
Postsecondary Education & Workforce Committee

E2SSB 5278

Brief Description: Implementing audit recommendations to reduce barriers to home care aide certification.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wilson, L., Fortunato, Lovick, Muzzall, Robinson, Shewmake, Torres, Warnick and Wilson, C.).

<p>Brief Summary of Engrossed Second Substitute Bill</p>

- Changes examination requirements for certified home care aides.

Hearing Date: 3/14/23

Staff: Jim Morishima (786-7191).

Background:

A long-term care worker is any person who provides paid, hands-on personal care services for the elderly or persons with disabilities, including 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. Most long-term care workers must become certified as home care aides within 200 days of being hired. To become certified as a home care aide, a long-term care worker must complete 75 hours of training, pass state and federal background checks, and pass an examination.

The Department of Health (DOH), in consultation with consumer and worker representatives, must develop the examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently. The examination must include both a knowledge

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test and a skills demonstration component. Core competencies covered by the examination include communication skills, worker self-care, problem solving, maintaining dignity, consumer directed care, cultural sensitivity, body mechanics, fall prevention, skin and body care, home care aide roles and boundaries, supporting activities of daily living, and food preparation and handling.

Subject to certain exceptions, only a person who has completed the training requirements may sit for the examination. The examination must be conducted in a fair and impartial manner by the DOH or a contractor that is neither an employer of long-term care workers nor a private contractor providing training services. The examination papers and records related to the skills demonstration must be preserved for at least one year.

The DOH may adopt rules regarding persons who fail the examination. Under those rules, a person who fails the examination may retake the portion of the examination the person failed two times. If the person fails the examination three consecutive times, the person must retake the core competency portion of the entry-level training.

In 2022, the State Auditor completed a required performance audit of the home care aide certification system. Recommendations resulting from the audit include providing the DOH with the same authority and discretion in testing home care aides that it has for testing nursing assistants, providing more testing sites, and allowing applicants to schedule examinations during training so the examinations may be completed shortly after training.

Summary of Bill:

Development of the Examination.

Instead of developing the examination, the DOH must either prepare, grade, and administer the examination, or determine the nature of and supervise the grading and administration of the examination. The examination may be a series of examinations, instead of one examination.

Eligibility for the Examination.

Any portion of the examination may be administered throughout training, on the last day of training, or after a student's formal training.

Conducting the Examination.

An employer of long-term care workers may conduct the examination if the employer is a Department of Social and Health Services (DSHS) approved instructor and has met DOH standards for administration of the examination. The prohibition against a contractor who is administering the examination also being a contractor who provides training is eliminated.

The examination must be conducted at local testing sites around the state and must be available

in the preferred language for the applicant. The DOH must explore alternative testing options such as remote testing. The requirement that examination papers and records be preserved is eliminated.

Retaking the Examination.

The authority for the DOH to adopt rules regarding the number of times a person may complete the examination is eliminated.

Additional Requirements.

The DOH, in consultation with the DSHS and other relevant participants, must devise a system that reduces delays between training and testing for home care aides. The system must include:

- developing and implementing a plan to integrate testing into training that allows applicants to test at the same location where they train;
- allowing applicants to schedule tests during training to facilitate testing shortly after completing training;
- allowing remote testing within home care aide training programs immediately or shortly after completion of the program; and
- determining the benefits and costs of having home care aide training programs authorize applicants to test instead of the DOH.

The DOH, in consultation with the DSHS and other relevant participants, must also examine existing challenges related to a lack of testing sites and develop a plan, including an estimation of costs, to expand testing sites. The plan must include the following considerations:

- applicant travel time and availability of testing for comparable professions;
- how many test sites are needed, where the sites should be located, and the best way to establish appropriate partnerships that may lead to new test sites;
- how often test sites should be available to applicants; and
- whether there are areas of the state where a stipend for travel expenses would be beneficial and appropriate protocols for those stipends.

Additionally, the DOH, in consultation with the DSHS and other relevant participants, must:

- establish performance measures and data collection criteria to monitor the overall length of time between training and testing and number of available test sites;
- establish accountability mechanisms for the overall training to testing process; and
- establish performance-based contracts for vendors who administer the tests that include all performance measures expected, including a definition of what sufficient access to test sites entails, and detailed vendor costs.

The DOH, in consultation with the DSHS and other relevant participants, must submit to the Governor and the Legislature a preliminary report no later than June 30, 2024, and a final report no later than December 31, 2024. The reports must include a summary of the work conducted and any recommendations for improvement.

Appropriation: None.

Fiscal Note: Requested on March 9, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.