

SB 5811 - H AMD 1265

By Representative Riccelli

ADOPTED 03/06/2024

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

3 **"Sec. 1.** RCW 18.88B.041 and 2023 c 424 s 7 are each amended to
4 read as follows:

5 (1) The following long-term care workers are not required to
6 become a certified home care aide pursuant to this chapter:

7 (a)(i)(A) Registered nurses, licensed practical nurses, certified
8 nursing assistants or persons who are in an approved training program
9 for certified nursing assistants under chapter 18.88A RCW, medicare-
10 certified home health aides, or other persons who hold a similar
11 health credential, as determined by the secretary, or persons with
12 special education training and an endorsement granted by the
13 superintendent of public instruction, as described in RCW
14 28A.300.010, if the secretary determines that the circumstances do
15 not require certification.

16 (B) A person who was initially hired as a long-term care worker
17 prior to January 7, 2012, and who completes all of the training
18 requirements in effect as of the date the person was hired.

19 (ii) Individuals exempted by (a)(i) of this subsection may obtain
20 certification as a home care aide without fulfilling the training
21 requirements in RCW 74.39A.074(1)(d)(ii) but must successfully
22 complete a certification examination pursuant to RCW 18.88B.031.

23 (b) All long-term care workers employed by community residential
24 service businesses.

25 (c)(i) An individual provider caring only for the individual
26 provider's ~~((biological, step, or adoptive))~~ child or parent,
27 including when related by marriage or domestic partnership; and

28 (ii) An individual provider caring only for the individual
29 provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,
30 or grandchild, including when related by marriage or domestic
31 partnership.

1 (d) A person working as an individual provider who provides
2 (~~twenty~~) 20 hours or less of nonrespite care for one person in any
3 calendar month.

4 (e) A person working as an individual provider who only provides
5 respite services and works less than (~~three hundred~~) 300 hours in
6 any calendar year.

7 (f) A long-term care worker providing approved services only for
8 a spouse or registered domestic partner, pursuant to the long-term
9 services and supports trust program established in chapter 50B.04
10 RCW.

11 (g) A long-term care worker providing approved services only for
12 a spouse or registered domestic partner and funded through the United
13 States department of veterans affairs home and community-based
14 programs.

15 (2) A long-term care worker exempted by this section from the
16 training requirements contained in RCW 74.39A.074 may not be
17 prohibited from enrolling in training pursuant to that section.

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

19 **Sec. 2.** RCW 74.39A.076 and 2023 c 424 s 8 are each amended to
20 read as follows:

21 (1) Beginning January 7, 2012, except for long-term care workers
22 exempt from certification under RCW 18.88B.041(1) (a):

23 (a) A (~~biological, step, or adoptive~~) parent who is the
24 individual provider only for the person's developmentally disabled
25 (~~son or daughter~~) child, including when related by marriage or
26 domestic partnership, must receive (~~twelve~~) 12 hours of training
27 relevant to the needs of individuals with developmental disabilities
28 within the first (~~one hundred twenty~~) 120 days after becoming an
29 individual provider.

30 (b) A spouse or registered domestic partner who is a long-term
31 care worker only for a spouse or domestic partner, pursuant to the
32 long-term services and supports trust program established in chapter
33 50B.04 RCW, must receive (~~fifteen~~) 15 hours of basic training, and
34 at least six hours of additional focused training based on the care-
35 receiving spouse's or partner's needs, within the first (~~one hundred~~
36 ~~twenty~~) 120 days after becoming a long-term care worker.

37 (c) A person working as an individual provider who (i) provides
38 respite care services only for individuals with developmental
39 disabilities receiving services under Title 71A RCW or only for

1 individuals who receive services under this chapter, and (ii) works
2 (~~three hundred~~) 300 hours or less in any calendar year, must
3 complete (~~fourteen~~) 14 hours of training within the first (~~one~~
4 ~~hundred twenty~~) 120 days after becoming an individual provider. Five
5 of the (~~fourteen~~) 14 hours must be completed before becoming
6 eligible to provide care, including two hours of orientation training
7 regarding the caregiving role and terms of employment and three hours
8 of safety training. The training partnership identified in RCW
9 74.39A.360 must offer at least (~~twelve~~) 12 of the (~~fourteen~~) 14
10 hours online, and five of those online hours must be individually
11 selected from elective courses.

