
ENGROSSED SUBSTITUTE HOUSE BILL 1568

State of Washington

68th Legislature

2023 Regular Session

By House Postsecondary Education & Workforce (originally sponsored by Representatives Chambers, Tharinger, Schmick, Leavitt, Harris, Klicker, Schmidt, Caldier, Bateman, Christian, Doglio, Lekanoff, Pollet, and Macri)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to the credentialing of certified health care
2 professionals providing long-term care services; amending RCW
3 18.88B.021, 18.88B.031, 18.88B.041, 18.88A.130, and 18.88B.035;
4 adding a new section to chapter 18.88B RCW; creating new sections;
5 and providing expiration dates.

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

7 NEW SECTION. **Sec. 1.** (1) Beginning September 1, 2023, a person
8 whose nursing assistant certificate has been expired for more than
9 six months and less than two years who seeks to restore the
10 certificate to active status is exempt from the payment of any late
11 renewal fee or current renewal fee, and is exempt from any continuing
12 education requirement imposed as a precondition for returning to
13 active status, if the person complies with all other certification
14 requirements determined necessary by the department of health to
15 return to active status.

16 (2) The department of health shall send a notification to the
17 last known address of each person who held a certificate under
18 chapter 18.88A RCW and, since January 1, 2020, failed to renew the
19 certificate to inform the person that a certificate may be restored
20 without a financial penalty or payment of a renewal fee under
21 subsection (1) of this section. For persons who have allowed their

1 certificates to expire since January 1, 2023, the department of
2 health must allow six months to pass since the expiration prior to
3 contacting them to inform them that a certificate may be restored
4 without a financial penalty or payment of a renewal fee under
5 subsection (1) of this section.

6 (3) This section expires July 1, 2025.

7 NEW SECTION. **Sec. 2.** (1) Beginning September 1, 2023, a person
8 whose home care aide certificate has been expired for more than six
9 months and less than two years who seeks to restore the certificate
10 to active status is exempt from the payment of any late renewal fee
11 or current renewal fee, and is exempt from any continuing education
12 requirement imposed as a precondition for returning to active status,
13 if the person complies with all other certification requirements
14 determined necessary by the department of health to return to active
15 status.

16 (2) The department of health shall send a notification to the
17 last known address of each person who held a certificate under
18 chapter 18.88B RCW and, since January 1, 2020, failed to renew the
19 certificate to inform the person that a certificate may be restored
20 without a financial penalty or payment of a renewal fee under
21 subsection (1) of this section. For persons who have allowed their
22 certificates to expire since January 1, 2023, the department of
23 health must allow six months to pass since the expiration prior to
24 contacting them to inform them that a certificate may be restored
25 without a financial penalty or payment of a renewal fee under
26 subsection (1) of this section.

27 (3) This section expires July 1, 2025.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.88B
29 RCW to read as follows:

30 (1) A certificate that has been expired for five years or less
31 may be reinstated if the person holding the expired certificate:

32 (a) Completes an abbreviated application form;

33 (b) Pays any necessary fees, including the current certification
34 fee, late renewal fees, and expired credential reissuance fees,
35 unless exempt pursuant to section 2 of this act;

36 (c) Provides a written declaration that no action has been taken
37 by a state or federal jurisdiction or hospital which would prevent or

1 restrict the person holding the expired certificate from practicing
2 as a home care aide;

3 (d) Provides a written declaration that the person holding the
4 expired certificate has not voluntarily given up any credential or
5 privilege or has not been restricted from practicing as a home care
6 aide in lieu of or to avoid formal action; and

7 (e) Submits to a state and federal background check as required
8 by RCW 74.39A.056, if the certificate has been expired for more than
9 one year.

10 (2) In addition to meeting the requirements of subsection (1) of
11 this section, a certificate that has been expired for more than five
12 years may be reinstated if the person holding the expired certificate
13 demonstrates competence to the standards established by the secretary
14 and meets other requirements established by the secretary.

15 **Sec. 4.** RCW 18.88B.021 and 2021 c 203 s 10 are each amended to
16 read as follows:

17 (1) (~~Beginning January 7, 2012, except~~) (a) Except as provided
18 in RCW 18.88B.041, any person hired as a long-term care worker must
19 be certified as a home care aide as provided in this chapter within
20 (~~two hundred~~) 200 calendar days after the date of hire, as defined
21 by the department, unless the long-term care worker meets the
22 requirements of (b) of this subsection.

23 (b) Notwithstanding (a) of this subsection, if the long-term care
24 worker is not certified as a home care aide within 200 days after the
25 date of hire, the long-term care worker may continue to work for an
26 additional 100 days if the long-term care worker has proof of
27 completion of the 75 hours of training required under RCW
28 74.39A.074(1). The long-term care worker must be certified as a home
29 care aide by the expiration of the additional 100 days. This
30 subsection (1)(b) does not apply to a long-term care worker hired on
31 or after July 1, 2026.

32 (c) The department may adopt rules determining under which
33 circumstances a long-term care worker may have more than one date of
34 hire, restarting the person's 200-day period to obtain certification
35 as a home care aide.

36 (2)(a) No person may practice or, by use of any title or
37 description, represent himself or herself as a certified home care
38 aide without being certified as provided in this chapter.

1 (b) This section does not prohibit a person: (i) From practicing
2 a profession for which the person has been issued a license or which
3 is specifically authorized under this state's laws; or (ii) who is
4 exempt from certification under RCW 18.88B.041 from providing
5 services as a long-term care worker.

6 (c) In consultation with consumer and worker representatives, the
7 department shall, by January 1, 2013, establish by rule a single
8 scope of practice that encompasses both long-term care workers who
9 are certified home care aides and long-term care workers who are
10 exempted from certification under RCW 18.88B.041.

