
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, 18.88B.035, and
4 74.39A.074; adding a new section to chapter 18.88B RCW; creating new
5 sections; 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 if the person complies with all
12 other certification requirements determined necessary by the
13 department of health to return to active status.

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

1 contacting them to inform them that a certificate may be restored
2 without a financial penalty or payment of a renewal fee under
3 subsection (1) of this section.

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

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

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

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

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

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

28 (a) Completes an abbreviated application form;

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

32 (c) Provides a written declaration that no action has been taken
33 by a state or federal jurisdiction or hospital which would prevent or
34 restrict the person holding the expired certificate from practicing
35 as a home care aide;

36 (d) Provides a written declaration that the person holding the
37 expired certificate has not voluntarily given up any credential or

1 privilege or has not been restricted from practicing as a home care
2 aide in lieu of or to avoid formal action; and

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

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

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

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

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

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

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

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

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

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

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

18 (b) Within 12 months of the termination of the pandemic, natural
19 disaster, or other declared state of emergency, the department shall
20 conduct a review of certification compliance with subsection (1) of
21 this section and rules adopted under this subsection (3) and provide
22 the legislature with a report.

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

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

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

33 (2) The department, in consultation with consumer and worker
34 representatives, shall develop a home care aide certification
35 examination to evaluate whether an applicant possesses the skills and
36 knowledge necessary to practice competently. Except as provided by
37 RCW 18.88B.041(1)(a)(ii), only those who have completed the training
38 requirements in RCW 74.39A.074(1) shall be eligible to sit for this
39 examination.

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

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

15 (b) The individual administering the examination may be a
16 registered nurse, licensed practical nurse, nursing assistant,
17 community instructor, or any other individual deemed qualified to
18 administer the examination by the department.

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

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

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

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

32 (a) (i) (A) Registered nurses, licensed practical nurses, certified
33 nursing assistants or persons who are in an approved training program
34 for certified nursing assistants under chapter 18.88A RCW, medicare-
35 certified home health aides, or other persons who hold a similar
36 health credential, as determined by the secretary, or persons with
37 special education training and an endorsement granted by the
38 superintendent of public instruction, as described in RCW

1 28A.300.010, if the secretary determines that the circumstances do
2 not require certification.

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

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

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

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

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

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

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

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

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

34 (b) If a long-term care worker has completed all requirements for
35 certification as a nursing assistant under chapter 18.88A RCW except
36 for the competency evaluation, the exemption from becoming certified
37 as a home care aide continues to apply for an additional 100 calendar
38 days. This subsection (3)(b) does not apply to a long-term care
39 worker hired on or after July 1, 2026.

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

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

3 Registrations, certifications, and medication assistant
4 endorsements shall be renewed every two years according to
5 administrative procedures, administrative requirements, and fees
6 determined by the secretary under RCW 43.70.250 and 43.70.280.

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

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

16 (a) Is limited English proficient; and

17 (b) Complies with other requirements established by the
18 department in rule.

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

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

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

29 **Sec. 9.** RCW 74.39A.074 and 2021 c 203 s 7 are each amended to
30 read as follows:

31 (1)(a) Except for long-term care workers exempt from
32 certification under RCW 18.88B.041(1)(a), all persons hired as
33 long-term care workers must meet the minimum training requirements in
34 this section within (~~one hundred twenty~~) 200 calendar days after
35 the date of being hired.

36 (b) Except as provided in RCW 74.39A.076, the minimum training
37 requirement is (~~seventy-five~~) 75 hours of entry-level training
38 approved by the department. A long-term care worker must successfully

1 complete five of these (~~seventy-five~~) 75 hours before being
2 eligible to provide care.

3 (c) Training required by (d) of this subsection applies toward
4 the training required under RCW 18.20.270 or 70.128.230 or any
5 statutory or regulatory training requirements for long-term care
6 workers employed by community residential service businesses.

7 (d) The (~~seventy-five~~) 75 hours of entry-level training
8 required shall be as follows:

9 (i) Before a long-term care worker is eligible to provide care,
10 he or she must complete:

11 (A) Two hours of orientation training regarding his or her role
12 as caregiver and the applicable terms of employment; and

13 (B) Three hours of safety training, including basic safety
14 precautions, emergency procedures, and infection control; and

15 (ii) (~~Seventy~~) 70 hours of long-term care basic training,
16 including training related to:

17 (A) Core competencies; and

18 (B) Population specific competencies, including identification of
19 individuals with potential hearing loss and how to seek assistance if
20 hearing loss is suspected.

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

24 (a) Has been developed with input from consumer and worker
25 representatives; and

26 (b) Requires comprehensive instruction by qualified instructors
27 on the competencies and training topics in this section.

28 (3) Individual providers under RCW 74.39A.270 shall be
29 compensated for training time required by this section.

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

35 (a) Rules adopted under this subsection (4) are effective until
36 the termination of the pandemic, natural disaster, or other declared
37 state of emergency or until the department determines that all long-
38 term care workers who were unable to complete the training required
39 in subsection (1)(a) of this section have had adequate access to
40 complete the required training, whichever is later. Once the

1 department determines a rule adopted under this subsection (4) is no
2 longer necessary, it must repeal the rule under RCW 34.05.353.

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

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

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