
SENATE BILL 5811

State of Washington

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2024 Regular Session

By Senators Kauffman, C. Wilson, Cleveland, Dhingra, Frame, Hasegawa, Keiser, Lias, Lovelett, Nguyen, Nobles, Shewmake, Trudeau, and Wellman; by request of Department of Social and Health Services

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1 AN ACT Relating to expanding the definition of family member for
2 individual providers; amending RCW 18.88B.041, 74.39A.076, and
3 74.39A.341; and providing an effective date.

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

5 **Sec. 1.** RCW 18.88B.041 and 2023 c 424 s 7 are each amended to
6 read as follows:

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

9 (a) (i) (A) Registered nurses, licensed practical nurses, certified
10 nursing assistants or persons who are in an approved training program
11 for certified nursing assistants under chapter 18.88A RCW, medicare-
12 certified home health aides, or other persons who hold a similar
13 health credential, as determined by the secretary, or persons with
14 special education training and an endorsement granted by the
15 superintendent of public instruction, as described in RCW
16 28A.300.010, if the secretary determines that the circumstances do
17 not require certification.

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

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

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

7 (c)(i) An individual provider caring only for the individual
8 provider's ~~((biological, step, or adoptive))~~ child or parent,
9 including when related by marriage or domestic partnership; and

10 (ii) An individual provider caring only for the individual
11 provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,
12 or grandchild, including when related by marriage or domestic
13 partnership.

14 (d) A person working as an individual provider who provides
15 ~~((twenty))~~ 20 hours or less of nonrespite care for one person in any
16 calendar month.

17 (e) A person working as an individual provider who only provides
18 respite services and works less than ~~((three hundred))~~ 300 hours in
19 any calendar year.

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

24 (g) A long-term care worker providing approved services only for
25 a spouse or registered domestic partner and funded through the United
26 States department of veterans affairs home and community-based
27 programs.

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

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

32 **Sec. 2.** RCW 74.39A.076 and 2023 c 424 s 8 are each amended to
33 read as follows:

34 (1) Beginning January 7, 2012, except for long-term care workers
35 exempt from certification under RCW 18.88B.041(1)(a):

36 (a) A ~~((biological, step, or adoptive))~~ parent who is the
37 individual provider only for the person's developmentally disabled
38 ~~((son or daughter))~~ child, including when related by marriage or
39 domestic partnership, must receive ~~((twelve))~~ 12 hours of training

1 relevant to the needs of individuals with developmental disabilities
2 within the first (~~one hundred twenty~~) 120 days after becoming an
3 individual provider.

4 (b) A spouse or registered domestic partner who is a long-term
5 care worker only for a spouse or domestic partner, pursuant to the
6 long-term services and supports trust program established in chapter
7 50B.04 RCW, must receive (~~fifteen~~) 15 hours of basic training, and
8 at least six hours of additional focused training based on the care-
9 receiving spouse's or partner's needs, within the first (~~one hundred~~
10 ~~twenty~~) 120 days after becoming a long-term care worker.

11 (c) A person working as an individual provider who (i) provides
12 respite care services only for individuals with developmental
13 disabilities receiving services under Title 71A RCW or only for
14 individuals who receive services under this chapter, and (ii) works
15 (~~three hundred~~) 300 hours or less in any calendar year, must
16 complete (~~fourteen~~) 14 hours of training within the first (~~one~~
17 ~~hundred twenty~~) 120 days after becoming an individual provider. Five
18 of the (~~fourteen~~) 14 hours must be completed before becoming
19 eligible to provide care, including two hours of orientation training
20 regarding the caregiving role and terms of employment and three hours
21 of safety training. The training partnership identified in RCW
22 74.39A.360 must offer at least (~~twelve~~) 12 of the (~~fourteen~~) 14
23 hours online, and five of those online hours must be individually
24 selected from elective courses.