12 (d) Individual providers identified in (d)(i) or (ii) of this
13 subsection must complete (~~thirty-five~~) 35 hours of training within
14 the first (~~one hundred twenty~~) 120 days after becoming an
15 individual provider. Five of the (~~thirty-five~~) 35 hours must be
16 completed before becoming eligible to provide care. Two of these five
17 hours shall be devoted to an orientation training regarding an
18 individual provider's role as caregiver and the applicable terms of
19 employment, and three hours shall be devoted to safety training,
20 including basic safety precautions, emergency procedures, and
21 infection control. Individual providers subject to this requirement
22 include:

23 (i) (A) (~~An~~) Unless covered by (a) of this subsection, an
24 individual provider caring only for the individual provider's
25 (~~biological, step, or adoptive~~) child or parent (~~unless covered by~~
26 ~~(a) of this subsection~~), including when related by marriage or
27 domestic partnership; (and)

28 (B) An individual provider caring only for the individual
29 provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,
30 or grandchild, including when related by marriage or domestic
31 partnership;

32 (ii) A person working as an individual provider who provides
33 (~~twenty~~) 20 hours or less of care for one person in any calendar
34 month; and

35 (iii) A long-term care worker providing approved services only
36 for a spouse or registered domestic partner and funded through the
37 United States department of veterans affairs home and community-based
38 programs.

39 (2) In computing the time periods in this section, the first day
40 is the date of hire.

1 (3) Only training curriculum approved by the department may be
2 used to fulfill the training requirements specified in this section.
3 The department shall only approve training curriculum that:

4 (a) Has been developed with input from consumer and worker
5 representatives; and

6 (b) Requires comprehensive instruction by qualified instructors.

7 (4) If a pandemic, natural disaster, or other declared state of
8 emergency impacts the ability of long-term care workers to complete
9 training as required by this section, the department may adopt rules
10 to allow long-term care workers additional time to complete the
11 training requirements.

12 (a) Rules adopted under this subsection (4) are effective until
13 the termination of the pandemic, natural disaster, or other declared
14 state of emergency or until the department determines that all long-
15 term care workers who were unable to complete the training required
16 in subsection (1) of this section have had adequate access to
17 complete the required training, whichever is later. Once the
18 department determines a rule adopted under this subsection (4) is no
19 longer necessary, it must repeal the rule under RCW 34.05.353.

20 (b) Within 12 months of the termination of the pandemic, natural
21 disaster, or other declared state of emergency, the department shall
22 conduct a review of training compliance with subsection (1) of this
23 section and provide the legislature with a report.

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

25 **Sec. 3.** RCW 74.39A.341 and 2023 c 424 s 6 are each amended to
26 read as follows:

27 (1) All long-term care workers shall complete (~~twelve~~) 12 hours
28 of continuing education training in advanced training topics each
29 year. This requirement applies beginning July 1, 2012.

30 (2) Completion of continuing education as required in this
31 section is a prerequisite to maintaining home care aide certification
32 under chapter 18.88B RCW.

33 (3) Unless voluntarily certified as a home care aide under
34 chapter 18.88B RCW, subsection (1) of this section does not apply to:

35 (a) An individual provider caring only for his or her biological,
36 step, or adoptive child;

37 (b) An individual provider caring only for the individual
38 provider's parent, sibling, aunt, uncle, cousin, niece, nephew,

1 grandparent, or grandchild, including when related by marriage or
2 domestic partnership;

3 (c) Registered nurses and licensed practical nurses licensed
4 under chapter 18.79 RCW;

5 (d) Before January 1, 2016, a long-term care worker employed by a
6 community residential service business;

7 (e) A person working as an individual provider who provides
8 ~~((twenty))~~ 20 hours or less of care for one person in any calendar
9 month;

10 (f) A person working as an individual provider who only provides
11 respite services and works less than ~~((three hundred))~~ 300 hours in
12 any calendar year; or

13 (g) A person whose certificate has been expired for less than
14 five years who seeks to restore the certificate to active status. The
15 person does not need to complete continuing education requirements in
16 order for their certificate to be restored to active status.
17 Subsection (1) of this section applies to persons once the
18 certificate has been restored to active status, beginning on the date
19 the certificate is restored to active status.

