

**WSR 23-15-019**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
[Filed July 7, 2023, 1:25 p.m.]

Subject of Possible Rule Making: The department of health (department) is considering rule making to implement legislation to increase the home care aide workforce. Amending WAC 246-980-010, 246-980-025, 246-980-040, 246-980-100, 246-980-110, 246-980-115, and 246-980-140, and possibly creating new rule sections in chapter 246-980 WAC, Home care aide rules. The department is considering amending chapter 246-980 WAC to align with statutory changes and implement E2SHB 1694 (chapter 424, Laws of 2023) and E2SSB 5278 (chapter 323, Laws of 2023), both passed in the 2023 legislative session. These bills address date of hire, the home care aide workforce, certification examinations, and other aspects of the profession.

This rule making will also continue discussions with interested parties and rule-making work done under WSR 21-16-100 to implement ESHB 1120 (chapter 203, Laws of 2021) on how to implement multiple dates of hire.

The department may also consider changes to update, streamline, or clarify the rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88B.060, 18.88B.021, 18.88B.031, and 18.88B.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SHB 1694 amended RCW 18.88B.010 to define date of hire and RCW 18.88B.021 to define multiple dates of hire. E2SHB 1694 also created a new section in chapter 18.88B RCW on renewing and/or reinstating an expired credential, created a new section in chapter 18.88B RCW to allow a free renewal for those with a credential expired more than six months and less than two years effective from September 1, 2023, and expiring July 1, 2025, and made additional changes to department of social and health services (DSHS) statutes.

E2SSB 5278 amended RCW 18.88B.031 to remove the requirement that training be completed before taking the certification examination and expanded when the certification examination can be taken.

The department, in alignment with the intent of E2SHB 1694 and E2SSB 5278, is considering ways to reduce barriers to entering and remaining in the home care aide workforce, including streamlining the certification examination and the certification process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department has statutory authority over home care aide certification, while DSHS has statutory authority over training. The department and DSHS coordinate closely with each other and other interested parties to ensure proposed rules align, meet the needs of both professions, and protect clients and their families.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tracie Drake, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-480-7479, TTY 711, email [tracie.drake@doh.wa.gov](mailto:tracie.drake@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov).

Additional comments: Rule-making notices will be mailed via Gov-Delivery. To receive notices, interested persons may contact Tracie Drake or sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box la-

beled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the box next to "Home Care Aides."

July 7, 2023  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary