

# SENATE BILL REPORT

## HB 1531

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As of March 25, 2015

**Title:** An act relating to removing expiration dates for training and certification exemptions for certain long-term care workers.

**Brief Description:** Removing expiration dates for training and certification exemptions for certain long-term care workers.

**Sponsors:** Representatives Tharinger, Harris, Jinkins, Cody, Caldier, Kagi, Wylie and Senn; by request of Department of Social and Health Services.

**Brief History:** Passed House: 3/09/15, 91-7.

**Committee Activity:** Health Care: 3/23/15.

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### SENATE COMMITTEE ON HEALTH CARE

**Staff:** Kathleen Buchli (786-7488)

**Background:** A long-term care worker is any person who provides paid, hands-on personal care services for the elderly or persons with disabilities. The term includes individual providers of home care services, direct care workers employed by home care agencies, 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 does not include employees of nursing homes, hospitals, acute care settings, residential habilitation centers, hospice agencies, adult daycare centers, and adult day health centers. The term also excludes people who are not paid by the state or any private agency or facility licensed by the state to provide personal care services.

Long-term care workers must become certified as home care aides by the Department of Health unless an exemption applies. To become certified as a home care aide, a long-term care worker must complete 75 hours of training, pass a certification examination, and pass state and federal background checks. Long-term care workers may work once they complete five hours of safety and orientation training. Certified home care aides and specified long-term care workers must complete 12 hours of annual continuing education.

Long-term care workers who are exempt from becoming certified home care aides include registered nurses, licensed practical nurses, certified nursing assistants, home health aides, long-term care workers employed by community residential service businesses, and

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individual providers caring for only their biological, step, or adoptive child or parent. In addition, until July 1, 2016, there are exemptions for persons working as individual providers who (1) provide 20 hours of care or less each month; or (2) provide only respite services and work less than 300 hours each year. Until 2016 when these limited-hour individual providers must become certified home care aides, they must complete 35 hours of training, including five hours of specified training prior to providing any care. Beginning July 1, 2016, limited-hour individual providers must annually complete 12 hours of continuing education.

**Summary of Bill:** The temporary exemption from home care aide certification requirements is made permanent for persons working as individual providers who (1) provide 20 hours of care or less each month; or (2) provide only respite services and work less than 300 hours each year.

The requirement that limited-hour individual providers must complete 35 hours of training, including five hours of specified training prior to providing any care, is made permanent. Limited-hour individual providers are not required to annually complete 12 hours of continuing education.

The Department of Health's temporary authority to issue a 60-day provisional certification to long-term care workers who are limited-English proficient is made permanent.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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

**Staff Summary of Public Testimony:** PRO: One of the challenges relating to long-term care is finding respite opportunities for in-home caregivers. This bill will provide flexibility in finding respite services so people can continue to age in place. The temporary provisions have been working for families and making these provisions permanent will continue to help families. It is hard to find respite providers and the training requirements have been standing in the way of finding providers. Most people provide respite and have full-time jobs and they cannot take time off from those jobs to receive training. These requirements have been barriers to finding respite; removing these barriers is one step toward increasing respite opportunities in the home. Increasing access to individual providers will help people receiving long-term care services.

**Persons Testifying:** PRO: Representative Tharinger, prime sponsor; Diana Stadden, The Arc of WA State; Donna Patrick, Developmental Disabilities Council; Bea Rector, Dept. of Social and Health Services; Margaret-Lee Thompson, WA State Developmental Disability Endowment Trust Fund Board; Audrey Adams, citizen.

**Persons Signed in to Testify But Not Testifying:** No one.