11 (3) If a pandemic, natural disaster, or other declared state of
12 emergency impacts the ability of long-term care workers to complete
13 certification as required by this section, the department may adopt
14 rules to allow long-term care workers additional time to become
15 certified.

16 (a) Rules adopted under this subsection (3) are effective until
17 the termination of the pandemic, natural disaster, or other declared
18 state of emergency or until the department determines that additional
19 time for long-term care workers to become certified is no longer
20 necessary, whichever is later. Once the department determines a rule
21 adopted under this subsection (3) is no longer necessary, it must
22 repeal the rule under RCW 34.05.353.

23 (b) Within 12 months of the termination of the pandemic, natural
24 disaster, or other declared state of emergency, the department shall
25 conduct a review of certification compliance with subsection (1) of
26 this section and rules adopted under this subsection (3) and provide
27 the legislature with a report.

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

29 **Sec. 5.** RCW 18.88B.031 and 2012 c 164 s 304 are each amended to
30 read as follows:

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

38 (2) The department, in consultation with consumer and worker
39 representatives, shall develop a home care aide certification

1 examination to evaluate whether an applicant possesses the skills and
2 knowledge necessary to practice competently. Except as provided by
3 RCW 18.88B.041(1)(a)(ii), only those who have completed the training
4 requirements in RCW 74.39A.074(1) shall be eligible to sit for this
5 examination.

6 (3) The examination shall include both a skills demonstration and
7 a written or oral knowledge test. The examination papers, all grading
8 of the papers, and records related to the grading of skills
9 demonstration shall be preserved for a period of not less than one
10 year. The department shall establish rules governing the number of
11 times and under what circumstances individuals who have failed the
12 examination may sit for the examination, including whether any
13 intermediate remedial steps should be required.

14 (4)(a) All examinations shall be conducted by fair and wholly
15 impartial methods. The certification examination shall be
16 administered and evaluated by the department or by a contractor to
17 the department that is neither an employer of long-term care workers
18 or a private contractor providing training services under this
19 chapter.

20 (b) The individual administering the examination may be a
21 registered nurse, licensed practical nurse, nursing assistant,
22 community instructor, or any other individual deemed qualified to
23 administer the examination by the department.

24 (5) The department or contractor to the department administering
25 the examination must offer the examination on different times and
26 days of the week in order to accommodate the variable work schedules
27 of long-term care workers seeking to complete the examination. The
28 department or contractor shall offer a qualified long-term worker
29 seeking to complete the examination at least three options for test
30 dates and times, which must all be at different times and on
31 different days of the week.

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

33 **Sec. 6.** RCW 18.88B.041 and 2019 c 363 s 20 are each amended to
34 read as follows:

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

37 (a)(i)(A) Registered nurses, licensed practical nurses, certified
38 nursing assistants or persons who are in an approved training program
39 for certified nursing assistants under chapter 18.88A RCW, medicare-

1 certified home health aides, or other persons who hold a similar
2 health credential, as determined by the secretary, or persons with
3 special education training and an endorsement granted by the
4 superintendent of public instruction, as described in RCW
5 28A.300.010, if the secretary determines that the circumstances do
6 not require certification.

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

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

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

16 (c) An individual provider caring only for the individual
17 provider's biological, step, or adoptive child or parent.

18 (d) A person working as an individual provider who provides
19 twenty hours or less of care for one person in any calendar month.

20 (e) A person working as an individual provider who only provides
21 respite services and works less than three hundred hours in any
22 calendar year.

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

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

30 (3)(a) Except as provided in (b) of this subsection, for long-
31 term care workers under subsection (1) of this section who are in an
32 approved training program for certified nursing assistants under
33 chapter 18.88A RCW, the exemption from becoming certified as a home
34 care aide under subsection (1) of this section no longer applies if
35 the long-term care worker has not been certified as a nursing
36 assistant within 200 calendar days after the date of hire, as defined
37 by the department.

38 (b) If a long-term care worker has completed all requirements for
39 certification as a nursing assistant under chapter 18.88A RCW except
40 for the competency evaluation, the exemption from becoming certified

1 as a home care aide continues to apply for an additional 100 calendar
2 days. This subsection (3)(b) does not apply to a long-term care
3 worker hired on or after July 1, 2026.

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

5 **Sec. 7.** RCW 18.88A.130 and 2012 c 208 s 8 are each amended to
6 read as follows:

7 Registrations, certifications, and medication assistant
8 endorsements shall be renewed every two years according to
9 administrative procedures, administrative requirements, and fees
10 determined by the secretary under RCW 43.70.250 and 43.70.280.

11 **Sec. 8.** RCW 18.88B.035 and 2015 c 152 s 4 are each amended to
12 read as follows:

13 (1) The department may issue a provisional certification to a
14 long-term care worker who is limited English proficient to allow the
15 person additional time to comply with the requirement that a
16 long-term care worker become certified as a home care aide within
17 ~~((two hundred))~~ the number of calendar days after the date of hire as
18 ~~((provided))~~ required in RCW 18.88B.021, if the long-term care
19 worker:

20 (a) Is limited English proficient; and

21 (b) Complies with other requirements established by the
22 department in rule.

23 (2) The department shall issue a provisional certification to a
24 long-term care worker who has met the requirements of subsection (1)
25 of this section. The provisional certification may only be issued
26 once and is valid for no more than ~~((sixty))~~ 60 days after the
27 expiration of the ~~((two hundred))~~ calendar day requirement for
28 becoming certified.

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

30 (4) For the purposes of this section, "limited English
31 proficient" means that an individual is limited in his or her ability
32 to read, write, or speak English.

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