

RCW 18.88B.050 Disciplinary action—Uncertified practice. (1)

The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, issuance and renewal of certificates, and the discipline of persons with certificates under this chapter. The secretary shall be the disciplinary authority under this chapter.

(2) The secretary may take action to immediately suspend the certification of a home care aide upon finding that conduct of the home care aide has caused or presents an imminent threat of harm to a functionally disabled person in his or her care.

(3) If the secretary imposes suspension or conditions for continuation or renewal of certification, the suspension or conditions for continuation or renewal are effective immediately upon notice and shall continue in effect pending the outcome of any hearing.

(4) The department shall take appropriate enforcement action related to the licensure of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under this chapter or whose certification is revoked or, if exempted from certification by RCW 18.88B.041, who has not completed his or her required training pursuant to RCW 74.39A.074.

(5) Chapter 34.05 RCW shall govern actions by the department under this section.

(6) The department shall adopt rules to implement this section. [2012 c 164 s 601; 2011 1st sp.s. c 31 s 4; 2009 c 580 s 17; 2009 c 2 s 13 (Initiative Measure No. 1029, approved November 4, 2008).]

Finding—Intent—Rules—Effective date—2012 c 164: See notes following RCW 18.88B.010.

Effective date—2011 1st sp.s. c 31: "Except for sections 6, 10, and 14 through 17 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 15, 2011]." [2011 1st sp.s. c 31 s 18.]

Intent—Findings—2009 c 2 (Initiative Measure No. 1029): "It is the intent of the people through this initiative to protect the safety of and improve the quality of care to the vulnerable elderly and persons with disabilities.

The people find and declare that current procedures to train and educate long-term care workers and to protect the elderly or persons with disabilities from caregivers with a criminal background are insufficient. The people find and declare that long-term care workers for the elderly or persons with disabilities should have a federal criminal background check and a formal system of education and experiential qualifications leading to a certification test.

The people find that the quality of long-term care services for the elderly and persons with disabilities is dependent upon the competency of the workers who provide those services. To assure and enhance the quality of long-term care services for the elderly and persons with disabilities, the people recognize the need for federal criminal background checks and increased training requirements. Their establishment should protect the vulnerable elderly and persons with disabilities, bring about a more stabilized workforce, improve the quality of long-term care services, and provide a valuable resource

for recruitment into long-term care services for the elderly and persons with disabilities." [2009 c 2 s 1 (Initiative Measure No. 1029, approved November 4, 2008).]

Construction—2009 c 2 (Initiative Measure No. 1029): "The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act." [2009 c 2 s 19 (Initiative Measure No. 1029, approved November 4, 2008).]

Short title—2009 c 2 (Initiative Measure No. 1029): "This act may be known and cited as the better background checks and improved training for long-term care workers for the elderly and persons with disabilities initiative of 2008." [2009 c 2 s 21 (Initiative Measure No. 1029, approved November 4, 2008).]