

# SENATE BILL REPORT

## SB 5811

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As Passed Senate, February 7, 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 & Long Term Care: 1/16/24, 1/18/24 [DP-WM].

Ways & Means: 1/29/24, 2/05/24 [DP, DNP, w/oRec].

**Floor Activity:** Passed Senate: 2/7/24, 32-16.

### Brief Summary of Bill

- Expands the exemptions from home care aide certification requirements for long-term care workers caring for their child or parent by specifying 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 the relationship may exist through marriage or domestic partnership.
- Removes the exemption from the 12-hour annual continuing education requirements for long-term care workers who are individual providers caring only for certain types of relatives.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Rivers, Ranking Member; Muzzall, Assistant Ranking Member; Conway, Dhingra, Holy, Padden and Van De Wege.

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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.*

**Staff:** Julie Tran (786-7283)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Robinson, Chair; Nguyen, Vice Chair, Operating; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Pedersen, Randall, Saldaña, Van De Wege, Wagoner and Wellman.

**Minority Report:** Do not pass.

Signed by Senators Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Mullet, Vice Chair, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Boehnke, Braun, Muzzall and Torres.

**Staff:** Maria Hovde (786-7474)

**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.

Certification and Training Requirements. 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 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 Bill:** The exemption from home care aide certification requirements for long-term care workers who are individual providers only for their child or parent is expanded by removing the limitations that the care recipient be the biological, step, or adoptive child or parent and specifies 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 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 expanded by removing the limitations that the care recipient be the biological, step, or adoptive child or parent and specifies 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 removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony (Health & Long Term Care):** PRO: Clients do and often choose family members as their paid individual providers. Family members as defined in the statute who are individual providers are not required to have a formal home care aid certification and are only required to take 35 hours of training instead of the 70 hours required of non-family member providers. This makes it easier for family members to enter and stay in the long-term care workforce. Last year, the Legislature addressed the home care workforce shortage and expanded the definition of a family member but the legislation missed adding parents and the children who were related by marriage or domestic partnership. This has resulted in a confusing scheme of who qualifies as a paid provider

under the lower training and certification requirements. If there is a mother-in-law, daughter-in-law, or father-in-law who can also take on those responsibilities, they should be included in the family member definition. This bill recognizes the diversity of family and how family members and family structures provide a sense of security and stability. Previous legislation also exempted those same family members listed above from the annual requirements to complete 12 hours of continuing education and the 12-hour annual requirement for family members is reinstated in this bill because stakeholder and provider expressed a desire for access to ongoing training.

**Persons Testifying (Health & Long Term Care):** PRO: Senator Claudia Kauffman, Prime Sponsor; Catherine Kinnaman, Department of Social & Health Services.

**Persons Signed In To Testify But Not Testifying (Health & Long Term Care):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Legislation was enacted in 2023 to address workforce shortages by exempting certain family members from home care aide certification requirements. This bill corrects a drafting error that omitted parents and children that are related to the client by marriage and domestic partnership. Additionally, this bill adds back in the 12-hour continuing education requirement so that family members have access to ongoing quality training.

OTHER: There are concerns about renewing the 12-hour continuing education requirement. SEIU does not have the capacity to provide timely training for those they are currently serving, let alone expanding. SEIU needs to be allowed to catch up, to ensure they can develop the interface to seamlessly work with Consumer Direct Care Network Washington for the transition of caregivers, and to work through the current backlog of training so that the response time can be a few days rather than a few months.

**Persons Testifying (Ways & Means):** PRO: Catherine Kinnaman, Dept. of Social and Health Services Aging and Long-Term Supports Administration (DSHS ALTSA).

OTHER: De Anna Winterrose, Benton County Parent Coalition.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.