CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5278**

68th Legislature

2023 Regular Session

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| Passed by the Senate April 17, 2023  Yeas 49 Nays 0  **President of the Senate**  Passed by the House April 7, 2023  Yeas 96 Nays 0  **Speaker of the House of Representatives** | CERTIFICATE  I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5278** as passed by the Senate and the House of Representatives on the dates hereon set forth.  Secretary |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5278**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators L. Wilson, Fortunato, Lovick, Muzzall, Robinson, Shewmake, Torres, Warnick, and C. Wilson)

AN ACT Relating to implementing audit recommendations to reduce barriers to home care aide certification; amending RCW 18.88B.031; creating new sections; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

(2) The department, in consultation with consumer and worker representatives, shall develop a home care aide certification examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently. ((~~Except as provided by RCW 18.88B.041(1)(a)(ii), only those who have completed the training requirements in RCW 74.39A.074(1) shall be eligible to sit for this examination.~~))

(3) The examination or series of examinations shall include both a skills demonstration and a written or oral knowledge test. ((~~The examination papers, all grading of the papers, and records related to the grading of skills demonstration shall be preserved for a period of not less than one year.~~)) The department shall establish 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. The skills demonstration, the knowledge test, or both, may be administered throughout training, on the last day of training, or after a student's formal training. An applicant may apply to take the examination during or after training. An applicant may not sit for any part of the examination prior to completing the part of the training associated with that part of the examination. The examination or series of examinations may be conducted at local testing sites around the state. For the purpose of reducing the travel time for applicants, the department shall explore alternative testing options such as remote testing.

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

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

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

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

(b) The department shall conduct an annual evaluation of the examination results of applicants who complete the examination in a language other than English. If the department finds that applicants taking the examination in a particular language fail at a disproportionately higher rate than other examination takers, the department shall conduct a review of the translation to ensure that it is accurate and understandable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Detailed vendor costs.

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

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

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

(ii) 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 if not for the lack of available proctors.

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

(4) This section expires July 30, 2026.

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