

# HOUSE BILL REPORT

## SB 5811

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### As Passed House - Amended:

March 6, 2024

**Title:** An act relating to expanding the definition of family member for individual providers.

**Brief Description:** Expanding the definition of family member for individual providers.

**Sponsors:** Senators Kauffman, Wilson, C., Cleveland, Dhingra, Frame, Hasegawa, Keiser, Lias, Lovelett, Nguyen, Nobles, Shewmake, Trudeau and Wellman; by request of Department of Social and Health Services.

### Brief History:

#### Committee Activity:

Health Care & Wellness: 2/20/24, 2/21/24 [DPA];

Appropriations: 2/23/24, 2/26/24 [DPA(APP w/o HCW)].

#### Floor Activity:

Passed House: 2/28/24, 94-0.

Passed House: 3/6/24, 58-38.

### Brief Summary of Bill (As Amended by House)

- Broadens exemptions from home care aide certification requirements for long-term care workers caring for their child or parent by specifying that the relationship may exist through marriage or domestic partnership.
- Expands long-term care worker training requirements for individual providers caring for parents or children by specifying that the relationship may exist through marriage or domestic partnership.
- Expands the exemption from continuing education requirements for extended family members to apply to children caring for parents until January 1, 2027.
- Allows exempted long-term care workers to voluntarily complete

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

continuing education and be paid for up to 12 hours of continuing education annually.

- Establishes a work group to recommend course topics that are relevant to individual providers caring for family members and directs the contracted training entity to develop new continuing education courses that address the recommended topics.

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## HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske, Davis, Macri, Orwall, Simmons, Stonier, Thai and Tharinger.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Hutchins, Assistant Ranking Minority Member; Harris and Maycumber.

**Minority Report:** Without recommendation. Signed by 4 members: Representatives Schmick, Ranking Minority Member; Caldier, Graham and Mosbrucker.

**Staff:** Chris Blake (786-7392).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness. Signed by 29 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Berg, Callan, Chopp, Davis, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Stokesbary, Stonier, Tharinger and Wilcox.

**Staff:** Bryan Way (786-7311).

### **Background:**

A long-term care worker is any person who provides paid, hands-on, personal care services for older persons 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 excludes employees of several types of health care and residential care facilities, as well as care

providers not paid by the state or by a private agency or facility licensed 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, a long-term care worker must complete 75 hours of training, pass a certification examination, and pass state and federal background checks. The long-term care worker must be certified within 200 calendar days of the date of hire.

Among the persons exempted from home care aide certification requirements are long-term care workers who are individual providers that are either caring for their biological, step, or adoptive child or parent, or caring only for a sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild.

Family members who have been exempted from certification have reduced training requirements. Parents who are individual providers only for their developmentally disabled child must only complete 12 hours of training relevant to the needs of individuals with developmental disabilities. Long-term care workers who are being paid to care for their nondevelopmentally disabled child or for a parent, sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild must only complete 35 hours of required training and are exempt from continuing education requirements.

#### **Summary of Amended Bill:**

The exemption from home care aide certification requirements for long-term care workers who are individual providers caring only for their child or parent is broadened by removing the limitations that the care recipient be the biological, step, or adoptive child or parent and specifies that the relationship may exist through marriage or domestic partnership. The exemption from home care aide certification for long-term care workers who are individual providers providing up to 20 hours of care for one person in a calendar month applies to the provision of nonrespite care.

The 12-hour training requirement that applies to parents who are individual providers only for their developmentally disabled children is expanded by removing the limitations that the parents be the biological, step, or adoptive parents of the children and specifies that the relationship may exist through marriage or domestic partnership. The 35-hour training requirement that applies to long-term care workers who are individual providers only for their child or parent is broadened by removing the limitations that the care recipient be the biological, step, or adoptive child or parent and specifies that the relationship may exist through marriage or domestic partnership.

The exemption from the 12-hour annual continuing education requirement for long-term care workers who are individual providers caring only for a sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild is expanded to apply to children caring for their

parents. The expanded exemption applies from January 1, 2025, until January 1, 2027. After January 1, 2027, the exemption from continuing education requirements for all family members, except those caring for their child, is eliminated. Beginning January 1, 2025, any long-term care worker who is exempt from continuing education requirements may voluntarily take continuing education and be paid for up to 12 hours annually.

