

HOUSE BILL REPORT

SB 5811

As Reported by House Committee On:
Health Care & Wellness

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].

Brief Summary of Bill
(As Amended by Committee)

- 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.
- Removes the exemption from continuing education requirements for long-term care workers who are individual providers caring only for certain types of relatives.

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

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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).

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 removed.

Amended Bill Compared to Original Bill:

The amended bill corrects a superfluous cross-reference.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains multiple effective dates. Please see the bill.

Staff Summary of Public Testimony:

(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.

Persons Testifying: (In support) Cathy Knight, Washington Association for Area Agencies on Aging; Ruth Bystriytsky; Nikki Lee; and Gwen Goodfellow.

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

Persons Signed In To Testify But Not Testifying: None.