

# FINAL BILL REPORT

## SB 5811

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Synopsis as Enacted

**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.

**Senate Committee on Health & Long Term Care**  
**Senate Committee on Ways & Means**  
**House Committee on Health Care & Wellness**  
**House Committee on Appropriations**

**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 exempt 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.

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Family members who are exempt 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 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:** 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 expanded 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 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 expanded to apply to children caring for their parents. The expanded exemption applies from January 1, 2025, until January 1, 2027. After January 1, 2027, the exemption from continuing education requirements for all family members, except those caring for their child, is eliminated. Beginning January 1, 2025, any long-term care worker who is exempt from continuing education requirements may voluntarily take continuing education and be paid for up to 12 hours annually.

The Department of Social and Health Services (DSHS) must convene a work group to review the existing continuing education courses for long-term care workers. The work group is comprised of stakeholders with an interest in continuing education requirements for individual providers, including care recipients, individual providers caring for a parent or for a family member with an intellectual or developmental disability, and the contracted training entity that provides continuing education to long-term care workers. The work group must adopt recommendations for topics for new continuing education courses that are relevant to individual providers caring for family members. The work group must submit its recommendations to the DSHS Secretary and the contracted training entity by March 1, 2025.

The contracted training entity must create a continuing education training course development plan based upon the work group recommendations and include a timeline for incorporating the topics identified by the work group into continuing education courses. The contracted training entity must submit the plan to the DSHS Secretary and the relevant committees of the Legislature by July 1, 2025. The contracted training entity must prioritize the development of courses that address topics recommended by the work group and the plan into its regular continuing education course development.

**Votes on Final Passage:**

Senate	32	16	
House	94	0	(House amended)
			(Senate refused to concur)
House	58	38	(House receded/amended)
Senate	30	17	(Senate concurred)

**Effective:** June 6, 2024

January 1, 2025 (Section 3)

January 1, 2027 (Section 4)