

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5278

68th Legislature
2023 Regular Session

Passed by the Senate April 17, 2023
Yeas 49 Nays 0

President of the Senate

Passed by the House April 7, 2023
Yeas 96 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5278** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5278

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

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 a home care aide certification
9 examination to evaluate whether an applicant possesses the skills and
10 knowledge necessary to practice competently. ~~((Except as provided by
11 RCW 18.88B.041(1)(a)(ii), only those who have completed the training
12 requirements in RCW 74.39A.074(1) shall be eligible to sit for this
13 examination.))~~

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

32 (4) (a) All examinations shall be conducted by fair and wholly
33 impartial methods. All examinations shall be available to be
34 administered in the preferred language for the applicant taking the
35 examination. The certification examination shall be administered and
36 evaluated by ~~((the))~~:

37 (i) The department ~~((or by a))~~;

38 (ii) A contractor to the department that is ~~((neither))~~ not an
39 employer of long-term care workers ~~((or a private contractor~~
40 ~~providing training services under this chapter.))~~ unless the employer

1 is a department of social and health services approved instructor and
2 has met the department standards for administering the examination;
3 or

4 (iii) A high school or community college that has met department
5 standards for administering the examination.

6 (b) The department shall conduct an annual evaluation of the
7 examination results of applicants who complete the examination in a
8 language other than English. If the department finds that applicants
9 taking the examination in a particular language fail at a
10 disproportionately higher rate than other examination takers, the
11 department shall conduct a review of the translation to ensure that
12 it is accurate and understandable.

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

14 NEW SECTION. Sec. 3. (1) The department of health, in
15 consultation with the department of social and health services and
16 other relevant participants, shall:

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

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

22 (ii) Allowing remote testing within home care aide training
23 programs immediately or shortly after completion of the program; and

24 (iii) Determining the benefits and costs of having home care aide
25 training programs authorize applicants to test instead of the
26 department of health;

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

30 (i) Applicant travel time and availability of testing for
31 comparable professions;

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

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

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

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

4 (d) Establish accountability mechanisms for the overall training
5 to testing process; and

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

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

10 (ii) Detailed vendor costs.

11 (2)(a) When completing the requirements of subsection (1) of this
12 section, the department of health shall ensure that its decisions are
13 informed by existing data on test completion, including passage and
14 failure rates for both parts of the examination.

15 (b) When conducting the examination under subsection (1)(b) of
16 this section, the department of health shall:

17 (i) Use various geographic measures, including by county and by
18 zip code; and

19 (ii) Conduct a survey of all approved testing locations in
20 Washington to determine their current capacity for offering tests and
21 their potential capacity to offer tests if not for the lack of
22 available proctors.

23 (3) The department of health, in consultation with the department
24 of social and health services and other relevant participants, shall
25 submit to the governor and the appropriate committees of the
26 legislature a preliminary report no later than June 30, 2024, and a
27 final report no later than December 31, 2024, that includes a summary
28 of the work conducted in accordance with the requirements specified
29 in subsection (1) of this section and any recommendations for
30 improvement.

31 (4) This section expires July 30, 2026.

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