20 (4) Individual providers covered under subsection (3) of this
21 section may voluntarily take continuing education. The consumer
22 directed employer must pay individual providers covered in subsection
23 (3) of this section for any continuing education that they may take,
24 up to 12 hours of continuing education annually.

25 (5) Only training curriculum approved by the department may be
26 used to fulfill the training requirements specified in this section.
27 The department shall only approve training curriculum that:

28 (a) Has been developed with input from consumer and worker
29 representatives; and

30 (b) Requires comprehensive instruction by qualified instructors.

31 ~~((+5))~~ (6) Individual providers under RCW 74.39A.270 shall be
32 compensated for training time required by this section.

33 ~~((+6))~~ (7) If a pandemic, natural disaster, or other declared
34 state of emergency impacts the ability of long-term care workers to
35 complete training as required by this section, the department may
36 adopt rules to allow long-term care workers additional time to
37 complete the training requirements.

38 (a) Rules adopted under this subsection ~~((+6))~~ are effective
39 until the termination of the pandemic, natural disaster, or other
40 declared state of emergency or until the department determines that

1 all long-term care workers who were unable to complete the training
2 required in this section have had adequate access to complete the
3 required training, whichever is later. Once the department determines
4 a rule adopted under this subsection (~~((6))~~) is no longer necessary,
5 it must repeal the rule under RCW 34.05.353.

6 (b) Within 12 months of the termination of the pandemic, natural
7 disaster, or other declared state of emergency, the department shall
8 conduct a review of training compliance with subsection (1) of this
9 section and provide the legislature with a report.

10 (~~((7))~~) (8) The department of health shall adopt rules to
11 implement subsection (1) of this section.

12 (~~((8))~~) (9) The department shall adopt rules to implement
13 subsection (2) of this section.

14 **Sec. 4.** RCW 74.39A.341 and 2023 c 424 s 6 are each amended to
15 read as follows:

16 (1) All long-term care workers shall complete (~~((twelve))~~) 12 hours
17 of continuing education training in advanced training topics each
18 year. This requirement applies beginning July 1, 2012.

19 (2) Completion of continuing education as required in this
20 section is a prerequisite to maintaining home care aide certification
21 under chapter 18.88B RCW.

22 (3) Unless voluntarily certified as a home care aide under
23 chapter 18.88B RCW, subsection (1) of this section does not apply to:

24 (a) An individual provider caring only for his or her biological,
25 step, or adoptive child;

26 (~~((An individual provider caring only for the individual
27 provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,
28 or grandchild, including when related by marriage or domestic
29 partnership;~~

30 ~~((e))~~) Registered nurses and licensed practical nurses licensed
31 under chapter 18.79 RCW;

32 (~~((d))~~) (c) Before January 1, 2016, a long-term care worker
33 employed by a community residential service business;

34 (~~((e))~~) (d) A person working as an individual provider who
35 provides (~~((twenty))~~) 20 hours or less of care for one person in any
36 calendar month;

37 (~~((f))~~) (e) A person working as an individual provider who only
38 provides respite services and works less than (~~((three hundred))~~) 300
39 hours in any calendar year; or

1 ~~((g))~~ (f) A person whose certificate has been expired for less
2 than five years who seeks to restore the certificate to active
3 status. The person does not need to complete continuing education
4 requirements in order for their certificate to be restored to active
5 status. Subsection (1) of this section applies to persons once the
6 certificate has been restored to active status, beginning on the date
7 the certificate is restored to active status.

8 (4) Individual providers covered under subsection (3) of this
9 section may voluntarily take continuing education. The consumer
10 directed employer must pay individual providers covered in subsection
11 (3) of this section for any continuing education that they may take,
12 up to 12 hours of continuing education annually.

13 (5) Only training curriculum approved by the department may be
14 used to fulfill the training requirements specified in this section.
15 The department shall only approve training curriculum that:

16 (a) Has been developed with input from consumer and worker
17 representatives; and

18 (b) Requires comprehensive instruction by qualified instructors.

