job vacancy and needs this bridge. This will facilitate a pathway from home care aide to certified nurse assistant. Everyone should meet the federal standards. We have concerns and would like more time allowed for rules development. We are partners in training of home care aides, we should be involved in rule development. We favor a career ladder.

OTHER: Higher fees for this group of health professionals will be prohibitive. Medical assistants shouldn't be in this bill. Home care aide rules are not in place yet. We need to make sure staff still meet federal requirements.

**Persons Testifying:** PRO: Maddy Thompson, Workforce Board; Misha Werschkul, SEIU Health Care; Paula Meyer, Nursing Care Quality Assurance Commission; Julie Peterson,

Aging Services of WA; Hilke Faber, Resident Councils of WA; Steve Lindstrom, NW Career Colleges Federation.

OTHER: Lisa Butler, WA State Hospice and Palliative Care Organization; Leslie Emerick, WA Private Duty Assn; Kathy Leitch, DSHS ADSA.

**House Amendment(s):** Medical assistants are also recognized as a potential source of nursing assistants. The option to allow an applicant to take the competency evaluation if they meet certain criteria also applies to medical assistants. New rule development is changed to July 1, 2011, and must include the Department of Social and Health Services. Implementation is changed to January 1, 2012, with a report due to the Legislature and the Governor starting December 1, 2012. Reference to an examination is changed to competency evaluation. Long-term care workers in approved training programs for certified nursing assistants are exempt from the requirement to become a certified home care aide.