25 (d) Individual providers identified in (d)(i) or (ii) of this
26 subsection must complete (~~thirty-five~~) 35 hours of training within
27 the first (~~one hundred twenty~~) 120 days after becoming an
28 individual provider. Five of the (~~thirty-five~~) 35 hours must be
29 completed before becoming eligible to provide care. Two of these five
30 hours shall be devoted to an orientation training regarding an
31 individual provider's role as caregiver and the applicable terms of
32 employment, and three hours shall be devoted to safety training,
33 including basic safety precautions, emergency procedures, and
34 infection control. Individual providers subject to this requirement
35 include:

36 (i) (A) (~~An~~) Unless covered by (a) of this subsection, an
37 individual provider caring only for the individual provider's
38 (~~biological, step, or adoptive~~) child or parent (~~unless covered by~~
39 ~~(a) of this subsection~~), including when related by marriage or
40 domestic partnership; (and)

1 (B) (~~AA~~) Unless covered by (a) of this subsection, an
2 individual provider caring only for the individual provider's
3 sibling, aunt, uncle, cousin, niece, nephew, grandparent, or
4 grandchild, including when related by marriage or domestic
5 partnership;

6 (ii) A person working as an individual provider who provides
7 (~~twenty~~) 20 hours or less of care for one person in any calendar
8 month; and

9 (iii) A long-term care worker providing approved services only
10 for a spouse or registered domestic partner and funded through the
11 United States department of veterans affairs home and community-based
12 programs.

13 (2) In computing the time periods in this section, the first day
14 is the date of hire.

15 (3) Only training curriculum approved by the department may be
16 used to fulfill the training requirements specified in this section.
17 The department shall only approve training curriculum that:

18 (a) Has been developed with input from consumer and worker
19 representatives; and

20 (b) Requires comprehensive instruction by qualified instructors.

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

26 (a) Rules adopted under this subsection (4) are effective until
27 the termination of the pandemic, natural disaster, or other declared
28 state of emergency or until the department determines that all long-
29 term care workers who were unable to complete the training required
30 in subsection (1) of this section have had adequate access to
31 complete the required training, whichever is later. Once the
32 department determines a rule adopted under this subsection (4) is no
33 longer necessary, it must repeal the rule under RCW 34.05.353.

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

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

1 **Sec. 3.** RCW 74.39A.341 and 2023 c 424 s 6 are each amended to
2 read as follows:

3 (1) All long-term care workers shall complete (~~twelve~~) 12 hours
4 of continuing education training in advanced training topics each
5 year. This requirement applies beginning July 1, 2012.

6 (2) Completion of continuing education as required in this
7 section is a prerequisite to maintaining home care aide certification
8 under chapter 18.88B RCW.

9 (3) Unless voluntarily certified as a home care aide under
10 chapter 18.88B RCW, subsection (1) of this section does not apply to:

11 (a) An individual provider caring only for his or her biological,
12 step, or adoptive child;

13 (b) (~~An individual provider caring only for the individual~~
14 ~~provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,~~
15 ~~or grandchild, including when related by marriage or domestic~~
16 ~~partnership;~~

17 ~~(c))~~ Registered nurses and licensed practical nurses licensed
18 under chapter 18.79 RCW;

19 (~~(d))~~ (c) Before January 1, 2016, a long-term care worker
20 employed by a community residential service business;

21 (~~(e))~~ (d) A person working as an individual provider who
22 provides (~~twenty~~) 20 hours or less of care for one person in any
23 calendar month;

24 (~~(f))~~ (e) A person working as an individual provider who only
25 provides respite services and works less than (~~three hundred~~) 300
26 hours in any calendar year; or

27 (~~(g))~~ (f) A person whose certificate has been expired for less
28 than five years who seeks to restore the certificate to active
29 status. The person does not need to complete continuing education
30 requirements in order for their certificate to be restored to active
31 status. Subsection (1) of this section applies to persons once the
32 certificate has been restored to active status, beginning on the date
33 the certificate is restored to active status.

34 (4) Only training curriculum approved by the department may be
35 used to fulfill the training requirements specified in this section.
36 The department shall only approve training curriculum that:

37 (a) Has been developed with input from consumer and worker
38 representatives; and

39 (b) Requires comprehensive instruction by qualified instructors.

1 (5) Individual providers under RCW 74.39A.270 shall be
2 compensated for training time required by this section.

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

8 (a) Rules adopted under this subsection (6) are effective until
9 the termination of the pandemic, natural disaster, or other declared
10 state of emergency or until the department determines that all long-
11 term care workers who were unable to complete the training required
12 in this section have had adequate access to complete the required
13 training, whichever is later. Once the department determines a rule
14 adopted under this subsection (6) is no longer necessary, it must
15 repeal the rule under RCW 34.05.353.

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

20 (7) The department of health shall adopt rules to implement
21 subsection (1) of this section.

22 (8) The department shall adopt rules to implement subsection (2)
23 of this section.

24 NEW SECTION. **Sec. 4.** Section 3 of this act takes effect January
25 1, 2025.

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