

# SENATE BILL REPORT

## ESHB 1568

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As of March 23, 2023

**Title:** An act relating to the credentialing of certified health care professionals providing long-term care services.

**Brief Description:** Concerning the credentialing of certified health care professionals providing long-term care services.

**Sponsors:** House Committee on Postsecondary Education & Workforce (originally sponsored by Representatives Chambers, Tharinger, Schmick, Leavitt, Harris, Klicker, Schmidt, Caldier, Bateman, Christian, Doglio, Lekanoff, Pollet and Macri).

**Brief History:** Passed House: 3/7/23, 95-0.

**Committee Activity:** Health & Long Term Care: 3/23/23.

### Brief Summary of Bill

- Extends the period of time allowed for long-term care workers to become home care aides or nursing assistants.
- Expands timelines and testing opportunities for long-term care workers seeking a home care aide certification.
- Exempts certain home care aides and nursing assistants whose credentials have expired from late fees, renewal fees, and any continuing education requirements imposed as a precondition for returning to active status.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

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

**Background:** Long-Term Care Workers. A long-term care worker is any person who provides paid, hands-on personal care services for older persons or persons with

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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.

Most long-term care workers must meet minimum training requirements within 120 days of their hiring date. The training must be at least 75 hours in length, at least five of which must be completed before the worker may provide care.

Most long-term care workers must become certified as home care aides within 200 days of being hired. To become certified as a home care aide, a long-term care worker must complete 75 hours of training, pass a certification examination, and pass state and federal background checks. The examination must include a skills demonstration and a written or oral knowledge test.

Certain long-term care workers are exempt from the home care aide certification. An exemption applies to certified nursing assistants or persons in an approved training program for certified nursing assistants. Under rules adopted by the Department of Health (DOH), these long-term care workers are required to be certified as a nursing assistant within 200 days after the date of hire.

A nursing assistant is a person who assists in the delivery of nursing and nursing-related activities to patients in a health care facility. Nursing assistants work under the direction and supervision of registered nurses or licensed practical nurses. To be certified as a nursing assistant, a person must complete a training program and a competency evaluation.

A nursing assistant may receive a medication assistant endorsement to administer, under registered nurse supervision, certain medications and treatments in a nursing home.

License Renewals and Reissuance of Expired Credentials. Most health professional's licenses are subject to renewal on the licensee's birthday either every year or every two years. The renewal cycle for certified home care aides, nursing assistants, and medication assistant endorsements is one year.

Certain uniform requirements apply whenever a health practitioner allows their credential to expire, including the payment of late renewal penalty fees, the payment of renewal fees, and the provision of certain declarations. The requirements become more extensive the longer the credential has been expired.

A home care aide whose certification has expired is subject to the following additional requirements:

- if the certification has been expired for less than three years, the home care aide must submit proof of 12 hours of continuing education for each year the certification has been expired; and
- if the certification has been expired for three years or more, the practitioner must

successfully repeat the training and examination requirements.

A nursing assistant working as a long-term care worker are required to report 12 hours of continuing education training every year. The requirement does not need to be made up if the credentials are expired.

A nursing assistant, who has a medication assistant endorsement and is working as a long-term care worker, must complete eight hours of continuing education for every year that the credential is expired in order to reinstate the endorsement.

**Summary of Bill: Long-Term Care Workers.** A long-term care worker who is not certified as a home care aide within 200 days of being hired is allowed an additional 100 days to become certified. To qualify for the additional 100 days, the long-term care worker must have proof of completing all 75 hours of training. The 100-day extension does not apply to workers hired on or after July 1, 2026.

The requirement that an exempt nursing assistant student is required to become certified within 200 days of being hired is codified. A nursing assistant student may have an additional 100 days to become certified if the student has completed all certification requirements other than the competency evaluation. The 100-day extension does not apply to a long-term care worker hired on or after July 1, 2026.

Home Care Aide Certification Examination. DOH or contractor to DOH must offer the home care aide examination on different times and days of the week in order to accommodate the variable work schedules of long-term care workers seeking to complete the examination. A qualified long-term care worker seeking to complete the examination must be offered at least three options for test dates and times, which must all be at different times and on different days of the week.

The individual administering the examination may be a registered nurse, licensed practical nurse, nursing assistant, community instructor, or any other individual DOH deems qualified to administer the examination.

License Renewal and Reissuance of Expired Credentials. The renewal cycle for home care aides, nursing assistants, and medication assistant endorsements is extended from one year to two years.

Beginning September 1, 2023, a person whose home care aide or nursing assistant credential has expired for more than six months but less than two years is exempt from the payment of any late renewal fee or current renewal fee if the person complies with all other certification requirements necessary to return to active status. The person is also exempt from any continuing education requirement imposed as a precondition for returning to active status.

DOH must notify all home care aides and nursing assistants who failed to renew after January 1, 2020, to inform them that their credential may be restored without financial penalty or renewal fee. For persons whose credentials expired since January 1, 2023, DOH must allow six months to pass before sending the notification.

A person whose certification as a home care aide has been expired for five years or less may reinstate the person's credential if the person:

- completes an abbreviated application form;
- pays any necessary fees and expired credential reissuance fees, unless exempt;
- provides a written declaration that no action has been taken by a state or federal jurisdiction or hospital that would prevent or restrict the person from practicing as a home care aide;
- provides a written declaration that the person has not voluntarily given up any credential or privilege or has not been restricted from practicing as a home care aide in lieu of, or to avoid, formal action; and
- submits to a state and federal background check if the certification has been expired for more than one year.

If the certification has been expired for more than five years, the person must demonstrate competence and other requirements required by the Secretary of Health.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is pro-caregivers. It increases the certification renewal period from one year to two years. Over the pandemic, there was a loss of workers in this professional and now, there are people out that are experienced and trained. This bill brings back workers that left during the pandemic and directs DOH to reach out to those individuals as a way to increase the number of caregivers. Home health, home care, and hospice agencies have had issues hiring people. The workforce issue has had a large impact to the state. There are bottlenecks to the system that the bill addresses such as expanding who can administer the exam and ensuring that the exam is conducted fairly. There needs to be more flexibility in the exam scheduling and this bill gives applicants multiple dates for testing for the home care aide certification exam.

**OTHER:** Available for questions.

**Persons Testifying:** PRO: Representative Kelly Chambers, Prime Sponsor; Leslie Emerick, Home Care Association of America -WA Ch (HCAOA-WA); John Ficker, Adult

Family Home Council.

OTHER: Kristin Reichl, AVAILABLE FOR QUESTIONS Washington State Department of Health.

**Persons Signed In To Testify But Not Testifying:** No one.