The Department of Social and Health Services (Department) must convene a work group to review the existing continuing education courses for long-term care workers. The work group is comprised of stakeholders with an interest in continuing education requirements for individual providers, including care recipients, individual providers caring for a parent or for a family member with an intellectual or developmental disability, and the contracted training entity that provides continuing education to long-term care workers. The work group must adopt recommendations for topics for new continuing education courses that are relevant to individual providers caring for family members. The work group must submit its recommendations to the Secretary of the Department and the contracted training entity by March 1, 2025.

The contracted training entity must create a continuing education training course development plan (plan) based upon the work group recommendations and include a timeline for incorporating the topics identified by the work group into continuing education courses. The contracted training entity must submit the plan to the Secretary of the Department and the relevant committees of the Legislature by July 1, 2025. The contracted training entity must prioritize the development of courses that address topics recommended by the work group and the plan into its regular continuing education course development.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 28, 2024.

**Effective Date:** The bill contains multiple effective dates. Please see the bill.

**Staff Summary of Public Testimony (Health Care & Wellness):**

(In support) The expansion of the definition of "family" is needed so that these individuals do not have to take additional training and testing to become certified. The continuing education requirements are important for the ongoing safety of both clients and caregivers. Continuing education prepares caregivers for any situation and can save lives. Family caregivers need to have access to continuing education training benefits so they can prevent injuries. Education is a key component of the profession whether one is caring for a family member or someone else. There is a caregiver shortage, and the state needs to do everything in its power to continue to make caregiving a respected career that attracts and retains a high-quality workforce.

(Opposed) None.

(Other) This bill was intended to be a cleanup bill to add additional types of caregivers as family members, but it also requires family members to take an additional 12 hours of continuing education credits each year which is unnecessary and burdensome. This bill aims to bring back the same training that was intentionally, not accidentally, removed last year. The training exemption should be retained and modified to allow optional paid continuing educational opportunities.

When this class of relative caregivers was created, it included reduced hours and an exemption from continuing education to expand the workforce. Removing the continuing education exemption not only has the potential to decrease the number of providers but also interrupts care if the providers cannot access training in a timely manner which is a current problem for many. Removing the exemption from continuing education creates barriers for many family members. The extra training is not warranted or wanted by families who are already struggling to jump through the hoops of an overly complicated system. There frequently are not 12 hours of relevant training available.

**Staff Summary of Public Testimony (Appropriations):**

(In support) Family members play a crucial role in long-term services and supports. Continuing education requirements for family members are necessary to ensure they are equipped to handle complex care needs. There is a need for formal training about the use of equipment like lifts, and it is important to make caregiving a respectable career that attracts and retains a high-quality workforce.

(Opposed) Removing the training exemption for family members could decrease the number of providers and cause interruptions in care. Optional paid continuing education opportunities tailored to family members caring for people with an intellectual or developmental disability are sought.

(Other) Caregiver categories should be expanded. Mandatory continuing education for family members might reduce the number of caregivers. There is a lack of relevant training for people with an intellectual or developmental disability, and continuing education should be voluntary and paid. The bill corrects a drafting error, and lowering the barrier for individuals to enter the workforce is a positive step. The rate setting board would consider changes when making provider rate recommendations for the next biennium.

**Persons Testifying (Health Care & Wellness):** (In support) Cathy Knight, Washington Association for Area Agencies on Aging; Ruth Bystrytsky; Nikki Lee; and Gwen Goodfellow.

(Other) Michelle O'Dell; De Anna Winterrose, Benton Franklin Parent Coalition; and Katie Scheid.

**Persons Testifying (Appropriations):** (In support) Nikki Lee; Cathy Knight, Washington Association of Area Agencies on Aging; and Laura Han, Department of Social and Health Services Aging and Long-Term Supports Administration.

(Opposed) De Anna Winterrose, Benton Franklin Parent Coalition.

(Other) Katie Scheid; and Cathy Murahashi, The Arc of Washington.

**Persons Signed In To Testify But Not Testifying (Health Care & Wellness):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.