19 ~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be
20 compensated for training time required by this section.

21 ~~((6))~~ (7) If a pandemic, natural disaster, or other declared
22 state of emergency impacts the ability of long-term care workers to
23 complete training as required by this section, the department may
24 adopt rules to allow long-term care workers additional time to
25 complete the training requirements.

26 (a) Rules adopted under this subsection ~~((6))~~ are effective
27 until the termination of the pandemic, natural disaster, or other
28 declared state of emergency or until the department determines that
29 all long-term care workers who were unable to complete the training
30 required in this section have had adequate access to complete the
31 required training, whichever is later. Once the department determines
32 a rule adopted under this subsection ~~((6))~~ is no longer necessary,
33 it must repeal the rule under RCW 34.05.353.

34 (b) Within 12 months of the termination of the pandemic, natural
35 disaster, or other declared state of emergency, the department shall
36 conduct a review of training compliance with subsection (1) of this
37 section and provide the legislature with a report.

38 ~~((7))~~ (8) The department of health shall adopt rules to
39 implement subsection (1) of this section.

1 (~~(8)~~) (9) The department shall adopt rules to implement
2 subsection (2) of this section.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.39A
4 RCW to read as follows:

5 (1) The department shall convene a work group to review existing
6 available continuing education courses offered to long-term care
7 workers under RCW 74.39A.341 and provide input and recommendations
8 for the inclusion of topics relevant to individual providers caring
9 for a family member to be incorporated into the development of new
10 continuing education courses. The work group must consist of
11 stakeholders with an interest in the continuing education training
12 requirements for individual providers, including individual providers
13 who are caregivers to a family member with an intellectual or
14 developmental disability, individual providers who are adult children
15 who are caregivers to a parent, the contracted training entity
16 providing continuing education to long-term care workers, and
17 consumers receiving care from an individual provider who is a family
18 member.

19 (2) The department shall convene the work group by July 1, 2024,
20 and the work group shall provide recommendations for the development
21 of new courses to the secretary and the contracted training entity by
22 March 1, 2025. By July 1, 2025, the contracted training entity shall
23 submit a continuing education training course development plan that
24 includes a specific timeline for the incorporation of topics
25 identified in subsection (1) of this section to the secretary and the
26 relevant committees of the legislature. Beginning September 1, 2025,
27 the contracted training entity shall prioritize the development of
28 courses that address the topics identified in subsection (1) of this
29 section and the continuing education course development plan when it
30 conducts its next scheduled continuing education course update and
31 development for long-term care workers. The contracted training
32 entity shall continue the development of new courses that address the
33 recommended topics identified in subsection (1) of this section and
34 the continuing education course development plan in its regular
35 continuing education course development.

36 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect January
37 1, 2025.

1 NEW SECTION. **Sec. 7.** Section 3 of this act expires January 1,
2 2027.

3 NEW SECTION. **Sec. 8.** Section 4 of this act takes effect January
4 1, 2027."

5 Correct the title.

EFFECT: Delays the discontinuation of the exemption from continuing education requirements for individual providers caring only for their sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild from January 1, 2025, until January 1, 2027. Exempts individual providers who are caring for their parents from training requirements between January 1, 2025, and January 1, 2027.

Allows individual providers who are exempt from continuing education requirements to voluntarily take continuing education and be paid for up to 12 hours of continuing education annually.

Directs the Department of Social and Health Services (DSHS) to convene a work group to review the existing continuing education courses for long-term care workers and make recommendations for the inclusion of topics relevant to individual providers caring for family members in new continuing education courses. Requires the work group to provide recommendations for the development of the new courses to the Secretary of the DSHS and the contracted training entity by March 1, 2025. Requires the contracted training entity to submit to the DSHS and the relevant committees of the Legislature by July 1, 2025, a continuing education training course development plan (CE plan) with a timeline for incorporating the recommended topics into the courses. Requires the contracted training entity to prioritize the development of courses that address the recommended topics and the CE plan. Requires the contracted training entity to continue to develop new courses that address the recommended topics and the CE plan in its regular continuing education course development.

Eliminates an unnecessary cross-reference.

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