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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5278

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State of Washington

68th Legislature

2023 Regular Session

**By** Senate Ways & Means (originally sponsored by Senators L. Wilson, Fortunato, Lovick, Muzzall, Robinson, Shewmake, Torres, Warnick, and C. Wilson)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to implementing audit recommendations to reduce  
2 barriers to home care aide certification; amending RCW 18.88B.031;  
3 creating new sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) Long-term care supports people who  
6 need help meeting their health or personal care needs due to age or  
7 disabling conditions. Maintaining an adequate workforce of long-term  
8 care workers is critical to the system.

9 (2) Current law requires that home care aides complete required  
10 training and pass a test to become certified. A 2022 performance  
11 audit found that many home care aide applicants faced barriers in  
12 scheduling the test, challenges getting to the test site, and often  
13 delays of months between completing training and taking the test.  
14 Barriers and inefficiencies in this process were cited as a primary  
15 reason for many applicants dropping out prior to becoming certified.

16 (3) The legislature finds that improvements in this process and  
17 the reduction of barriers are necessary to ensure an adequate home  
18 care workforce.

19 **Sec. 2.** RCW 18.88B.031 and 2012 c 164 s 304 are each amended to  
20 read as follows:

1 (1) Except as provided in RCW 18.88B.041 and subject to the other  
2 requirements of this chapter, to be certified as a home care aide, a  
3 long-term care worker must successfully complete the training  
4 required under RCW 74.39A.074(1) and a certification examination. Any  
5 long-term care worker failing to make the required grade for the  
6 examination may not be certified as a home care aide.

7 (2) The department, in consultation with consumer and worker  
8 representatives, shall ~~((develop))~~ either prepare, grade, and  
9 administer, or determine the nature of and supervise the grading and  
10 administration of, a home care aide certification examination to  
11 evaluate whether an applicant possesses the skills and knowledge  
12 necessary to practice competently. ~~((Except as provided by RCW~~  
13 ~~18.88B.041(1)(a)(ii), only those who have completed the training~~  
14 ~~requirements in RCW 74.39A.074(1) shall be eligible to sit for this~~  
15 ~~examination.))~~

16 (3) The examination or series of examinations shall include both  
17 a skills demonstration and a written or oral knowledge test. ~~((The~~  
18 ~~examination papers, all grading of the papers, and records related to~~  
19 ~~the grading of skills demonstration shall be preserved for a period~~  
20 ~~of not less than one year. The department shall establish rules~~  
21 ~~governing the number of times and under what circumstances~~  
22 ~~individuals who have failed the examination may sit for the~~  
23 ~~examination, including whether any intermediate remedial steps should~~  
24 ~~be required.))~~ The skills demonstration, the knowledge test, or both,  
25 may be administered throughout training, on the last day of training,  
26 or after a student's formal training. The examination or series of  
27 examinations must be conducted at local testing sites around the  
28 state. For the purpose of reducing the travel time for applicants,  
29 the department shall explore alternative testing options such as  
30 remote testing.

31 (4) All examinations shall be conducted by fair and wholly  
32 impartial methods. All examinations shall be available to be  
33 administered in the preferred language for the applicant taking the  
34 examination. The certification examination ~~((shall be administered~~  
35 ~~and evaluated by the department or by a contractor to the department~~  
36 ~~that is neither an employer of long-term care workers or a private~~  
37 ~~contractor providing training services under this chapter.))~~ may not  
38 be conducted by an employer of long-term care workers unless the  
39 employer is a department of social and health services approved

1 instructor and has met the department standards for administering the  
2 examination.

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

4 NEW SECTION. **Sec. 3.** (1) The department of health, in  
5 consultation with the department of social and health services and  
6 other relevant participants, shall:

7 (a) Devise a system that reduces delays between training and  
8 testing for home care aides that includes the following:

9 (i) Developing and implementing a plan to integrate testing into  
10 training that allows applicants to test at the same location where  
11 they train;

12 (ii) Allowing applicants to schedule tests during training to  
13 facilitate testing shortly after completing training;

14 (iii) Allowing remote testing within home care aide training  
15 programs immediately or shortly after completion of the program; and

16 (iv) Determining the benefits and costs of having home care aide  
17 training programs authorize applicants to test instead of the  
18 department of health;

19 (b) Examine existing challenges related to a lack of testing  
20 sites and develop a plan, including an estimation of costs, to expand  
21 testing sites, which shall include the following considerations:

22 (i) Applicant travel time and availability of testing for  
23 comparable professions;

24 (ii) How many test sites are needed, where these sites should be  
25 located, and the best way to establish appropriate partnerships that  
26 can lead to new test sites;

27 (iii) How often test sites should be available to applicants; and

28 (iv) Whether there are areas of the state where a stipend for  
29 travel expenses would be beneficial and appropriate protocols for  
30 travel stipends;

31 (c) Establish performance measures and data collection criteria  
32 to monitor the overall length of time between training and testing  
33 and the number of available test sites;

34 (d) Establish accountability mechanisms for the overall training  
35 to testing process; and

36 (e) Establish performance-based contracts for vendors who  
37 administer the tests that include the following:

38 (i) All key performance measures expected, including a definition  
39 of what sufficient access to test sites entails; and

1           (ii) Detailed vendor costs.

2           (2) The department of health, in consultation with the department  
3 of social and health services and other relevant participants, shall  
4 submit to the governor and the appropriate committees of the  
5 legislature a preliminary report no later than June 30, 2024, and a  
6 final report no later than December 31, 2024, that includes a summary  
7 of the work conducted in accordance with the requirements specified  
8 in subsection (1) of this section and any recommendations for  
9 improvement.

10          (3) This section expires July 30, 2026.

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