

E2SSB 5278 - H COMM AMD

By Committee on Postsecondary Education & Workforce

ADOPTED 04/07/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) Long-term care supports people who
4 need help meeting their health or personal care needs due to age or
5 disabling conditions. Maintaining an adequate workforce of long-term
6 care workers is critical to the system.

7 (2) Current law requires that home care aides complete required
8 training and pass a test to become certified. A 2022 performance
9 audit found that many home care aide applicants faced barriers in
10 scheduling the test, challenges getting to the test site, and often
11 delays of months between completing training and taking the test.
12 Barriers and inefficiencies in this process were cited as a primary
13 reason for many applicants dropping out prior to becoming certified.

14 (3) The legislature finds that improvements in this process and
15 the reduction of barriers are necessary to ensure an adequate home
16 care workforce.

17 **Sec. 2.** RCW 18.88B.031 and 2012 c 164 s 304 are each amended to
18 read as follows:

19 (1) Except as provided in RCW 18.88B.041 and subject to the other
20 requirements of this chapter, to be certified as a home care aide, a
21 long-term care worker must successfully complete the training
22 required under RCW 74.39A.074(1) and a certification examination. Any
23 long-term care worker failing to make the required grade for the
24 examination may not be certified as a home care aide.

25 (2) The department, in consultation with consumer and worker
26 representatives, shall develop a home care aide certification
27 examination to evaluate whether an applicant possesses the skills and
28 knowledge necessary to practice competently. (~~Except as provided by~~
29 ~~RCW 18.88B.041(1)(a)(ii), only those who have completed the training~~

1 requirements in RCW 74.39A.074(1) shall be eligible to sit for this
2 examination.))

3 (3) The examination or series of examinations shall include both
4 a skills demonstration and a written or oral knowledge test. ((The
5 examination papers, all grading of the papers, and records related to
6 the grading of skills demonstration shall be preserved for a period
7 of not less than one year.)) The department shall establish rules
8 governing the number of times and under what circumstances
9 individuals who have failed the examination may sit for the
10 examination, including whether any intermediate remedial steps should
11 be required. The skills demonstration, the knowledge test, or both,
12 may be administered throughout training, on the last day of training,
13 or after a student's formal training. An applicant may apply to take
14 the examination during or after training. An applicant may not sit
15 for any part of the examination prior to completing the part of the
16 training associated with that part of the examination. The
17 examination or series of examinations may be conducted at local
18 testing sites around the state. For the purpose of reducing the
19 travel time for applicants, the department shall explore alternative
20 testing options such as remote testing.

21 (4)(a) All examinations shall be conducted by fair and wholly
22 impartial methods. All examinations shall be available to be
23 administered in the preferred language for the applicant taking the
24 examination. The certification examination shall be administered and
25 evaluated by ((the)):

26 (i) The department ((or by a));

27 (ii) A contractor to the department that is ((neither)) not an
28 employer of long-term care workers ((or a private contractor
29 providing training services under this chapter.)) unless the employer
30 is a department of social and health services approved instructor and
31 has met the department standards for administering the examination;
32 or

33 (iii) A high school or community college that has met department
34 standards for administering the examination.

35 (b) The department shall conduct an annual evaluation of the
36 examination results of applicants who complete the examination in a
37 language other than English. If the department finds that applicants
38 taking the examination in a particular language fail at a
39 disproportionately higher rate than other examination takers, the

1 department shall conduct a review of the translation to ensure that
2 it is accurate and understandable.

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

4 NEW SECTION. **Sec. 3.** (1) The department of health, in
5 consultation with the department of social and health services and
6 other relevant participants, shall:

7 (a) Devise a system that reduces delays between training and
8 testing for home care aides that includes the following:

9 (i) Developing and implementing a plan to integrate testing into
10 training that allows applicants to test at the same location where
11 they train;

12 (ii) Allowing remote testing within home care aide training
13 programs immediately or shortly after completion of the program; and

14 (iii) Determining the benefits and costs of having home care aide
15 training programs authorize applicants to test instead of the
16 department of health;

17 (b) Examine existing challenges related to a lack of testing
18 sites and develop a plan, including an estimation of costs, to expand
19 testing sites, which shall include the following considerations:

20 (i) Applicant travel time and availability of testing for
21 comparable professions;

22 (ii) How many test sites are needed, where these sites should be
23 located, and the best way to establish appropriate partnerships that
24 can lead to new test sites;

25 (iii) How often test sites should be available to applicants; and

26 (iv) Whether there are areas of the state where a stipend for
27 travel expenses would be beneficial and appropriate protocols for
28 travel stipends;

29 (c) Establish performance measures and data collection criteria
30 to monitor the overall length of time between training and testing
31 and the number of available test sites;

32 (d) Establish accountability mechanisms for the overall training
33 to testing process; and

34 (e) Establish performance-based contracts for vendors who
35 administer the tests that include the following:

36 (i) All key performance measures expected, including a definition
37 of what sufficient access to test sites entails; and

38 (ii) Detailed vendor costs.

1 (2) (a) When completing the requirements of subsection (1) of this
2 section, the department of health shall ensure that its decisions are
3 informed by existing data on test completion, including passage and
4 failure rates for both parts of the examination.

5 (b) When conducting the examination under subsection (1)(b) of
6 this section, the department of health shall:

7 (i) Use various geographic measures, including by county and by
8 zip code; and

9 (ii) Conduct a survey of all approved testing locations in
10 Washington to determine their current capacity for offering tests and
11 their potential capacity to offer tests if not for the lack of
12 available proctors.

13 (3) The department of health, in consultation with the department
14 of social and health services and other relevant participants, shall
15 submit to the governor and the appropriate committees of the
16 legislature a preliminary report no later than June 30, 2024, and a
17 final report no later than December 31, 2024, that includes a summary
18 of the work conducted in accordance with the requirements specified
19 in subsection (1) of this section and any recommendations for
20 improvement.

21 (4) This section expires July 30, 2026."

22 Correct the title.

EFFECT: Restores the requirement that the Department of Health (DOH) develop the examination, instead of prepare, grade, and administer or determine the nature of and supervise the grading of the examination.

Restores the DOH's authority to adopt rules governing the number of times and under what circumstances individuals who have failed the examination may sit for the examination, including whether any intermediate remedial steps should be required.

Allows an applicant to apply to take the examination during or after training, but prohibits the applicant from sitting for any part of the examination prior to completing the part of the training associated with that part of the examination.

Allows, instead of requires, the examination to be conducted at local testing sites across the state.

Allows a high school or community college that meets DOH standards to administer and evaluate the examination. Requires the DOH to conduct an annual evaluation of the examination results of applicants who complete the examination in a language other than English.

Requires the DOH to conduct a review of the translation if applicants taking the examination in a particular language fail at a disproportionately higher rate than other examination takers.

Requires the DOH to ensure its decisions are informed by existing data on test completion when performing its work relating to reducing

delays between training and testing, examining challenges relating to a lack of testing sites, establishing performance measures and data collection criteria, establishing accountability mechanisms, and establishing performance-based contracts.

Requires the DOH, when examining challenges relating to a lack of testing sites, to use various geographic measures and conduct a survey of all approved testing locations in Washington to determine their current capacity for offering tests and their potential capacity to offer tests but for the lack of available proctors.

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